

Planning Committee

Town Hall, Colchester
23 September 2010 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

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

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
23 September 2010 at 6:00pm**

Members

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

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

Agenda - Part A

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and is available on the council's website by 4.30pm on the day of the meeting (see Planning and Building, Planning Committee, Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

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

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

- action in the event of an emergency;
- mobile phones switched off or to silent;

- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

6. Minutes 1 - 5

To confirm as a correct record the minutes of the meeting held on 9 September 2010.

7. Planning Applications

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

1. 101301 11 London Road, Stanway, CO3 0NT **6 - 11**
(Stanway)

Erection of detached building to be used for warehouse purposes ancillary to the primary use of the wider site as builders merchants.

2. 101649 Wakes Hall Farm, Colchester Road, Wakes Colne, CO6 2DB **12 - 18**
(Great Tey)

Change of use of adjacent woodland clearing to incident scene simulation training ground to be used in conjunction with classroom training and teaching carried out within Unit 17 Wakes Hall Business Centre.

3. 101147 Rewsalls Cart Lodge, Rewsalls Lane, East Mersea, CO5 8SX **19 - 25**
(Pyefleet)

Lean-to on side of existing building (retrospective approval - note under 4m height). Approval to siting of rest room with toilets (note this is a portacabin). Variation of Condition 3 of original approval F/COL/06/1761 to provide storage in the yard up to 2.5m height max. Re-form roof to rear of Rewsalls Farm Lodge.

4. 101158 18 West Stockwell Street, Colchester, CO1 1HN **26 - 33**
(Castle)

The external elevations of the Stockwell Arms to have surface fixed rotten boarding (imitation beams) removed complete with sand/cement rough cast rendering and new lime rendering to be applied in keeping with listed building. Repairs to be carried out to existing windows and fabric in order to maintain fabric and protect

building.

5. 101320 20 Long Wyre Street, Colchester, CO1 1LJ (Castle) **34 - 38**

Change of use from A1 retail to A2 licensed betting shop.

- 8. Enforcement Action // Land at Elm Farm, Elm Lane, Marks Tey, CO6 1HU 39 - 45**

See report by the Head of Environmental and Protective Services.

- 9. Enforcement Action // Plots 8 and 9 Jubilee Meadow, Eight Ash Green 46 - 49**

See report by the Head of Environmental and Protective Services.

10. Exclusion of the Public

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

PLANNING COMMITTEE 9 SEPTEMBER 2010

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

Substitute Member :- Councillor Terry Sutton for Councillor Andrew Ellis*

Also in Attendance :- Councillor Dave Harris

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

77. Minutes

The minutes of the meeting held on 26 August 2010 were confirmed as a correct record.

78. 101253 The Oaks Hospital, Oaks Place, Colchester, CO4 5XR

The Committee considered an application for a single storey extension to the consultants suite, a single storey extension for a replacement physiotherapy department and a single storey corridor link in the courtyard, together with seven additional car parking spaces and other minor works. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to a section of the boundary adjacent to Hakewill Way and Hutley Drive which the ward councillor, Councillor Goss, considered suitable for fencing and/or planting on the grounds that the activity in that area was taking place twenty-four hours a day.

Members of the Committee were sympathetic to the needs of residents in the location identified but were mindful that some residents may not wish to have fencing imposed upon them. The planning officer confirmed that it would be possible to word an appropriate condition to require a boundary treatment scheme to be agreed in consultation with Myland Parish Council so that any residents who were content with the current boundary treatment would not be required to have the fencing imposed upon them.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, on the Amendment Sheet and an additional condition regarding a boundary treatment scheme adjacent to Hakewill Way and Hutley Drive.

Councillor Ann Quarrie (in respect of her home being in very close proximity to the application site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Stephen Ford (in respect of his home being on the road that leads into the application site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

79. 091559 Former Cooks Shipyard, Phase 3 Walter Radcliffe Way, Wivenhoe

The Committee considered an application for the erection of thirty-two dwellings, eleven office units within Class A2 Financial and Professional Services and Class B1 Business, garages, off street parking, roads and footpaths, public open space, foul and surface water drainage and hard and soft landscaping. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

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

Chris Fox, Wivenhoe Town Councillor, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He expressed concerns regarding the car parking situation, the open space treatment and public access routes, and the oppressive height of some of the buildings. In respect of issues connected with the car parks he wanted their surfaces to be permeable. He was concerned about the circuitous route to the dinghy park and slipway, the condition imposed by the Highway Authority requiring the car park to be for the exclusive use of the development, whether the arrangement for the Town Council to take responsibility for the management of the car park was satisfactory; and whether the parking requirement for the development had been met. Other issues of concern were the limited amount of planting indicated on the open space; a preference for the public access routes to have the protection afforded by a designation of Public Right of Way; and the possibility of the current obstruction to the public access route along the waterfront becoming permanent.

Some members of the Committee took the view that the development would lead to extra cars with the consequent impact of increased traffic on surrounding roads. Following the closure of Queens Road to through traffic, the current road access to the site was via the narrow and twisting roads in the historic part of Wivenhoe, and there was a view that all traffic to and from the site should be able to use all roads in the vicinity and that Queens Road should be re-opened to traffic to dilute the pressure on current access routes. It was considered that the Highway Authority should be requested to look into the matter. There was a request for a limited number of the commercial units to be allocated for retail use. Information on the provisions of the Section 106 Agreement was sought, with a comment that both schools were heavily

over-subscribed. Also of particular concern was the number of parking spaces for the commercial units, which at 13 spaces was considerably lower than the 31 required based on the calculation of one space for 30 square metres of business floor space.

There was also a suggestion that permitted development rights be removed from garages to prevent them being converted into additional bedrooms.

In response the history behind the closure of Queens Road together with improvements in the historic core was explained. However, the Highway Authority had considered there would be no significant increase in traffic from the development. In respect of concerns about the amount of parking and its provision in rows, it was explained that the Urban Designer had been involved in the parking arrangements which did meet the parking standards. Neither the public nor the commercial car parking areas contained spaces identified specifically for disabled users, but it would be possible to identify such spaces in the public car park. In respect of cycle parking provision, there was rear access to all residential properties so any two wheeled vehicles could be stored in rear gardens and there would be 15 cycle spaces provided for the commercial units. All garages complied with the new size requirement. In respect of sustainability issues, it was confirmed that the surface treatments of the car park and the drainage systems were both to be agreed with the local authority, the latter also in consultation with the Environment Agency, and the scheme could be amended to require a sustainable drainage system. The houses had not been designed to meet the BREEAM standards but they did meet sustainable criteria for housing developments.

In addition it was confirmed that there would be public access along the waterfront and to the slipway, and that the Highway Authority had agreed to the temporary stopping up of the footway and to the diversion of the Public Right of Way onto public footways. At the outline permission stage there had been concerns that any retail unit provision might impact on the retail areas in Wivenhoe High Street, hence the restriction to commercial uses. A further obstacle could be that there was a higher parking space requirement for retail units than for commercial units. Regarding the heights of buildings, the commercial units were three storeys on the river frontage and the dwellings were a mix of two, two and a half and three storeys.

The Section 106 Agreement for this application had been subject to a financial appraisal and the package of contributions being offered were for open space, the provision and maintenance of the car park and the dinghy park together with five affordable housing units, three of which were to be provided offsite. This package was considered to be acceptable in terms of financial viability. In addition to the open space and play area there was an area of water meadow which the Borough Council had taken over. The applicant would be willing for the Town Council to take over the public access areas and this could be secured by the Section 106 Agreement. Finally, it was explained that there was a Section 106 Agreement for the whole site but because of the new layout the existing Section 106 Agreement would have to be amended to take account of the trigger points and other matters.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for further consideration of the following matters:

- additional parking for the commercial units;
- the possibility and policy implications of one or two retail units being provided;
- drainage to include SUDS (Sustainable Urban Drainage System) and sustainable construction;
- the removal of permitted development rights for garages to be investigated;
- the Highway Authority to be asked to reconsider the closure of Queens Road and to provide further clarification on their consideration of this application.

80. 101311 88 and 90 Mersea Road, Colchester, CO2 7RH

This application was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services because no new matters had been raised in the additional representations submitted.

Councillor Harris attended and presented a petition to the Chairman in the following terms:-

The residents respectfully wish all to know the strength of feeling over this item, the opposition and concern over its impact. Mersea Road, Dudley Close, and Bourne Court residents are deeply concerned over the approved development which will reduce parking for residents of Bourne Court / Dudley Close, and make an reduced visual outlook for Mersea Road. We ask respectfully that agent and owners reconsider this unpopular and deeply concerning “overdevelopment of our community”.

81. 101542 Plot 300 Severalls Business Park, Colchester

The Committee considered an application for the erection of a single storey sub station on plot 300. The Committee had before it a report in which all information was set out.

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

82. 101283 36 Marlowe Way, Colchester, CO3 4JP

This application was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services because Councillor Hardy had withdrawn his request for the application to be determined by the Committee upon receipt of amended drawings. The application had been determined under delegated powers.

83. 101405 and 101408 25 High Street, Dedham, CO7 6DE

The Committee considered planning application 101405 for the change of use of the

premises from A1 Retail to A2 Professional Services and a companion listed building application 101408 for the change of use. The third application in the suite of applications, 101410 for advertisement consent for the erection of a hanging sign, would be determined under delegated powers. There were no physical alterations to the building resulting from this change of use. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

(a) Planning application 101405 for a change of use be approved with conditions and informatives as set out in the report.

(b) Planning application 101408 for listed building consent be approved with conditions and informatives as set out in the report and on the Amendment Sheet.



Application No: 101301

Location: Collier & Catchpole Ltd, 11 London Road, Stanway, Colchester, CO3 0NT

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **23 September 2010**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Mark Russell

EXPIRY DATE: 23/08/2010

MINOR

Site: 11 London Road, Stanway, Colchester, CO3 0NT

Application No: 101301

Date Received: 28 June 2010

Agent: The Johnson Dennehy Planning Partnership

Applicant: Collier & Catchpole Ltd

Development: Erection of detached building to be used for warehouse purposes ancillary to the primary use of the wider site as builders merchants.

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because it is a non-householder application, an objection has been received, and approval is recommended.

2.0 Synopsis

2.1 The report below describes the site, and the proposal, and details the objection. These points are discussed in the main section and then conditional approval is recommended.

3.0 Site Description and Context

3.1 The site comprises the front storage yard of the builders' merchants Collier and Catchpole. This is currently used for a mixture of parking and storage of materials. Collier and Catchpole is a long-established concern on the southern side of the main distributor London Road, and is between residential properties to the east, and commercial premises to the west, within an area of a variety of uses.

4.0 Description of the Proposal

4.1 The proposal is to place a 192m² storage building near to the western edge of the site. This would measure 5.7 metres to eaves, 7.5 metres to the ridge, and would stand approximately 1.4 metres from the boundary with 13a London Road. The proposed materials are profile cladding of a colour described as "Honesty" and a profile roof sheeting of a slate colour.

