

Planning Committee

Town Hall, Colchester
18 March 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

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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.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
18 March 2010 at 6:00pm**

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes 1 - 6

To confirm as a correct record the minutes of the meeting held on 4 March 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. 100172 Norman Way, Colchester, and grassed area within the school boundary **7 - 20**
(Prettygate)

New access road to Philip Morant School and 6th form college and internal road for dropping off/collection and additional parking.
(Renewal of application F/COL/97/0155 and F/COL/04/2217).

2. 100223 Norman Way and east of Reynolds Avenue and Landseer Road, Colchester **21 - 27**
(Prettygate)

New access road to serve the Philip Morant School.

3. 100171 Wakes Colne Farm, Colchester Road, Wakes Colne, CO6 2DB **28 - 35**
(Great Tey)

Change of use of redundant agricultural building to Use Class B1 (light industrial) - Unit 16.

4. 100097 37 Welshwood Park Road, Colchester, CO4 3HZ **36 - 42**
(St John's)

Proposed two storey side extension forming a new kitchen with ancillary storage with a single bedroom with en-suite facility over. Existing kitchen converted into a dining area. Existing external food storage shed to be removed.

5. 090705 69 Smythies Avenue, Colchester **43 - 50**
(Castle)

Proposed new dwelling.

8. Enforcement Action // Stableview, Newbridge Road, Tiptree 51 - 53

See report by the Head of Environmental and Protective Services.

9. Enforcement Action // Land off Chapel Road, Bosted

54 - 57

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
4 MARCH 2010**

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

Substitute Member :- Councillor Richard Martin
for Councillor Sonia Lewis*

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

190. Minutes

The minutes of the meeting held on 18 February 2010 were confirmed as a correct record.

191. 100091 Cavalry Road/Stable Road, Colchester

The Committee considered an application for a new legal agreement to link this development, for the conversion of an existing canteen building into residential accommodation, to the requirements of the outline planning permission for the Garrison Urban Village Development and associated legal agreement. The Committee had before it a report in which all information was set out, see also amendment sheet.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred until the expiry of the public consultation period and for the completion of a Unilateral Undertaking linking these applications to the original 299a Garrison Urban Village agreement.

(b) Subject to no new objections being received before 18 March 2010 which raise new planning issues that cannot be resolved by an appropriately worded condition, and upon receipt of a satisfactory Unilateral Undertaking prior to 18 March 2010, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

(c) If new objections cannot be resolved by an appropriately worded condition the application to be referred back to the Committee.

192. 100093 Cavalry Road/Stable Road, Colchester

The Committee considered an application for a new legal agreement to link this development, for the conversion of an existing adult school building into residential accommodation, to the requirements of the outline planning permission for the Garrison Urban Village Development and associated legal agreement. The Committee had before it a report in which all information was set out, see also amendment sheet.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred until the expiry of the public consultation period and for the completion of a Unilateral Undertaking linking these applications to the original 299a Garrison Urban Village agreement.
- (b) Subject to no new objections being received before 18 March 2010 which raise new planning issues that cannot be resolved by an appropriately worded condition, and upon receipt of a satisfactory Unilateral Undertaking prior to 18 March 2010, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.
- (c) If new objections cannot be resolved by an appropriately worded condition the application to be referred back to the Committee.

193. 100044 Blomfields, Long Road East, Dedham, CO7 6BS

The Committee considered an application for a variation of condition 02 of planning permission COL/95/0462 to permit a swimming pool to be hired out to the general public comprising groups of up to five people for exclusive use for periods of between one to four hours for swimming lessons; for those wishing to swim in private with friends; and for those with disabilities. The Committee had before it a report in which all information was set out, see also amendment sheet.

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

Councillor Cannon, Dedham Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The parish council requested a condition either

to prevent any kind of advertising or noticeboard along the frontage of the property or to ensure that any notice is no larger than the small notice which currently exists. The parish council wanted to ensure that the view of the frontage would not be destroyed.