5.0 Land Use Allocation

5.1 Predominantly residential within Stanway London Road (south side)
Special policy area STA1;
Area of High Archaeological Potential.

6.0 Relevant Planning History

- 6.1 F/COL/99/1652 - Revised application COL/99/0482 for demolition of existing offices, relocation of existing warehouse & erection of new building for showroom, offices & warehouse - APPROVED WITH CONDITIONS 21-12-1999
- 6.2 F/COL/99/1663 - Creation of additional floorspace within previously approved building to be used as showroom offices & warehouse - APPROVED WITH CONDITIONS 21-12-1999
- 6.3 97/0449 - Demolition of existing sales/warehouse buildings and erection of replacement building - APPROVED WITH CONDITIONS 22-07-1997
- 6.4 99/0482 - Demolition of existing offices, relocation of existing warehouse and erection of new building for showroom, offices and warehouse - APPROVED WITH CONDITIONS 20-07-1999
- 6.5 F/COL/00/1501 - Variation of condition 09 of F/COL/99/1652 to allow retention of part of building previously scheduled for demolition - APPROVED WITH CONDITIONS 16-10-2000
- 6.6 F/COL/00/1607 - Demolition of existing warehouse previously scheduled for relocation (COL/99/1652) and erection of new warehouse of same floor area - APPROVED WITH CONDITIONS 14-11-2000

7.0 Principal Policies

7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

DC1- Development Control considerations

UEA11 - Design

STA1 – London Road (south side) Stanway

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

UR2 - Built Design and Character

8.0 Consultations

8.1 Environmental Control requested a standard demolitions and constructions advisory note.

8.2 Museum Resources gave no comments.

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

9.0 Parish Council's Views

9.1 Stanway Parish Council expressed no objection to the proposal.

10.0 Representations

10.1 One letter of objection was received from residents opposite at number 48 London Road. This objection was based on a concern about the increase in the size of vehicles going in and out of the yard, and this resulting in more traffic congestion.

10.2 The objectors also stated that when large vehicles access or leave the yard, their cottage shake and natural light is blocked out.

10.3 Finally, issues of increased noise, dust and fumes were raised, along with the concern that lorries could crash into their house as they virtually have to "jack-knife" to get in and out of the yard.

The full text of this representation is available to view on the Council's website.

11.0 Parking Provision

11.1 The issue of parking is not relevant to this application.

12.0 Report

12.1 The light industrial design of the proposal is acceptable within this area of mixed use, in terms of scale, height and massing and materials.

- 12.2 The impact on the surrounding area would be apparent, although not incongruous given the variety of commercial and light industrial premises present.
- 12.3 There would be no impact on residential amenity, as the proposal is on the side of the site which borders on to commercial premises.
- 12.4 At 22 metres from the front of the site, and offset from the access by about 30 metres, the development does not carry any obvious highway issues, and the Highway Authority has not been consulted.
- 12.5 The concerns from the resident opposite are noted, but the access is existing, as is the issue of potential noise or other nuisance. It must also be noted that the busy London Road runs between that residence and the application site in any event.
- 12.6 Saved policy STA1 of the Approved Colchester Borough Local Plan states:-
- “In considering proposals for development in the area on the south side of London Road, the Borough Council will:
- (c) permit the expansion or redevelopment of existing commercial uses within their existing curtilages, or the change of use of those sites to alternative commercial, community or leisure uses, subject to there being no detriment to residential amenity.”
- 12.7 The proposed building is for a warehouse use, ancillary to the main site. This would enable current surface storage to be contained within a secure building, to the visual betterment of the area.
- 12.8 It is therefore, unreasonable to consider refusal of such an application when it is in line with policy, and has no obvious negative effects on residential or other amenity.

13.0 Conclusion

- 13.1 In conclusion, and whilst noting the concerns of the residents opposite, the application is deemed to be acceptable in the interests of the continuing operation of Collier and Catchpole, and is recommended for approval.

14.0 Background Papers

- 14.1 ARC; Core Strategy; HH; AT; 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 - A2.1 Development to Accord With Approved Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans 120, 121, 122 returned stamped approved with this decision.

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

3 - C3.2 Materials as Stated in Application

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

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

4 - B3.3 Light Pollution

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

Reason: To protect the amenity of adjoining residents and in the interests of highway safety.

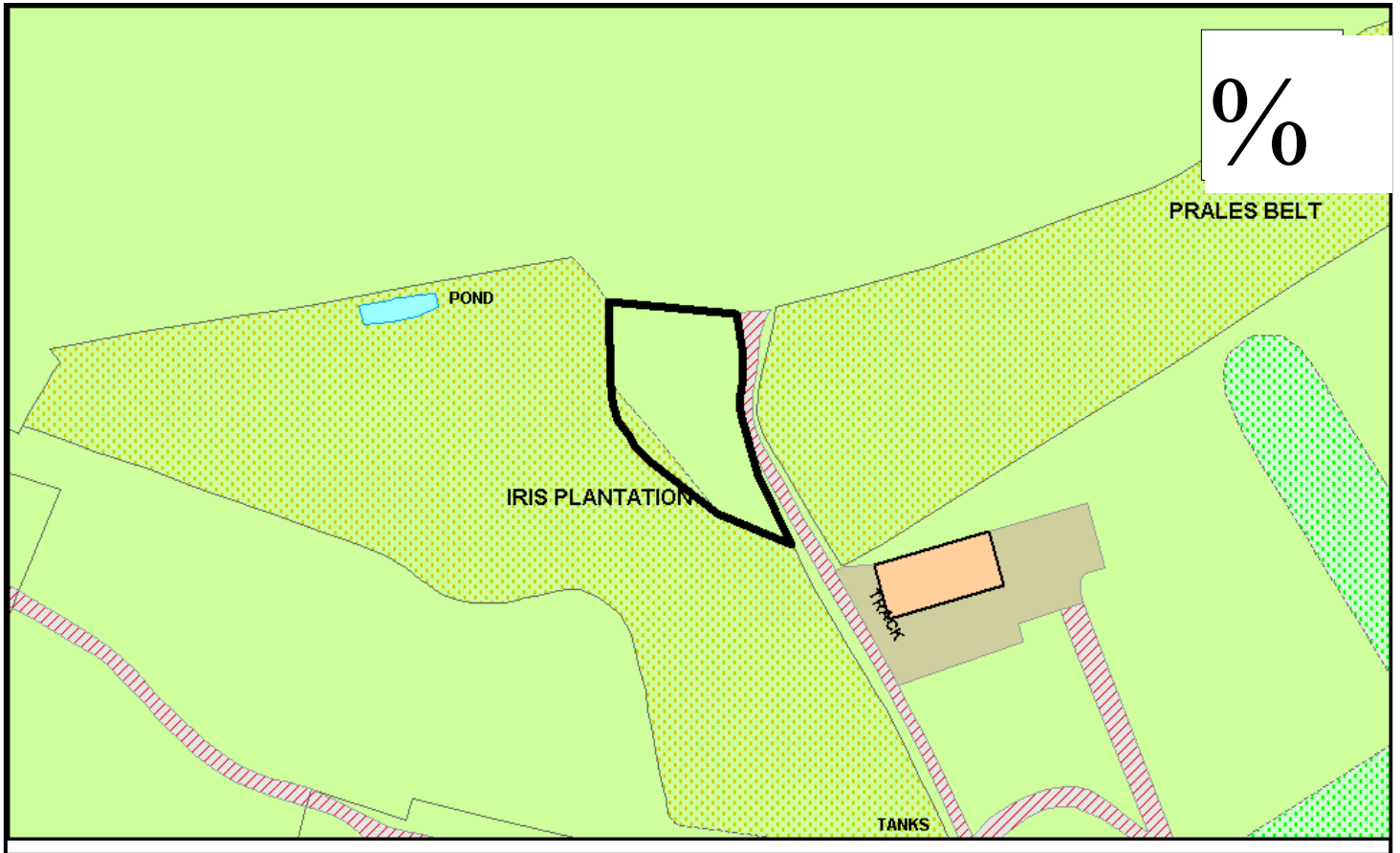
5 - Non-Standard Condition

The building hereby permitted shall be used solely for warehousing activities in connection with the main use of the Collier and Catchpole site at 11 London Road, Stanway.

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

Informatives

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



Application No: 101649

Location: Wakes Hall Farm, Colchester Road, Wakes Colne, Colchester, CO6 2DB

Scale (approx): 1:1250

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7.2 Case Officer: Mark Russell

EXPIRY DATE: 30/09/2010

OTHER

Site: Colchester Road, Wakes Colne, Colchester, CO6 2DB

Application No: 101649

Date Received: 5 August 2010

Agent: Mr Peter Johnson

Applicant: Allied Medical Support

Development: Change of use of adjacent woodland clearing to incident scene simulation training ground to be used in conjunction with classroom training and teaching carried out within Unit 17 Wakes Hall Business Centre.

Ward: Great Tey

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of an objection by Wakes Colne Parish Council.

2.0 Synopsis

2.1 This report sets out a description of the site, and then outlines the proposal. Consultation replies are then considered and approval is recommended.

3.0 Site Description and Context

3.1 The site in question is a 3,000 square metre clearing with woodland on three sides and agricultural land to the fourth. It is a short distance away from Wakes Hall Farm Business Park which is a complex of about 20 small commercial units. The site is currently accessed via a series of unmade tracks which adjoin it to the Business Park, which is itself accessed off of the A1124, known at this point as Tyburn Hill. The village envelope of Wakes Colne is approximately 400 metres distant.

4.0 Description of the Proposal

4.1 The proposal is for an unusual change of use from woodland to an “incident scene simulations training ground.” What this means is settings and simulations of real life scenarios, as below:

- A simulated section of roadway (25 metres in length) with a bus stop, pedestrian crossing and lamp post;
- A section railway track 25 metres long with five metres of simulate platform next to it;
- A pipe tunnel of 10 metres in length (above ground, but covered and grassed over);
- A rubble-filled, collapsed building of 3 metres square, with remaining walls no higher than two metres;
- A 2 metres square ground hole of 2 metres in depth;
- Three hardstanding areas with extrication vehicles secured to them.

4.2 This use is to be linked to the use of unit 17 of the Business Centre, which is occupied by Allied Medical Support and would, according to the applicant, be the first of its kind in the Eastern region.

4.3 In mitigation, a landscaping scheme has been proposed. The site lies in scrubland between two areas of woodland (the “Iris Plantation” to the west and the “Prales Belt” to the east) and a ten metre wide belt of planting is proposed as screening to the north to meld with the existing woodlands. The mix proposed is Silver Birch, Common Ash, Mountain Ash, English Oak and Hornbeam.