In response to a suggestion from the Committee that a temporary permission be considered, it was explained that temporary permissions are used to prevent intensification of use and in cases where the use could be detrimental to neighbours, but neither the Highway Authority nor Environmental Control have made any comments in this respect. The grass verge in front of the property is highway land and outside the application site, however, if the Committee wanted to ensure no signage was placed on frontage of the property an informative could be added to alert the applicant that the verge was highway land and no signage should be placed there. The locations of the nearest neighbours were identified and shown to be sufficiently distant from the swimming pool that any noise nuisance would be unlikely to impact upon them.

Members of the Committee were minded to grant a temporary permission in order that noise and traffic generation could be monitored, and also to add the suggested informative. Any disturbance from intensification of use or noise nuisance would need to be reported to the borough council by the parish council or residents.

RESOLVED (UNANIMOUSLY) that the application be approved for a temporary period of 2 years with conditions and informatives as set out in the report together with an additional informative regarding signage on the grass verge being prohibited because of the verge being highway land.

Councillor Jon Manning (in respect of being formerly acquainted with the architect) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

194. 100047 Seasons, Monks Lane, Dedham, CO7 6DZ

The Committee considered an application for a first floor extension to the majority of the existing building and to raise the existing roof in order to provide a first floor bedroom, balcony and study. The proposal is a resubmission of 082034. 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.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. He referred to a number of corrections to the report, additional information and two further conditions all of which were set out on the amendment sheet.

Councillor Cannon addressed the Committee on behalf of Dedham Parish Council and local residents pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that the proposal failed to consider the gradients across the site. He stated that the north end of the site would obliterate any view across the valley from Monks Lane, which is a protected lane, with modest bungalows, cottages and a listed building, and in his opinion the proposal had no place in the street scene; the small valley was already dominated by the white conservatory. There were elements of the Colchester Borough Council design statement which have been ignored. The proposal is not acceptable to the majority of consultees and he proposed that the application be deferred for a meeting between all parties because there had been a breakdown in communications.

Mr Knowles addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He did not believe that the proposal would have a negative impact on the Area of Outstanding Natural Beauty but considered that its quality would enhance the area. He was of the view that there were no common features within the lane, but that all dwellings were very different. The existing bungalow is set well below the level of the lane so the impact of raising the roof level on the north end by just under 1.5 metres will have little impact. He has consulted with the planning office and the application meets the requirements of design policies and the Dedham Village Design Statement and the highest quality materials sympathetic to the environment will be used.

It was confirmed that the long stretch of roof is no higher than the existing roof. Overall the landscape will continue to dominate. The balcony will have long views across the valley into the distance and in the summer when the gardens are mainly in use the views will be obscured. There are no overriding objections to a two storey element because two storeys is part of the local scene.

On the site visit, members of the Committee were struck by the variety of properties along the lane. They were also aware of the many different gradients and did not consider there would be a great impact on other properties. There were no concerns with the balcony because it is recessed. If the two storey element was on the other side neighbours would have more reason to object; but in any case the loss of a view was not a

material planning reason for refusal. They recognised that there were no planning grounds to refuse the application.

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

195. 100068 2 Arden Close, Colchester, CO4 0JP

The Committee considered an application for a first floor side extension over an existing garage. 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.

196. 100073 East Hall Farm, Church Lane, East Mersea

This application has been withdrawn from consideration at this meeting by the applicant.

Councillor John Elliott (in respect of being the Chairman of Tiptree Parish Council) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

197. Variation of Legal Agreement // 60-72 Newbridge Road, Tiptree

The Head of Environmental and Protective Services submitted a report on a proposed deed of variation to the original legal agreement relating to the approved development. An agreement has now been reached between this Council and Tiptree Parish Council whereby the parish council will take on the ownership and maintenance responsibility of both the public open space and wildlife area extension and this variation will enable the land and associated funding to be transferred to Tiptree Parish Council. The Committee had before it a report in which all information was set out.

Andrew Tyrrell, Development Manager, attended to assist the Committee in its deliberations.

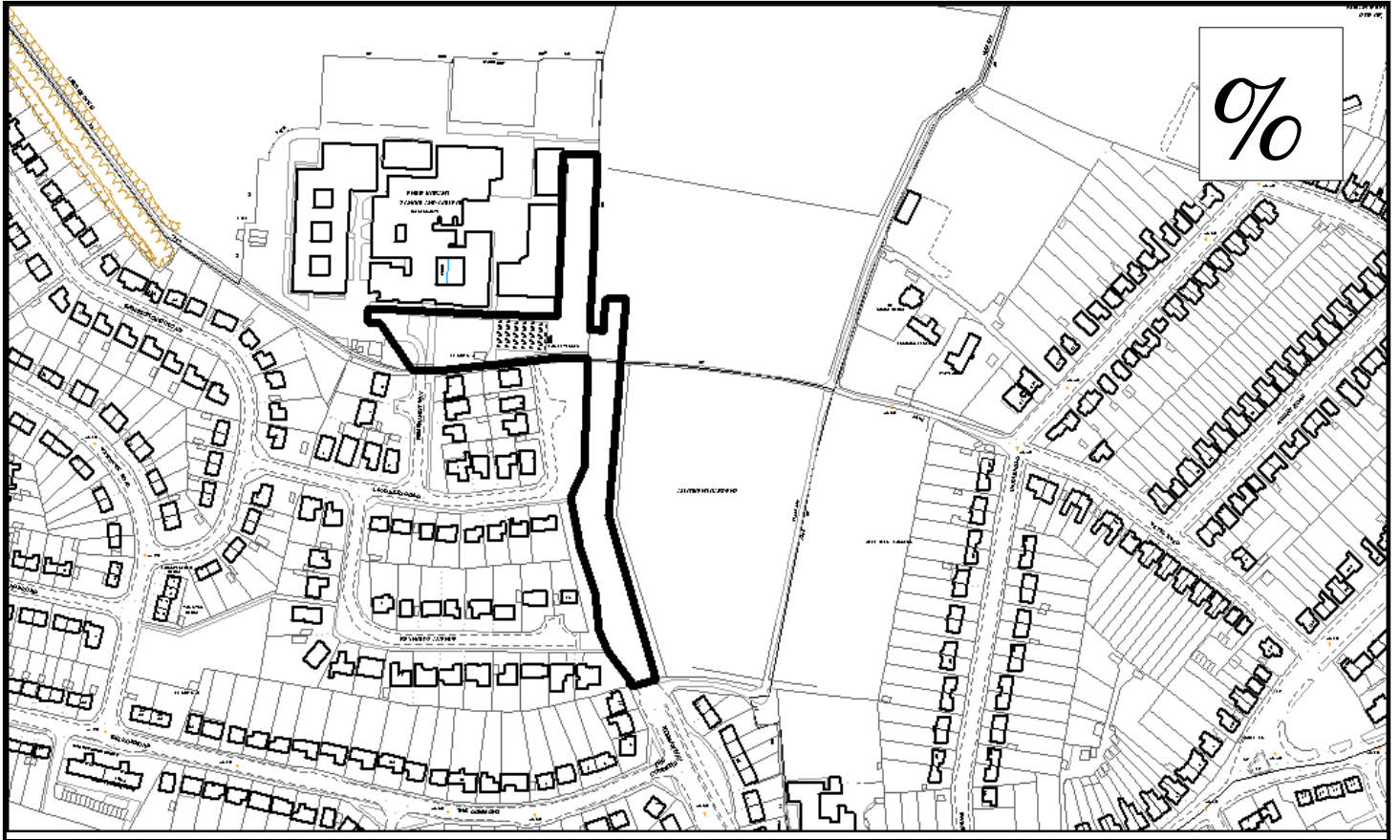
RESOLVED (UNANIMOUSLY) that the proposed deed of variation to the

original legal agreement as set out in the report by the Head of Environmental and Protective Services be endorsed.

198. Enforcement Report // 14 Magdalen Street, Colchester

The Head of Environmental and Protective Services submitted a report on proposed listed building enforcement action requiring the removal of a banner which has been attached to a listed building because it adversely affects the special character of the building. The Committee had before it a report in which all information was set out. The banner was removed prior to the meeting so the enforcement action is no longer necessary.