5.0 Land Use Allocation

5.1 Countryside Conservation Area

6.0 Relevant Planning History

6.1 C/COL/99/1401 - Change of use of former cow shed to B1/B8 use (business/storage/distribution) - REFUSED 27-10-1999

6.2 072505 - Change of use of two redundant agricultural units to B1 Light Industrial. APPROVED WITH CONDITIONS 21-11-2007

6.3 081260 - Change of use from Class B1 to Class D1 of Unit 14c and reinstatement of Class B1 and D1 Unit 11. APPROVED WITH CONDITIONS 08-08-2008

6.4 100171 - Change of use of redundant agricultural building to Use Class B1 (light industrial) - Unit 16. APPROVED WITH CONDITIONS 24-03-2010

7.0 Principal Policies

7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

- DC1- Development Control considerations
- CE1 - The Open and Undeveloped Countryside
- CO1- Rural resources
- CO3 - Countryside Conservation Area
- CO8 - Agricultural Land
- EMP4 - Employment Uses in the Countryside

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

- ENV1 - Environment
- ENV2 - Rural Communities

8.0 Consultations

8.1 Landscape Conservation approved of the landscape element of the scheme

8.2 Tree Officer – comments are awaited and will appear on the amendment sheet

8.3 Environmental Control offered no comments

9.0 Parish Council's Views

9.1 Wakes Colne Parish Council has objected, as follows:

- The planning application does not specify what level (if any) of noise would be created by this training ground. It was considered by the Council that the training ground would generate high noise levels created by the various simulations i.e. train crashes, road traffic accidents, collapsed buildings and plane crashes. If this was the case it would be very unsatisfactory to the surrounding area. It was also considered that some disasters happen in the evening and the hours of business have been quoted as 8am – 6pm, any evening noise would be totally unacceptable.
- The extra proposed trees to be planted in the surrounding area was considered to be an excellent idea, however trees can take a long time to grow so it was suggested that a fence was erected around the boundary of the training ground for privacy and security.
- The Council is concerned that if the site is not adequately secured, it could become a hazardous playground for local youths.
- The area for the training ground seemed some what small to house the proposed simulated equipment and apparatus. It was also considered that this proposed application would create an increase in traffic.

10.0 Representations

10.1 None received

11.0 Parking Provision

11.1 No extra parking is tabled for this development which is linked to the use at unit 17.

12.0 Report

12.1 The proposal is unusual in as much as the structures and operational development in place are designed to simulate real life accident scenarios, and as such are concentrated, truncated, and/or half-demolished. Other than the lamp-post, the highest proposed structure is the two metre high semi-demolished building.

12.2 The proposed layout, as shown on drawing 101, shows the railway track at the northern edge of the site and running east to west with the platform just to the south, the simulated roadway is on the far south of the site running east-west, then snaking northwards. Just outside this is the roadside embankment. In the middle is the light aircraft fuselage, with the tunnel and hole all but invisible to the central western part of the site.

12.3 In sum, these items would form a collection of hard edges which, although sinking into a forest backdrop, could potentially be described as urbanising. This would be the case as seen from the north, across agricultural land, although the nearest residential property is 750metres away, and slightly oblique to the development. Closer is footpath 152, which runs north-south at this point and is about 300 metres to the east of the site. Users of this path would have a clear view in. It is therefore proposed to place a fence around the site, and outside this a native mix of trees, which has been agreed, and would further screen and soften this view.

12.4 There would be no notable impact on surrounding residential properties, either visually or in terms of noise. In response to the Parish Council's concerns, the applicant's agent has re-iterated that the simulations are to be created by static features, and will be used for extrication training, i.e. the act of rescue rather than simulation of the accidents themselves. Hours of use are also tabled to be between 08:00 to 18:00, thus not taking any activities into unsociable hours.

12.5 The applicants have also stated that there is no intention of any increase in vehicles. A quick glance at the Allied Medical Support website shows a full range of courses already available at Wakes Hall Farm, giving credence to this claim. The applicants have further stated that the training ground would be used by groups of no more than ten people, and that these people will already be attending classroom training and teaching at Unit 17. The Highway Authority had not objected to the more recent change of use at the business park, in light of previous permissions and having had site of the travel plan. On that basis, and given the applicant's claim that no increase in traffic is foreseen, the Highway Authority was not re-consulted.

12.6 In terms of the remaining points of concern raised by Wakes Colne Parish Council, the applicant has advised that the site would be made secure when not in use, and that any props would be locked securely (including the tunnel) and that vehicles would be chained down.

13.0 Conclusion

13.1 In conclusion, whilst noting the concerns of the Parish Council, the application is held to be acceptable, with conditions relating to fences, planting, hours of use, and security measures

14.0 Background Papers

14.1 ARC; Core Strategy; TL; AO; HH; PTC

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development hereby approved shall accord with approved plans 100, 101 and 102, dated 6th August, received 10th August 2010.

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

3 - Non-Standard Condition

The site shall not be used for the permitted scene simulation training, or any other purpose, outside of the hours of 08:00 – 18:00 Monday to Friday.

Reason: For the avoidance of doubt as to the scope of this permission, and to avoid unnecessary light and other intrusion into the countryside.

4 - Non-Standard Condition

Prior to the commencement of development, the applicant shall provide details of the proposed screen fencing. These details shall be agreed in writing and shall be implemented as such prior to the site coming in to use, and shall be retained as such at all times.

Reason: In the interests of initial visual amenity whilst tree planting is undertaken, and in the continuing interests of security.

5 - C11.14 Tree / Shrub Planting

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

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

6 - Non-Standard Condition

Prior to the commencement of development, the applicant shall provide details of the proposed security measures, including a securing of the site and/or all items on it. These details shall be agreed in writing and shall be implemented as such prior to the site coming in to use, and shall be retained as such at all times.

Reason: In the interests of security and public safety.

7 -B3.3 Light Pollution

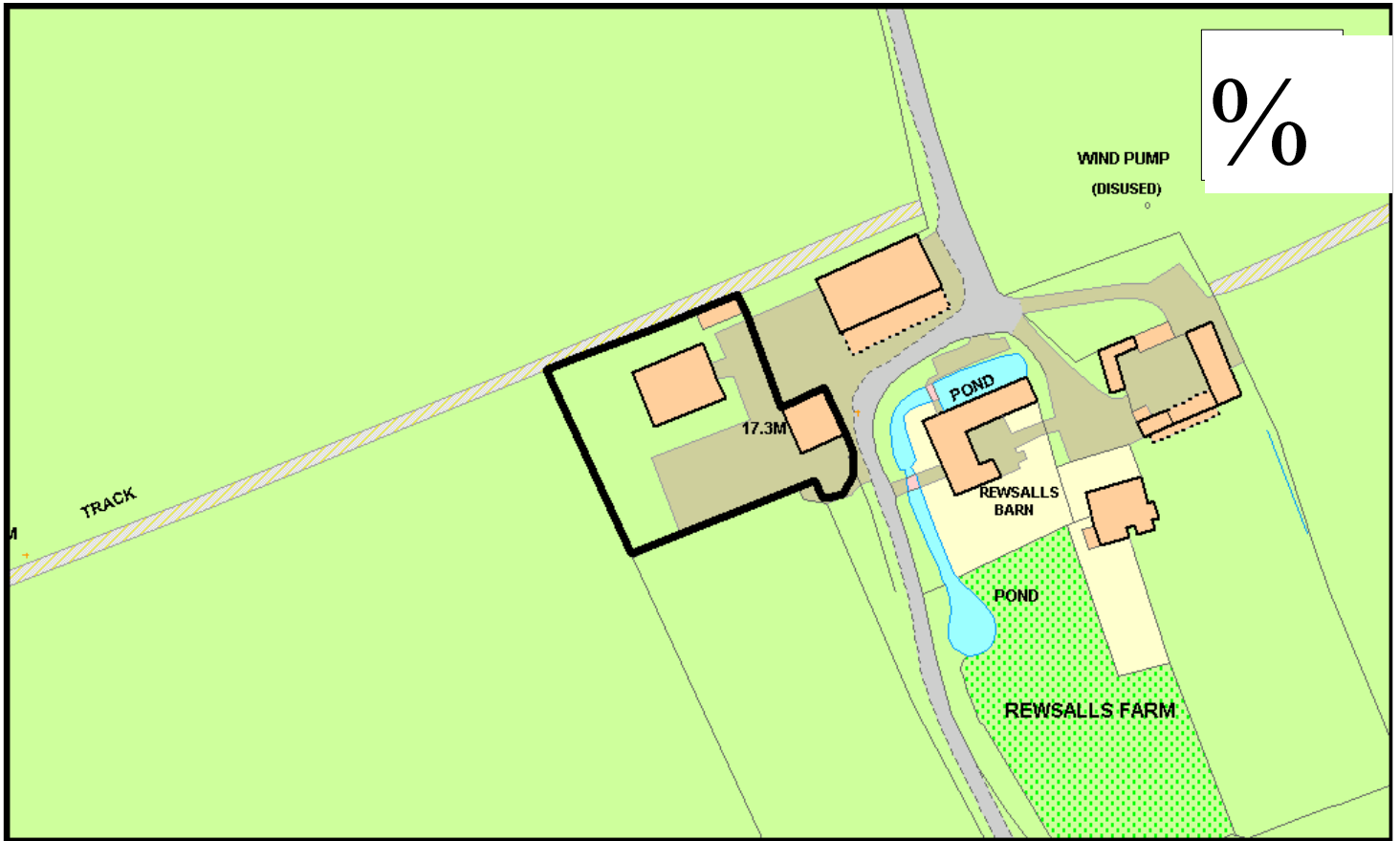
No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: In the interests of residential and rural amenity.

8 - Non-Standard Condition

The use hereby permitted shall be linked solely to Allied Medical Support of unit 17 Wakes Hall Business Centre.

Reason: For avoidance of doubt as to the scope of this permission, and to avoid intensification of traffic by outside agencies.



Application No: 101147

Location: Rewsalls Cart Lodge, Rewsalls Lane, East Mersea, Colchester, C05 8SX

Scale (approx): 1:1250

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7.3 Case Officer: Nick McKeever

OTHER

Site: Rewsalls Cart Lodge, Rewsalls Lane, East Mersea, Colchester, C05 8SX

Application No: 101147

Date Received: 28 June 2010

Applicant: Mr Duncan Pittock

Development: Lean-to on side of existing building (retrospective approval - note under 4m height). Approval to siting of rest room with toilets (note this is a portakabin). Variation of condition 3 of original approval F/COL/06/1761 to provide storage in the yard up to 2.5m height max. Re-form roof to rear of Rewsalls Farm Lodge.

Ward: Pyefleet

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because East Mersea Parish Council recommends that the rest room (portakabin) is moved into the yard away from the public footpath.

2.0 Synopsis

2.1 The following report describes the site and the proposal and sets out the consultations. The main issues are examined and conclude that planning permission is recommended subject to appropriate conditions.

3.0 Site Description

3.1 The site is located to the west of Rewsalls Lane, to the side of an existing group of buildings used for agricultural, residential and business purposes. The site is surrounded to the north, west and south by agricultural land.

3.2 The site consists of a main workshop building, together with an existing cart lodge building which is located on the frontage to Rewsalls Lane. To the south of the workshop building is an open yard area currently used for car parking and limited external storage.