RESOLVED that no further action be taken in this matter.



Application No: 100172

Location: Grassed Area of Land North of Norman Way and Grassed Area, within the School Boundary

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **18 March 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: David Whybrow

EXPIRY DATE: 30/03/2010

OTHER

Site: Norman Way and Grassed Area within the School Boundary

Application No: 100172

Date Received: 2 February 2010

Agent: Purcell Miller Tritton & Partners

Applicant: Philip Morant School And Sixth Form College

Development: New access road to Philip Morant School and 6th form college and internal road for dropping off/collection and additional parking (Renewal of application F/COL/97/0155 & F/COL/04/2217).

Ward: Prettygate

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is for a new planning permission to replace extant planning permission F/COL/04/2217 which expires on 30 June 2010 and seeks to extend the time limit for implementation of that consent. It has attracted a large number of letters of representation.

2.0 Site Description

- 2.1 The proposed development involves the creation of a new access road, 6m wide, leading directly off Norman Way across open space and heading north to the school curtilage. Within the school site itself it is proposed to create additional car parking space and a bus turning facility. The existing school access off Rembrandt Way would be restricted to pedestrian and emergency vehicle use only. The new road would be approximately 200m in length.
- 2.2 The open land over which the new road would be constructed is bounded to the west by dwellings off Reynolds Avenue and Landseer Road (part of the Painters Corner Estate) and to the east by allotment land. The subject land is owned, in part, by Colchester Borough Council and, in part, by Essex County Council.

3.0 Description of Proposal and Background to Application incorporating relevant planning history

- 3.1 In 1997 permission was sought for a similar form of development to that now proposed under Ref: COL/97/0155. At that time the application was presented to Committee with a recommendation of approval – subject to the completion of a Section 106 Agreement that would cover the following points:-
1. The closure of the Rembrandt Way access to the school to all vehicular traffic - except emergency services.
 2. The new road to be a private road to provide access for and to the Philip Morant School for educational purposes only.
 3. Provision of landscaping within the adjoining land to the west at no expense whatsoever to the Council.
 4. The access road being gated and closed outside of the hours of use of the school premises.
 5. Provision of traffic calming measures and provision for cyclists and pedestrians as may be appropriate.
- 3.2 Members agreed with the recommendation. However, subsequent difficulties with securing the legal agreement resulted in an appeal being submitted against the non-determination of the application by the Council.
- 3.3 Subsequently, under Application COL/99/0536, permission was again sought for the provision of the proposed new access road to serve the school. The application was amended from the previous submission in that the arrangement of turning facilities within the school site itself had been altered to avoid conflict with the footprint of a recently constructed maths/science block. Furthermore, the application was a full application, as opposed to an outline application. The proposal was reported to Committee with a recommendation of approval.
- 3.4 A second appeal against non-determination was submitted.

3.5 The appeals submitted under COL/97/0155 and COL/99/0536 were both considered at the same time by the Inspector and both appeals were subsequently upheld. As the appeal decision was dated 1 December 1999 and both had the usual 5 year commencement period (the outline application COL/97/0155 having been altered to a full application in a letter dated 21 April 1999) the permissions expired on 1 December 2004. The 2004 application sought to renew this permission. In fact duplicate applications (including F/COL/04/2216) were lodged at that time and were determined concurrently.

4.0 Land Use Allocation

4.1 Open Space
Green link
Public Footpaths 204 & 206

5.0 Relevant Planning History

5.1 The relevant planning history relating to this new roadway is set out in part 3.0.

6.0 Principal Policies

6.1 Adopted Review Borough Local Plan
DC1 - General Development Control criteria
UEA14 - Greenlinks
L3 - Protection of existing public open space
L14 - Protecting public rights of way
P1 - Pollution

6.2 Adopted Core Strategy
SD2 - Delivering facilities and infrastructure
UR2 - Built design and character
PR1 - Open Spaces
TA1 - Accessibility and changing travel behaviour
TA2 - Walking and cycling
ENV1 - Environment

7.0 Consultations

7.1 Environmental Control recommend conditions to be attached to any permission granted, relating to site boundary noise levels and light pollution.