3.3 The site is enclosed along the north, west and east boundaries by established trees and hedges.

4.0 Description of the Proposal

4.1 This is a retrospective application for the retention of:-

- A single storey extension to the north facing elevation of the workshop building. It is constructed in facing brickwork to match this main building, with a lean-to roof clad in black profile sheeting. The building is used to store materials used in the current business. This extension is 30.5m in length and 6.5m in width. It projects beyond the rear elevation of the main workshop building.
- Single storey rest room building positioned in front of the workshop and adjacent to the northern boundary. A footpath (No 8) runs along the northern boundary of the site. The building is a portakabin which has been clad in black finished weatherboarding and roofed in terracotta profile sheet material.

4.2 The application also includes the provision of a pitched roof on the rear part of the existing cart lodge building, located on the site frontage, to the south east of the main workshop, and the provision of a new roller shutter door in the west facing elevation. The new pitched roof is to be clad in terracotta profiled sheeting.

4.3 The application also seeks to vary condition 3 of the planning permission F/COL/06/1761. This condition states that:-

“There shall be no outdoor storage of any materials, goods, equipment, plant, machinery or vehicles of any description on any part of the site in connection with the engineering use, without the prior written consent of the local planning authority.
Reason: In the interests of visual amenity.”

5.0 Land Use Allocation

5.1 Countryside Conservation Area/Agricultural land

6.0 Relevant Planning History

6.1 F/COL/06/1128 - Additional accommodation for agricultural and general engineering business - Refused 31 August 2006

6.2 F/COL/06/1761 – Additional accommodation for general purpose agricultural barn. Resubmission of F/COL/06/1128. Approved 18 April 2007

7.0 Principal Policies

7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

- DC1- Development Control considerations
- CE1 - The Open and Undeveloped Countryside
- CO3 - Countryside Conservation Area
- CO8 - Agricultural Land
- CO10 - Agricultural Diversification
- UEA11 - Design
- EMP1 - Employment Allocations and Zones
- EMP4 - Employment Uses in the Countryside

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

- SD1 - Sustainable Development Locations
- ENV1 - Environment
- ENV2 - Rural Communities

8.0 Consultations

8.1 The Highway Authority raises no objection.

8.2 Environmental Control has no comments.

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

9.0 Parish Council's Views

9.1 The Parish Council have stated that no objections are raised to the lean-to on the side of the existing building provided that screening is planted. It is recommended that the portacabin is repositioned into the yard away from the footpath.

10.0 Representations

10.1 None

11.0 Parking Provision

11.1 The application states that the total floor area of the existing building is 459 sq. metres. The relevant parking standard is 1 parking space per 50 sq. metres. On this basis the requirement is 10 spaces. It is considered that this provision is not an issue given that there is a substantial area available to accommodate this within the open yard area in front of, and immediately to the south of, the main workshop building. Parking currently takes place within this area.

12.0 Report

Design and Layout

- 12.1 The building that was erected under the 2007 consent has been built to a high standard and incorporates attractive brick and other detailing. The single storey extension, particularly on the front elevation when viewed from Rewsalls Lane, incorporates these features. The facing brick also matches the bricks used in the construction of the workshop building.
- 12.2 The detached rest room building, whilst is a portacabin, has been clad and roofed to replicate the appearance of a vernacular style outbuilding and as such is sympathetic to its rural surroundings
- 12.3 The proposed re-roofing of the existing cart lodge building is to the rear section of this building, where it has no significant impact upon public views. This apart the proposal does not detract from the vernacular form of the building.
- 12.4 No objections are raised to the proposals in terms of their design or their relationship to the other main workshop building.

Impact

- 12.5 The site is located within a sensitive, protected landscape (i.e. Countryside Conservation Area/ Coastal Protection Belt). The relevant Local Plan & Core Strategy policies seek to prevent unnecessary development or development that would be likely to be prejudicial to the natural, social or cultural resources.
- 12.6 In this context it is acknowledged that a footpath runs along the northern boundary of the site. As such the buildings are visible from public views and as such do have an impact upon visual amenity.
- 12.7 The extension and the rest room buildings relate in a satisfactory manner to the main workshop building. Taken together they form a satisfactory grouping of buildings, with a layout that reflects a more traditional grouping of agricultural buildings.
- 12.8 Whilst the rest room is positioned adjacent to the footpath, it does not interfere with the free pedestrian movement along this path, nor is it considered to be overbearing. Given that it has the appearance of a vernacular outbuilding, this relationship to the footpath is not considered to be prejudicial the amenity that this path affords. It is noted that the Highway Authority has not raised any concerns as to the proximity of this building to the adjacent footpath.
- 12.9 The existing workshop building remains the dominant building within this site. In terms of the scale of the unauthorised buildings, whilst the total increase in floor area is given as 225 sq.m (compared to the existing floor area of 234 sq.m), these single storey additions are seen as being subordinate and do not detract from the visual amenity of this protected landscape.

- 12.10 In general terms external storage may not be acceptable within an area of protected landscape such as this area. However, in these particular circumstances the visual impact is limited due to the screening afforded by the existing buildings within and adjacent to the site. The external boundaries of the site, apart from the frontage to Rewsalls lane, are enclosed by established trees and hedges.
- 12.11 Notwithstanding this, there is also a need to accommodate the required parking provision within the site. The Applicant should, therefore, be required to submit an additional drawing showing the provision of on-site parking provision for prior approval.

Other Matters

- 12.12 The planning permission F/COL/06/1761 is subject to conditions restricting the hours of working, restriction of the engineering use to the within the workshop building, sound insulation and regulation of noise emissions. These conditions were imposed in order to protect the amenity of this area.
- 12.13 The unauthorised buildings do represent an increase in the commercial floorspace within this site. In this context the saved Local Plan policy EMP4 does permit the erection of new buildings within an existing site to accommodate expansion of enterprises, provided that they satisfy sustainable development objectives and are of a design and scale appropriate to their rural surroundings. Likewise the Core Strategy policy ENV2 supports small-scale rural business that are appropriate to local employment needs and are in harmony with the local character.
- 12.14 In this context the existing use provides for local employment, the Applicant living opposite the site, whilst the rest room provides for improved on-site facilities for the employees

13.0 Conclusion

- 13.1 Whilst the unauthorised extension to the approved workshop does represent an increase in the floor space of the existing business, and the rest room is an additional building within the site, these buildings are sympathetic to their setting.
- 13.2 The rest room building is located adjacent to the Public Footpath No.8. However, it does not interfere with the unhindered use of this amenity and is not considered to have any overbearing impact upon this right of way.
- 13.3 The proposed alterations to the roof of the existing cart lodge building do not detract from the character and appearance of this building or to its setting.
- 13.4 In summary the development taken as a whole is not considered to have a prejudicial impact upon this protected landscape, but at the same time provides additional internal storage area for the existing commercial use, together with improved facilities for the staff employed at the site.

14.0 Background Papers

- 14.1 ARC; Core Strategy; HA; HH; PTC

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

Development to accord with approved plans 2010/399/01, 2010/399/02, 2010/399/03, 2010/399/04 and 2010/399/05.

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

3 - Non-Standard Condition

The tree and shrub planting shown on the approved plans shall be completed within the first planting following the date of this permission, or as may otherwise have been agreed in writing by the local planning authority. This planting shall be maintained for at least five years following the date of the practical completion of the aforementioned planting. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the local planning authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local planning authority.

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

4 - Non-Standard Condition

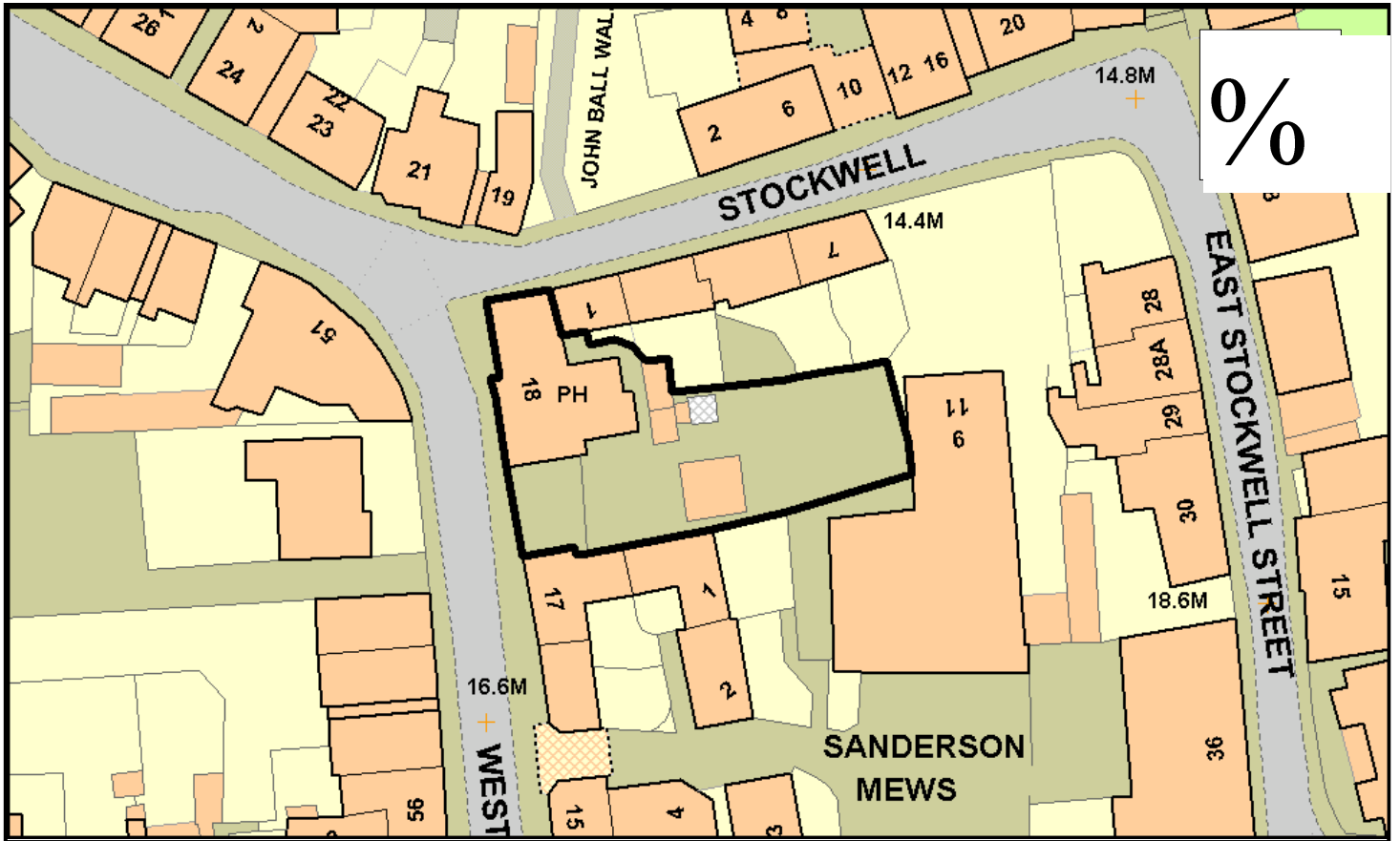
Details of car parking (a minimum of 10 spaces) together with servicing and vehicle turning arrangements shall be submitted within 2 months of the date of this permission for approval by the local planning authority. The approved provision shall be provided in accordance with these approved details in accordance with an approved timetable and thereafter maintained.