7.2 The Highway Authority have long supported the principle of vehicular access to the school being removed from residential estate roads. Their detailed comments and recommendation will be available before the Meeting.

7.3 The Archaeological Officer recommends a condition requiring a watching brief over the works to be commissioned by the applicant. The road line may be cut by the possible, projected course of the Lexden Dyke system.

7.4 The Open Spaces Society object to the application as it will lead to a loss of open space, to the detriment of the public and contrary to the provisions of the Borough Plan and Government Guidance (PPS17) which indicates open space should not be used for alternative purposes unless proven to be surplus to requirements.

8.0 Representations

8.1 25 letters of representation have been received, raising the following objections (all correspondence may be viewed in full on-line):

1. The traffic out of The Commons will be severely affected and safety of pupils walking and cycling will be compromised. Existing congestion at Norman Way/Shrub End will be exacerbated.
2. Will increase noise and pollution to adjoining dwellings.
3. The open space is valued as a community facility by local residents a number of whom are disabled. Any future use as a sports facility will be lost.
4. Object unless the wider footpath/cycle network is improved and traffic speeds are reduced locally. This scheme detracts from existing foot and cycle paths.
5. There is no proposal for landscaping the proposed route.
6. Will encourage additional traffic and deter non-car usage to the detriment of children's health.
7. I will object unless the School offers to build a direct cycle path between the ends of Norman Way and introduce local traffic orders slowing vehicle speeds.
8. There is no proven need for this road.
9. The School is acknowledged as a leader in green travel but still needs to do more in terms of improved pedestrian and cyclists' facilities.
10. Norman Way will become a bottle-neck at dropping off and collection times and will seriously affect the amenity of local residents.

8.2 The representations of Painters Corner Residents Association are set out in full below :

- the loss of valuable amenity (the Green is a quiet, grassed area with a number of mature trees, has been a valued local amenity for over 35 years, and is enjoyed by many people, local residents and others from further afield including children, for whom it provides a safe play area);
- visual intrusion and visual obstruction to residents living alongside the Green which the proposed road would cause;
- vehicular traffic on the proposed access would create a significant safety hazard to pedestrians, including pupils of Philip Morant, St Benedict's and the Girls' High School who currently use the Green as their route to and from school;
- the proposed road would be contrary to the objectives set out in the Adopted Review Local Plan Chapter 2 paras 2.11 and 2.12 and Chapter 10 paras 10.3, 10.16 and 10.17;
- the proposed road would be contrary to policies DC1(a) and (f), UEA14, P1, L3 and L14 in the Adopted Review Local Plan;
- the proposed road would be contrary to the objectives set out in the adopted Local Development Framework Core Strategy policies PR1, TA2, TA5 and ENV1;

- the Green and Irvine Road Field are shown as public open space in both the Adopted Review Local Plan and the Local Development Plan Site Allocations documents.

The proposed road would have an adverse effect on the footpath/cycleway 204 (heavily used by members of the public and in particular by pupils from nearby schools) in terms of safety of users.

The proposed road would run alongside footpath/cycleway 204. The planning applications do not explain how the safety of pedestrians and cyclists would be ensured with the proposed road running alongside the footpath/cycleway.

Proposals are contrary to PPG17: in particular the relevant sections are: –

Planning Objectives -supporting an urban renaissance; health and well being; promoting more sustainable development.

National Planning Policies -Maintaining an Adequate Supply of Open Space and Sports and Recreational Facilities paras 10, 11, 13, 16 and 17.

8.3 4 letters of support have been received containing the following observations:-

1. There are strong planning, highway and safety reasons for this application to be approved; my daughter has been knocked off her bike in the existing narrow approach to the School and will not be cycling to school again.
2. A young boy was knocked off his bike by a driver going at speed round a corner close to the school where roads are narrow and visibility limited. These conditions also pose a hazard for access by emergency vehicles.
3. The road and new facilities should make the area much less of a problem during term time and will be of benefit to the whole of the surrounding area as well as the School.