Reason: To ensure the provision of adequate parking/servicing and turning facilities within the site in the interests of the amenity of the area.

5 - Non-Standard Condition

Notwithstanding the requirement to accommodate adequate parking, servicing and turning facilities as required by condition 4, the open storage shall be confined to the existing open yard area to the south of the main workshop building and to the rear of the cart lodge. Furthermore items to be stored should be stacked or deposited to a height not exceeding 2.5 metres above ground level.

Reason: In the interests of visual amenity and for the avoidance of doubt as to the scope of the permission hereby granted.



Application No: 101158

Location: Stockwell Arms, 18 West Stockwell Street, Colchester, CO1 1HN

Scale (approx): 1:1250

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7.4 Case Officer: Mark Russell

OTHER

Site: 18 West Stockwell Street, Colchester, CO1 1HN

Application No: 101158

Date Received: 10 June 2010

Agent: Mr Barry Mills

Applicant: Mr Robert Morgan

Development: The external elevations of the Stockwell Arms to have surface fixed rotten boarding (imitation beams) removed complete with sand/cement rough cast rendering and new lime rendering to be applied in keeping with listed building. Repairs to be carried out to existing windows and

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because it is non-householder, an objection has been received, and approval is recommended.

2.0 Synopsis

2.1 The report below describes the site, and the proposal, and details the objection. These points are discussed in the main section and then conditional approval is recommended.

3.0 Site Description and Context

3.1 The Stockwell Arms is a Grade II Listed Building, possibly dating back originally to the 14th century, although now described as being late 15th century. Two storeys high, and timber-framed and plastered, with tiled roofs, the building features a cross-wing at the north end which projects on the north and west sides and two gables at the south (front). The Listing description further describes the "moulded and embattled bressumer, heavy diagonal angle bracket with moulded capital carved with an angel (defaced) and curved brackets supporting the overhang with shafts and capitals." Sadly, many of these features have been buried in the modern plaster which covers the whole building between exposed studwork. Moulded ceiling beams are still visible within.

4.0 Description of the Proposal

- 4.1 The most obvious work is the proposed removal of the rotten surface boarding, which although familiar to Colcestrians is in fact imitation (photographs from the early 20th century show these to be absent).
- 4.2 The second element is the proposed removal of the sand/cement rough cast rendering and its replacement with lime rendering (1 part lime to 3 parts sand) which would be more in keeping with this Listed building.
- 4.3 Internally, repairs are to be carried out to existing windows and fabric in order to maintain fabric and protect the building, and a scheme of electrical refurbishment is also in the programme.
- 4.4 It is the applicant's intention to run the building as a restaurant. This does not require Planning permission as it would be change from A4 to A3 which is permitted within the Use Classes Order.

5.0 Land Use Allocation

- 5.1 Predominantly residential in Colchester Conservation Area 1.
Area of archaeological importance.

6.0 Relevant Planning History

- 6.1 No relevant history

7.0 Principal Policies

- 7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:
DC1- Development Control considerations
UEA1 - Character of Conservation Areas
UEA2 - Building within Conservation Areas
UEA4 - Demolition of Listed Buildings
UEA5 - Altering Listed Buildings
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:
UR2 - Built Design and Character

8.0 Consultations

- 8.1 English Heritage stated

“This application should be determined in accordance with national and local policy guidance, and on the basis of your expert conservation advice.”

8.2 The Design and Heritage Unit commented as follows:

“In this instance, I can recommend approval for the proposed works subject to the following conditions and comment:

The proposed repair and removal of applied (imitation) timber work and re-rendering is fully supported.

Consideration should however be given to the following:

Signage: the current signage is of mixed quality and appropriateness, it is recommended that an approval seek to improve and integrate more effectively signage into the new proposals. Particular attention should be given to the location, size and integration of signage on the western (principal) frontage and appropriate use of lighting. In this instance the use of swan neck lighting should be avoided. It is therefore recommended that details of signage and lighting be conditioned for approval.

Upgrade of electricals: the upgrading, appropriate maintenance of electrical services is welcomed. Stripping out, introduction of new runs/ and installation of switches, sockets and the like should however be carefully considered. All works should ensure that they are of an appropriate nature/ approach to maintain the significance of the listed building and minimise damage/ visual detracting to the historic fabric. All electrical works required should be set out in a schedule of works and agreed prior to installation.

To ensure that changes in the historic narrative of the building are appropriately recorded for posterity and as a record of current condition a photographic record is also recommended.

Consideration should therefore be given to the following conditions/ recommendations.”

Officer Comment:

These conditions relate to professional expertise, photographic recording, rendering, joinery, schedule of repairs, materials, colours, raingoods, making good, and pointing/re-pointing, these conditions are in full at the foot of this report.

8.3 Museum Resources gave no recommendation.

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

9.0 Representations

9.1 Two letters were received, one in favour, one objecting.

9.2 The letter in favour, from Mr Barker of Roman Road, was as follows:

“As a locally resident member of both of the national amenity societies whose periods of interest cover a building of this period (the Ancient Monuments Society and the Society for the Preservation of Ancient Buildings) I am pleased to support this schedule of repair and improvement works, notably the exchange of cement render for lime plaster and the re-furb of cast iron rainwater goods, and other tasks.

This is an admirable start to the conservative repair and improvement of this notable building, free of any new features or imported materials which would spoil its character.”

- 9.3 The objector, from 52 West Stockwell Street stated that the “touching up” would not meet the concern of residents regarding the deterioration of the building. He added that a continuous programme of works, together with a resident caretaker, would be required.

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

10.0 Parking Provision

- 10.1 Parking provision is not relevant to this application.

11.0 Report

- 11.1 This is a Listed Building application, and issues of the special interest of the Listed Building are the prime concern. There are therefore no issues of residential amenity or Highway safety, other than in connection with scaffolding and hours of work, etc. which are covered by separate legislation.

- 11.2 English Heritage has voiced no concerns, and our own Design and Heritage Unit has welcomed the proposal, with caveats which can be dealt with by condition.

- 11.3 The comments of the supporter of the application are noted, as are those from the objector, although in this latter case it is not clear exactly what the objection is. The projected scheme of works will dramatically overhaul and improve the appearance of this much loved old building which claims to be Colchester’s oldest pub.

- 11.4 Inside also, improvement works are tabled, and in the case of these, and external works, a full schedule is to be agreed in writing with the Local Planning Authority before any works can commence.

- 11.5 There is no good reason to prevent these improvements which the Stockwell Arms is clearly in need of, and so approval is recommended.

12.0 Conclusion

- 12.1 In the light of the need to repair this much loved Listed Building in the heart of Colchester Conservation Area 1, and whilst the comments of the objector are noted, approval is recommended.

13.0 Background Papers

- 13.1 ARC; Core Strategy; EH; AT; DHU; NLR

Recommendation - Conditional Approval

Conditions

1 - A1.6 LBs & Con Area Consents-time limit for commencement 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

The development hereby approved shall accord with approved plans (25-1-A, 11350/FP/02-03, 11350/FP/03-03, 11350/T/01-01).

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

3 - Non-Standard Condition

The applicants, or their agents or successors in title, shall secure the advice & expertise of suitably qualified and experienced professional(s) able to undertake work(s) to the required standards that secure & safeguard the integrity/ significance of the heritage asset.

Reason: In order to safeguard the significance of the heritage asset(s), & provide full & relevant professional support to the applicant that enables them to undertake the works effectively.

4 - Non-Standard Condition

No demolitions or alterations shall be commenced until the applicant, or their agents or successors in title, have secured and implemented, to the satisfaction of the Local Authority, a programme of photographic recording in accordance with a written scheme of investigation that has been submitted by the applicant and approved in writing by the Local Authority. (This will be a general photographic record of the building picking up on key details such as fenestration to ensure appropriate record of change & record details to be retained/ repaired so that this is controlled/ evidenced).

Reason: In order to ensure that features that will be destroyed, removed or altered in the course of the works for which consent has been given are properly recorded in advance of destruction, removal or alteration.

5 - Non-Standard Condition

No development shall commence until details of the render specification and technique to be used during application has been submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details. A sample of the render shall be agreed on site with the local authority's Conservation Officer prior to the commencement of work.

Reason: So that the local planning authority shall be satisfied as to the details.

6 – Non-Standard Condition

Details of all new, doors, windows or joinery shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of works.

Reason: In the interests of visual amenity of this Listed Building in Colchester Conservation Area 1.

7 -Non-Standard Condition

Sufficient information to assess all joinery work; including cross-sections, elevations, profile's, materials and finishes should be submitted at an appropriate scale, no less than 1:20 for general details and up to 1:1 for fine detailing.

Reason: In order to ensure that the character of the building(s) and there features be perpetuated in the interests of Colchester's architectural/historical heritage.

8 - Non-Standard Condition

All repairs hereby approved shall be undertaken as per the submitted schedule and in accordance with SPAB best practice. Any alterations required subsequent to approval shall need to be fully justified and agreed in writing by the Local Planning Authority prior to implementation.

Reason: In order to safeguard the character & integrity of the building and its special interest.

9 - Non-Standard Condition

All building materials should match the existing building in colour, form and texture, unless other wise agreed in writing by the Local Planning Authority.

Reason: To safeguard the historical/architectural and visual amenity of the building(s) and site.

10 - Non-Standard Condition

Prior to the commencement of development details of the proposed colour scheme (methodology and colour palette) shall be submitted to, and approved in writing by the Local Planning Authority.

Reason: In order to safeguard and maintain the character & appearance of the heritage asset

11 - Non-Standard Condition

Alterations or modifications of existing internal features and fixtures necessary in the implementation of the works shall be made good and restored as original.

Reason: In order to ensure that the character of the building(s) be perpetuated in the interests of Colchester's architectural/historical heritage.

12 - Non-Standard Condition

In accordance with this permission all new rainwater goods shall be of cast iron construction, and shall be retained as such at all times thereafter.

Reason: To protect the character and integrity of the heritage asset.