9.0 Report

9.1 This scheme had its genesis over 10 years ago. The Planning Committee at that stage were concerned that the proposed development would be contrary to the then emerging Borough Plan in that it would result in loss of open space and a green link. These issues were considered by both the Appeal Inspector and Local Plan Inspector.

9.2 The refused applications were considered by way of individual appeals to the Planning Inspectorate. However, the Inspector dealt with both appeals via a single decision notice dated 1 December 1999. In determining the appeals the Inspector had regard to the Development Plan existing at that time, and to the emerging Local Plan where the proposed allocation of the land as Greenlink was mentioned. The Inspector's report outlined the main issues that were relevant in the appeals - i.e. the impact of the development on the open land and the traffic/safety considerations. The conclusion of the Inspector was that the appeals should be upheld. Members should note that the 2004 applications were identical proposals to the application approved at appeal (Ref: COL/99/0536).

9.3 Members are also advised that the area of open land within which the proposed development would be located was considered as part of the Local Plan Inquiry - following an objection to the proposed allocation as Public Open Space. The relevant comments of the Inquiry Inspector are included below for Members' information:-

- 10.12.11 On 1 December 1999 planning permission was allowed on appeal for the formation of a new access road to Philip Morant School and Sixth Form College and an internal road for dropping off, collection and additional parking on the grassed area to the north of Norman Way. The objectors assert that the area of land, the subject of the decision, should be deleted from the proposed Irvine Road public open space. The Council argues, on the contrary that the public open space allocation should be confirmed and that this would amount to a changed circumstance that would enable any renewal of planning permission to be properly resisted if and when the current permission, which it considers was wrongly granted, expired.
- 10.12.12 I do not agree with either argument. The area of land, the subject of this appeal decision, forms a small part of the public open space designation. The Inspector identified, at paragraph 9 of his decision, that the land has the appearance of open space to which the public has access. He observed at Paragraph 12 that the access road would occupy the east side of the land and would not have any substantial effect on the treed area on the west side. He concluded on this point by saying that, having regard to the Council proposals for the incorporation of adjoining allotments into the overall area of public open space now designated by Policy L4, he did not consider that construction of the proposed access road would amount to a serious loss of an important area of informal open space. By the same token, I do not consider that the site of the approved access road would amount to a serious loss of potentially usable public open space.
- 10.12.13 In these circumstances, I see no contradiction between the implementation of the planning permission granted on appeal and the public open space designation incorporating this site. **Because of its small size in relation to the overall public open space allocation, I am firmly of the opinion that any renewal of the extant permission would not amount to a substantial departure from the provisions of the development plan.** At the same time I would look with extreme disfavour upon any attempt by the Local Planning Authority to circumvent the appeal decision. By confirming the designation of this land as public open space, I am not providing the Council with a carte blanche to refuse renewal of the current planning permission if it expires. I have no reason to doubt that there is a pressing need for new access arrangements for the school, which is the principal issue upon which the Inspector, quite properly in my view on the evidence before him, allowed the appeals. The main reason why the permission has not been subsequently implemented appears to be the complicated pattern of land ownership by various public bodies in the locality. If this could be unscrambled by the disposal of the relevant land to allow the access road to

proceed, it may free revenues that could enable the remainder of the public open space provision to be effected. Under these particular conditions, I somewhat reluctantly recommend that no alteration be made to the Local Plan in response to this objection.

In reaching his conclusions with regard to the proposed allocation of the site in the Local Plan, the Inspector was mindful of the previous Inspector's conclusions with regard to the appeal. In fact, specific comment is made with regard to the impact of the proposal within the open space at the start of Paragraph 10.12.13. The Inspector's comments in this paragraph are quite clear.

10.0 Summary

- 10.1 This is clearly contentious development, and, when considered in isolation, may be considered contrary to policy statements in the Adopted Review Colchester Borough Local Plan, and also, at first sight, to sustainability and accessibility objectives in the adopted Core Strategy.
- 10.2 However, this report has set out at some length the way the issue has been considered both directly through the appeal process and indirectly through the Local Plan process when the development was held to be acceptable. Members should also have regard to the fact that the School successfully operates a green travel plan to attempt to optimise travel arrangements other than car-based modes, further details of which are provided at Appendix 1.
- 10.3 As a consequence, the renewal of an extant consent is considered appropriate and correct in planning terms and in line with previous decisions.