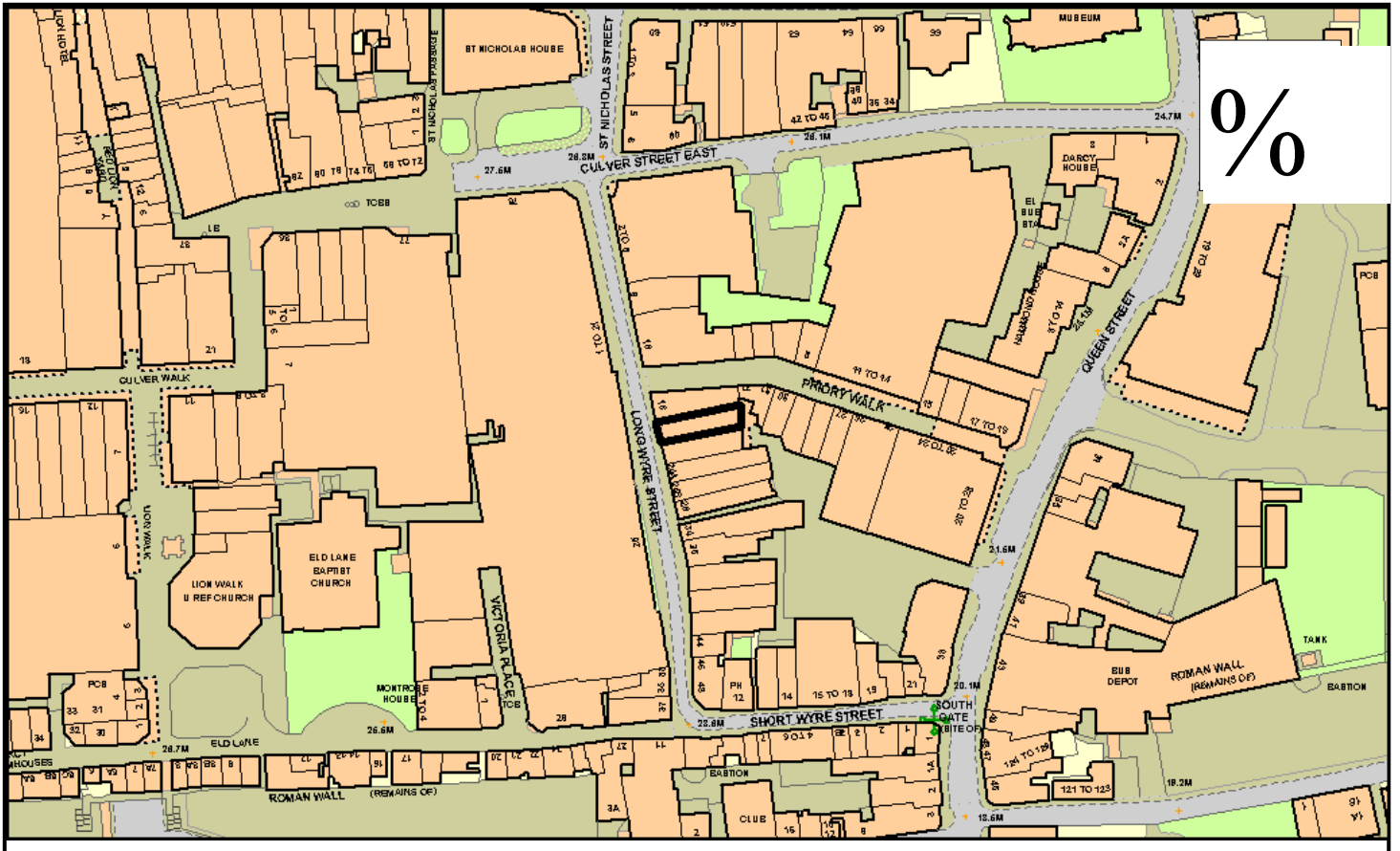
13 - Non-Standard Condition

No development shall commence until details of the method of raking/cutting out of old mortar, including depths, have been submitted to, and approved in writing by, the local planning authority. The development shall be implemented in accordance with the approved details. A sample of the preparatory works shall be agreed on site with the local authority's Conservation Officer prior to the commencement of work.

Reason: To avoid damage to the stone and the widening of joints and so that the local planning authority shall be satisfied as to the details.

Informatives

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



Application No: 101320
Location: 20 Long Wyre Street, Colchester, CO1 1LJ
Scale (approx): 1:1250

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7.5 Case Officer: Mark Russell

OTHER

Site: 20 Long Wyre Street, Colchester, CO1 1LJ

Application No: 101320

Date Received: 29 June 2010

Agent: Mr Allen Watson

Applicant: William Hill

Development: Change of use from A1 retail to A2 licensed betting shop.

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because it is a non-householder application, an objection has been received, and approval is recommended.

2.0 Synopsis

2.1 The report below describes the site, and the proposal, and details the objection. These points are discussed in the main section and then conditional approval is recommended.

3.0 Site Description and Context

3.1 The site comprises the former Oggy Oggy Cornish pasty shop with a splayed central double doorway. This is on Long Wyre Street which is within Colchester's Inner Core. This part of Long Wyre Street predominantly comprises modern properties granted permission in 1967, and is within Colchester Conservation Area 1.

4.0 Description of the Proposal

4.1 The proposal is to change use from A1 (retail) to A2 (financial and professional services). This use-class incorporates banks and building societies, as well as bookmakers.

5.0 Land Use Allocation

5.1 A1 retail, within Colchester's Inner Core.
Colchester Conservation Area 1

6.0 Relevant Planning History

- 6.1 18552/1 - Erection of 12 two-storey shops, 11 one-storey shops, 1 two-storey supermarket, 1 three-storey department store with 2,900 sq.ft. ancillary offices. Approved 20th January 1967.
- 6.2 101395 - New shop-front and installation of air conditioning units - Pending.
- 6.3 101396 - Fascia and projecting sign – Pending.

7.0 Principal Policies

- 7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:
DC1- Development Control considerations
TCS4 – Inner Core
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:
CE1 - Centres and Employment Classification and Hierarchy

8.0 Consultations

- 8.1 Planning Policy replied as follows:

“The Local Plan identifies Long Wyre Street as Inner Core and therefore Policy TCS4 requires 90% A1 retail frontage.

Currently the eastern side of Long Wyre Street is running at approximately 92%. However when number 20 is changed to a non A1 use the percentage drops down to approximately 87%. Although this is below the policy threshold as outlined in TCS4 the Local Plan does allow some flexibility in paragraph 15.38.”

- 8.2 DHU replied as follows:

“The current application to the change of use of 20 Long Wyre Street from A1 to A2 is not considered to raise any significant conservation issues. I do not therefore wish to raise any observations in respect of this application.

9.0 Representations

- 9.1 One letter of objection was received from a representative of commercial clients (unnamed) who operate in the vicinity. This re-iterated policy TCS4 (which asks for 90 per cent A1 use) and also ventured that the true A1 figure would be as low as 81 per cent. It also stated that, there are no extenuating circumstances to allow for any flexibility, and that the unit has only recently been vacated and has not been properly marketed.

10.0 Parking Provision

- 10.1 The issue of parking is not relevant to this application.

11.0 Report

- 11.1 Key to the determination of this application is the interpretation of policy TCS4 of the Adopted Review Colchester Borough Local Plan (2004). This has Long Wyre Street as part of the Inner Core, with the aim that A1 (retail) should account for 90 per cent of frontage in this area. Whilst the objectors have stated that the change of use could take this to as low as 81 per cent, this is based on their view that the whole street, as far as Culver Street East is “erroneous in our view”. The percentages given, however, are correct in terms of our Local Plan, and in the view of our Planning Policy Officer.
- 11.2 The second point is, given that there would still be a deficiency of A1 use, does the proposal offer any improvements in mitigation which would allow for some flexibility, as paragraph 15.38 mentions? This paragraph states: “the Council will grant permission where the loss of retail content is outweighed by other material policy considerations, such as significant improvements to the shop-front, enhancement of a listed building and bringing previously or partly used upper floors into residential use.”
- 11.3 In this instance, the applicant has under separate cover (application 101395) offered an improved design of shop-front. This features a painted, blue timber framed, shop-front with a raised timber stall-riser. Our DHU have spoken favourably of this improvement and the application is in the process of being approved.
- 11.4 The comments about the unit not having been marketed for very long are not relevant if the improvements mentioned above allow the proposed change of use to fall within our policy tolerances.
- 11.5 Given this, and the fact that our Policy team have asked us to consider some flexibility, approval is recommended.

12.0 Conclusion

- 12.1 In conclusion, and whilst noting the concerns of the objectors, given the improvements to the shop front, approval is recommended.

13.0 Background Papers

- 13.1 ARC; Core Strategy; DHU; PP; NLR

Recommendation - Conditional Approval

Conditions

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

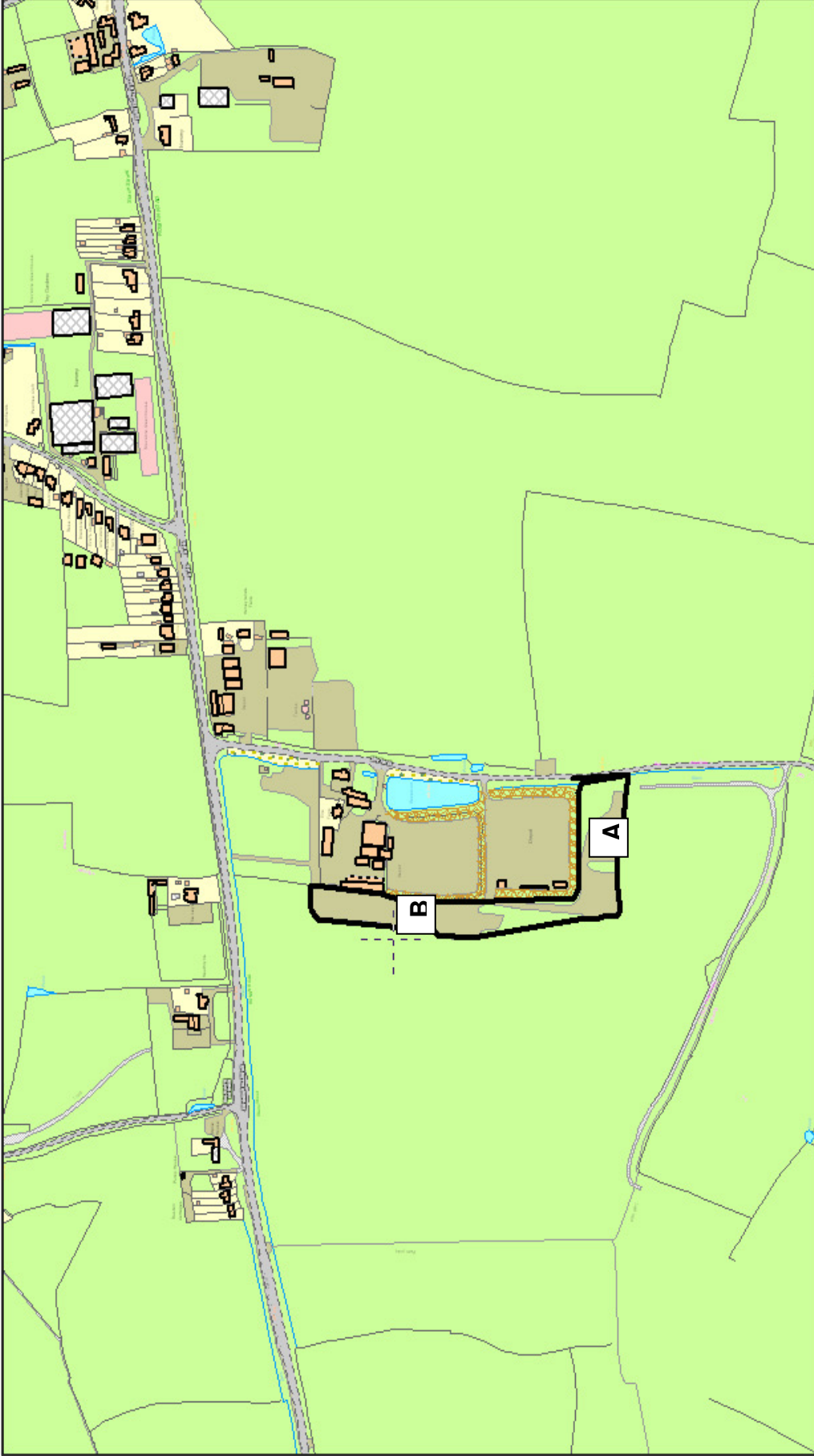
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2 – Non-Standard Condition

The change of use hereby permitted shall not be implemented until a new shop-front design including detailing and colours, has been submitted to, and agreed in writing by, the Local Planning Authority. This design shall be implemented as such prior to commencement of use and shall remain as such at all times.

Reason: Permission is only granted for this change of use on the basis of an improved shopfront, and Colchester Borough Council would wish to control the quality of this shopfront.



Site Location Plan

MAP NOT TO SCALE

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Complaint Reference: 153878

Site Location Address: Elm Farm, Elm Lane, Marks Tey, Colchester, CO6 1HU

Date Produced: 14 September 2010

Planning Committee

Item
8

23 September 2010

Report of	Head of Environmental and Protective Services	Author	Cheryl Headford ☎ 01206 282422
Title	Enforcement Action // Land at Elm Farm, Elm Lane, Marks Tey		
Wards affected	Great Tey		

This report concerns the unauthorised change of use of agricultural land to the non-agricultural storage of various vehicles and materials, including a portable “office” building and caravans. It also includes unauthorised engineering works to form earth bunds around the land, facilitating the unauthorised use.

- 1.1 Members are requested to consider the information contained in this report and to authorise that an Enforcement Notice should be authorised requiring:
- The cessation of the use for parking/storage of non-agricultural vehicles and materials
 - Removal of portable buildings, caravans, HVGs, trailers and any other items stored on the land, not required for agricultural use
 - The removal of the earth bunds facilitating the use
- 2. Reasons for Decision(s)**
- 2.1 The site lies in a defined rural area, outside of any village envelope.
- 2.2 The authorised use of the land is for agriculture, however, there is no evidence of any current agricultural activity.
- 2.3 Policy CO1 of the Adopted Review Colchester Borough Local Plan seeks to protect the countryside for its own sake and development which does not need a countryside location and which could reasonably be located elsewhere will be refused.
- 2.4 EMP4(b) of the Local Plan states that such development will be limited to appropriate changes of use, or small scale extensions within the site of existing complexes of buildings. The unauthorised activities do not form part of the original authorised business site area and represent a significant and unacceptable visual intrusion of an industrial nature into the countryside and therefore conflict with the above policies.
- 2.5 Policy DC(1)(d) of the Adopted Review Colchester Borough Local Plan states that the highway network should be able to accommodate safely the extra traffic the site will create. In this instance extra activity could result in the intensification in the use of Elm Lane which has a sub-standard visibility splay onto the A120 trunk road and results in vehicles performing right-hand turning movements across the flow of traffic compromising the safety of road users.

3. Alternative Options

- 3.1 Members could choose not to pursue enforcement action however this would result in consent by default and would be contrary to policy.

4. Supporting Information

- 4.1 There are two areas of this site which were being used in breach of planning legislation, which was presented to the Planning Committee on 15 May 2008 and authorisation was obtained to serve an Enforcement Notice. A copy of the previous Committee Report is attached for reference and to avoid duplicating information.
- 4.2 Area A (on the attached plan) was occupied by Global Stone for storage of paving slabs, Area B by a haulage company for the parking of HGVs. However, service of the notice was put in abeyance for the reasons explained below.
- 4.3 Following authorisation to serve the Enforcement Notice the company using Area A (Global Stone) received planning consent to relocate to a site in Church Road, Little Tey. A condition attached to the consent required the owners to enter into a legal agreement with ECC and the Highways Agency for works on the A120. These works included the widening of the southbound carriageway of Church Lane from the junction with the A120.
- 4.3 Global Stone had entered into a Section 278 agreement with the Highway Agency, however the works to be carried out (by a ECC appointed contractor) would take several months to complete.
- 4.4 It was considered unreasonable to continue with the service of the notice as compliance could potentially create a further breach, which would have highway safety issues. If the notice was only served on the remaining part of the site it could have legitimised Global Stone's site by default.
- 4.5 The works to the highway were eventually completed in early summer 2009 and Global Stone started clearing their site in Elm Lane. Because of the vast amount of product to transfer the company were allowed a period of 3 months to complete this work.
- 4.6 A site visit was carried out in November 2009. Area A had been completely cleared. Area B had been vacated by the haulage company, who had allegedly gone out of business. There only remained 2 caravans and an HGV cab (this was subject to a lease agreement and was later removed).
- 4.7 As the unauthorised use of these two areas had ceased the notice could not be served. Although the notice would have requested the removal of the earth bund it, as it had been there for more than 4 years the Council could not proceed with enforcement on this alone.
- 4.8 During the site visit in November 2009 the officer also noted, in the access to Area A, that there was now a large pile of astroturf. Further investigation into this established that it had been removed from council owned land (the Leisure Centre) and had apparently been dumped by subcontractors.
- 4.9 The onus was on the Council to ensure that the astroturf had been taken to an authorised site for disposal. Following discussions with the Leisure Centre Manager, all the astroturf was cleared from the site at the end of July 2010.

- 4.10 There are now concerns that areas A & B will continue to have unauthorised non agricultural uses. During the period waiting for the removal of the astro turf a travelling fair and the occasional HGV were seen using area B. The portable “office” building still remains as does further non-agricultural storage.
- 4.11 The storage use of the site now appears to vary from week to week. It is not possible to detail the items stored individually as this may change prior to the service of the notice; it is therefore considered prudent to describe the use as non-agricultural storage. It is also considered necessary to again request the removal of the earth bund as this facilitates the unauthorised use of the site.

5. Proposals

5.1 It is considered that an enforcement notice should be served requesting:

- The cessation of parking, or storage, of any non-agricultural vehicles and plant machinery
- The cessation of storage for any non-agricultural materials
- Removal of portable buildings, caravans, HVGs, trailers and any other items stored on the land, including waste materials, which are not required for agricultural use
- The removal of the earth bunds, where indicated on the plan of the land

A compliance period of 4 months is considered to be appropriate.

6. Equality and Diversity Implications

6.1 The Council’s Equality Impact Assessment for enforcement matters can be found on the Council’s website, www.colchester.gov.uk. Use the following links from the home page to get to the Equality Impact Documents for the Environmental and Protective Services Team. Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Planning – Enforcement

7. Standard references

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

Background Papers

The Adopted Review Colchester Borough Local Plan – March 2004
Policies: CO1, DC1, EMP4(b)



Planning Committee

Item

Planning Committee Meeting 15 May 2008

Report of	Head of Planning, Protection and Licensing	Author	Cheryl Headford
Title	Land at Elm Farm, Elm Lane, Marks Tey		01206 282422
Wards affected	Great Tey		

This report concerns the unauthorised change of use of agricultural land to that of a haulage yard, temporary storage of building materials and unauthorised engineering works to form earth bunds around the land

1. Decision(s) Required

1.1 Members are requested to consider the information contained in this report and to authorise that an Enforcement Notice should be authorised requiring:

- The cessation of the use as a haulage yard
- The cessation of the use for temporary storage of building materials
- The removal of earth bunds.

2. Reasons for Decision(s)

2.1 The site lies in a defined rural area, outside of the village envelope.

2.2 The authorised use of the land is for agriculture, however, there is no evidence of any agricultural activity on land immediately adjoining the site.

2.3 Policy CO1 of the Adopted Review Colchester Borough Local Plan seeks to protect the countryside for its own sake and development which does not need a countryside location and which could reasonably be located elsewhere will be refused.

2.4 EMP4(b) of the Local Plan states that such development will be limited to appropriate changes of use, or small scale extensions with the site of existing complexes of buildings. The unauthorised activities do not form part of the original authorised business site area and represent a significant and unacceptable visual intrusion of an industrial nature into the countryside and therefore conflict with the above policies.

2.5 Policy DC(1) of the Adopted Review Colchester Borough Local Plan states that the highway network should be able to accommodate safely the extra traffic the site will create. In this instance this extra activity would result in the intensification in the use of Elm Lane which has a sub-standard visibility splay onto the A120 and results in vehicles performing right-hand turning movements across the flow of traffic compromising the safety of road users.

3. Alternative Options

3.1 Members could chose not to pursue enforcement action however this would result in consent by default and would be contrary to policy.

4. Supporting Information

- 4.1 The site was first brought to our attention in 2004 when it was reported that the earth bunds surrounding the authorised site had been extended.
- 4.2 In March 2004 the site was visited and shown to contain a number of containers to Area A, while Area B contained various building materials, hardcore and general waste. Members can view photos taken during this visit.
- 4.3 Following negotiations the hardcore and waste materials contained within Area B were removed.
- 4.4 In July 2004 aerial photos of the site were commissioned, members can view the relevant photos. It can be seen that both Areas A and B then had containers and haulage vehicles.
- 4.5 In December 2004 application C/COL/04/2257 was lodged for the continued use of land for haulage yard (Area A) and production and distribution of asphalt products (Area B). Earth bunds were shown around both areas. This application was refused in February 2005.
- 4.6 In August 2005 a further application F/COL/05/1336 was received for the retention of the haulage yard to Area A. This application was refused in March 2006. It was understood that this application would be appealed.
- 4.7 In April 2006 a Planning Contravention Notice was served on the executors of the estate of the landowners and on the haulage company using the site, however, in view of the impending planning appeal, no enforcement action followed.
- 4.8 The estate is now being dealt with by the Trustees and a further Planning Contravention Notice was served in April 2008.
- 4.9 It is claimed that the current haulage company have been operating on site since before the death of the late owner in April 2000, however no written contract or tenancy was entered into and therefore the Trustees are not able to advise when the actual change of use first occurred.
- 4.10 Aerial photos taken in 2000 show that the site had already been extended and that there appears to be a small amount of storage use in Area B

5. Proposals

- 5.1 It is considered expedient to take enforcement action to cease the use of the haulage yard, storage of building materials and the associated earth bunds, sited on the land contrary to planning policies.

6. Financial Implications

- 6.1 None

7.0 Strategic Plan References

- 7.1 Planning (Development Control) is identified as a service where we wish to improve performance. Planning enforcement is an integral part of that service.

8. Publicity Considerations

8.1 None

9. Human Rights Implications

The main human rights implication relate to:

Article 1 of the First Protocol (protection of Property) – the right to peaceful enjoyment of possessions and:

Article 8 – the right to respect for private and family life.

In respect of Article 1 it is accepted that planning laws control property in the general public interest.

In respect of Article 8 it is legitimate for the Council to pursue planning aims provided that this is not disproportionate to the human rights of any individual.

10. Community Safety Implications

10.1 None.

11. Health and Safety Implications

11.1 None.

12. Risk Management Implications

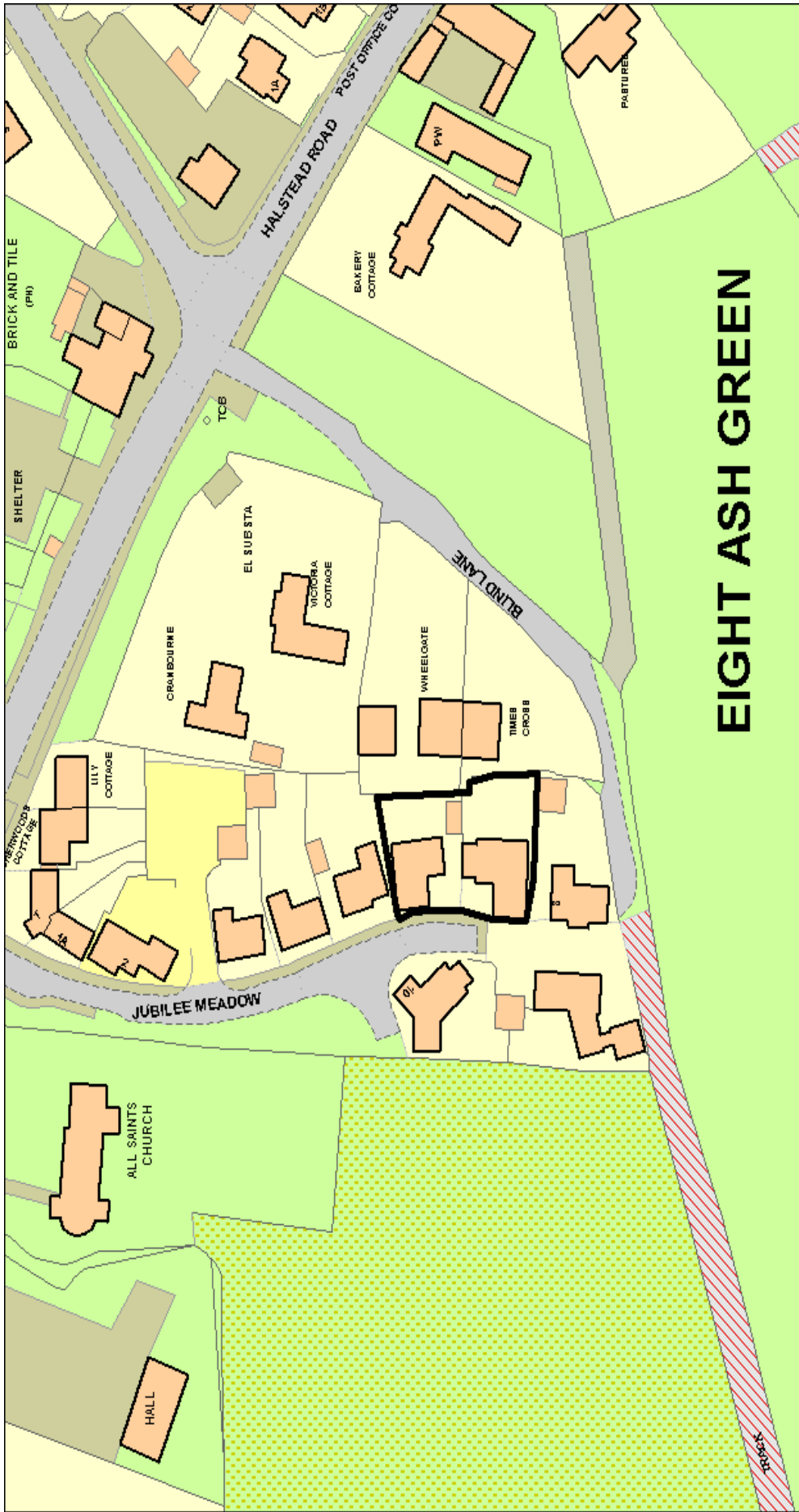
12.1 None

13. Consultation

13.1 None

Background Papers

Policies – CO1, EMP(b), DC1 Adopted Review Colchester Borough Local Plan – March 2004



Site Location Plan – not to scale

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Application Reference: 002956 / 226217

Site Location Address: Plots 8 & 9, Jubilee Meadow, Halstead Road, Eight Ash Green, Colchester

Date Produced: 14 September 2010

23 September 2010

Report of	Head of Environmental and Protective Services	Author	Cheryl Headford ☎ 01206 282422
Title	Enforcement Action // Plots 8 & 9 Jubilee Meadow, Eight Ash Green		
Wards affected	W. Bergholt & Eight Ash Green		

This report concerns the unauthorised insertion of velux windows to the rear roof elevation in breach of Condition 2 of planning permission O/COL/02/0306 changing single storey to two storey properties

1. Decision(s) Required

- 1.1 Members are requested to consider the information contained in this report and to authorise an Enforcement Notice requiring:

The removal of the existing opening velux windows, and either:

- The insertion of single fixed pane velux windows, which do not have the ability to be opened, having glazing of obscuration level equivalent to at least scale 4 or 5, in the Pilkington Glass Scale of obscuration.

OR

- The relocation of all velux windows to at least 1.7m above floor level.

- 1.2 In terms of the period allowed for compliance, it is recommended that 2 months be allowed.

2. Reasons for Decision(s)

- 2.1 The insertion of the velux windows in the rear roof elevation to both properties is in breach of Condition 2 of planning permission O/COL/02/0306, which states that:

“Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved”

- 2.2 Plans were approved with these 2 plots being single storey buildings with 2 windows to the first floor front elevation only, safeguarding the privacy of residents to the rear. What were modest 3 bedroom single storey properties, with a kitchen/diner and lounge have now become 4 bedroom chalets, with lounge, kitchen and separate dining rooms. They are currently being marketed with estate agents as 4 bed properties.

- 2.3 The velux windows inserted in the rear roof elevation of both properties allows a serious breach of privacy for an existing neighbouring property. It is contrary to the following policies in the Adopted Review Colchester Borough Local Plan – March 2004:

UEA 11(f): which seeks to ensure the amenity of adjacent property is not unreasonably affected by the design and layout of new buildings.

UEA 13(e): which seeks to ensure that the proposal does not lead to undue overlooking of neighbouring properties

3. Alternative Options

- 3.1 Members could choose not to pursue enforcement action however, this would allow the breach of the planning permission to become immune from enforcement action after a given period of time.

4. Supporting Information

- 4.1 The breach was first brought to the Council's attention in April 2010 and an external site visit took place shortly after. The properties had not yet been occupied and were advertised for sale.
- 4.2 Following telephone conversations to the estate agents and the developer, access was given into both properties on 26 May and photos were taken of the view from the velux windows in both properties.
- 4.3 The approved drawings show only ground floor living accommodation, however, they do show a staircase leading from the hall to an open space in the loft. Front elevations also show 2 windows to the first floor front elevation.
- 4.4 Both properties were originally designed (and approved) for bungalow style living with 3 bedrooms provided at ground floor level. The first floor is shown as one large open plan area. The submitted design and access statement states "*plots 8 & 9 are single storey*".
- 4.5 In both properties the accommodation has been varied internally. On the ground floor the rooms showing as bedroom 2 have become dining rooms with doors accessing directly into the kitchens. The ground floor bathrooms, are now cloakrooms (WC and wash basin), with no visible pipework to allow for bath or showers. Two bedrooms and a family bathroom are now provided on the first floor.
- 4.6 The first floor bedrooms all have (approved) windows to the front elevation, as well as the unauthorised rear facing velux windows. The bathrooms only have the unauthorised rear velux window.
- 4.6 In plot 8 all the windows are 1.25m to the bottom of the cill. In plot 9 the bedroom windows are 1.45m to the bottom of the cill and 1.3m in the bathroom. All windows (including the bathrooms) have clear glazing and the ability to open. Even without opening the window there is a serious degree of overlooking to the adjoining property at the rear, this is especially serious when viewed from plot 8. See photos on Committee presentation.
- 4.7 On 24 June following a consultation with a Principal Planning Officer, a letter was sent to the developers advising that, as the buildings had not yet been occupied as residential dwellings, they did not benefit from permitted development rights and therefore a planning application should be made for any alteration from the approved plans. They were requested to submit a retrospective application showing the additional first floor

accommodation and the velux windows, along with a Unilateral Undertaking, as the total number of bedrooms to both properties had increased.

- 4.8 It was the Principal Planning Officer's opinion that a retrospective application may be viewed favourably, however, it would be conditioned that all the velux windows must be non opening and have obscure glazing to Pilkington level 4 or 5.
- 4.9 On receipt of the letter the developer telephoned the Investigation Officer saying that he did not wish to make an application, stating that once occupied the owners could insert velux windows as permitted development, as there was no condition on the planning consent restricting additional windows to the rear elevation. Instead he wanted to tile over the velux windows, leaving them for the eventual owners to reveal at a later date.
- 4.10 The developer was advised that if this was his preferred option it would be acceptable provided that the sloping roof was completely flat and did not have any projections in the roof plane. He was further advised that although permitted development allows for a projection of no more than 150mm from the existing roof plane, as previously advised, neither plot currently benefited from PD so any projection in the roof plane would be an alteration to the roof and require planning consent.
- 4.11 To date no application has been submitted to the Council and the velux windows remain.

5. Proposals

- 5.1 There are 2 options which are considered to be expedient, both options will ensure that the amenity of neighbouring properties is adequately protected.

Option 1 - to take enforcement action to ensure the existing opening velux windows are removed and replaced with fixed pane windows which do not have the ability to open and have obscure glazing to Pilkington Textured Glass level of at least 4 or 5.

Option 2 – to take enforcement action to ensure that the existing velux windows are removed and relocated in a position at least 1.7m above floor level.

6. Equality and Diversity Implications

- 6.1 The Council's Equality Impact Assessment for enforcement matters can be found on the Council's website, www.colchester.gov.uk. Use the following links from the home page to get to the Equality Impact Documents for the Environmental and Protective Services Team. Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Planning – Enforcement

7. Standard References

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

Background Papers

**Adopted Review Colchester Borough Local Plan – March 2004 - Policies : UEA 11 & 13
Essex Design Guide to Extending your House**

INDEX TO PLANNING APPLICATIONS CODES

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

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

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

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

INTERNAL CONSULTEES

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

REPRESENTATIONS ETC

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

EXTERNAL CONSULTEES (2 character codes)

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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