11.0 Background Papers

- 11.1 ARC; ACS; HA; HH; NLR; AT; OTH

Recommendation - Conditional Approval

Conditions

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

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

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

- 2 - C10.12 Tree Survey

Before any works commence on site, details of all existing trees with a stem diameter of 75mm or greater at 1.5m above ground level, shall be submitted to and agreed in writing by the Local Planning Authority and shall include, as appropriate, a Tree Survey, Categorisation and Constraints Plan in accordance with BS 5837.

Reason: To enable proper attention to be given to the impact of the proposed development on existing trees.

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

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

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

4 - C10.18 Tree and Hedgerow Protection: General

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

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

5 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

6 - C11.12 Landscape Works Implementation

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

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

7 -C11.17 Landscape Management Plan

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

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

8 - Non-Standard Condition

No development shall take place until full details of the surfacing materials and other treatment, including barriers or gateways, of the connection between the proposed access road and Norman Way, and of the crossings of the defined Footpath No. 206 and of the informal footpath leading to St Benedict's Catholic Secondary School and the Colchester County High School, have been submitted to and approved by the Local Planning Authority and those works shall be carried out as approved.

Reason: In the interests of highway safety.

9 - C2.1 Watching Brief

The applicant shall commission a professional archaeological contractor to observe the excavations and show sufficient time for the recording of any features and finds of interest.

Reason: To ensure that any remains of archaeological importance are properly recorded.

10 - Non-Standard Condition

The access road and internal road hereby permitted shall not be brought into use until replacement cycle sheds have been provided within the grounds of the school, in accordance with a scheme that has been approved by the Local Planning Authority.

Reason: In the interests of highway safety.

11 – Non Standard Condition

The access road hereby permitted shall not be brought into use until traffic calming measures have been provided in accordance with a scheme that has been approved by the Local Planning Authority.

Reason: In the interests of highway safety.

12 - Non-Standard Condition

Following the bringing into use of the access road and internal road hereby permitted, the existing access from Rembrandt Way shall not be used for vehicular access other than by emergency vehicles.

Reason: In the interests of highway safety.

13 - Non-Standard Condition

The access road hereby permitted shall not be used other than to provide access to and from the Philip Morant School and Sixth Form College.

Reason: In the interests of highway safety.

14 - Non-Standard Condition

The access roads hereby permitted shall be gated and closed outside the hours of use of the school premises.

Reason: In the interests of highway safety.

15 - Non-Standard Condition

The details of the connection with Norman Way shall be the subject of further plans to be agreed in writing with the Local Planning Authority. The Local Highway Authority intend that there should be a return footway over the end of the existing highway and that a boundary fence and wall be erected where, locally, pedestrians were separated from cycles and motor vehicles. The latter would enter the gateway via a dropped crossing retained pedestrian priority.

Reason: In the interests of highway safety.

16 - Non-Standard Condition

The details of the surfacing materials and other treatment at the crossroads between the new track and the Capel Road - Lexden Dyke path shall be the subject of further plans to be agreed with the Local Planning Authority.

Reason: In the interests of highway safety.

17 - Non-Standard Condition

The Public's right of way and ease of passage across all public footpaths affected by the development hereby permitted shall remain uninterrupted at all times.

Reason: In order to ensure that the development does not adversely impact on public footpaths.

18 - Non-Standard Condition

No development shall take place until full details of any impact of the access road (including any ancillary works) hereby permitted on Footpath No. 204 have been submitted to and agreed in writing by the Local Planning Authority.

Reason: The application as submitted contains insufficient information regarding this point and proper consideration of the proposals will be necessary in order to protect the integrity of this footpath.

19 - B3.2 Light Pollution

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

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

20 - Non-Standard Condition

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

Reason: In order to safeguard the amenities of local residents.

21 - Non-Standard Condition

Any additional conditions recommended by the Highway Authority.

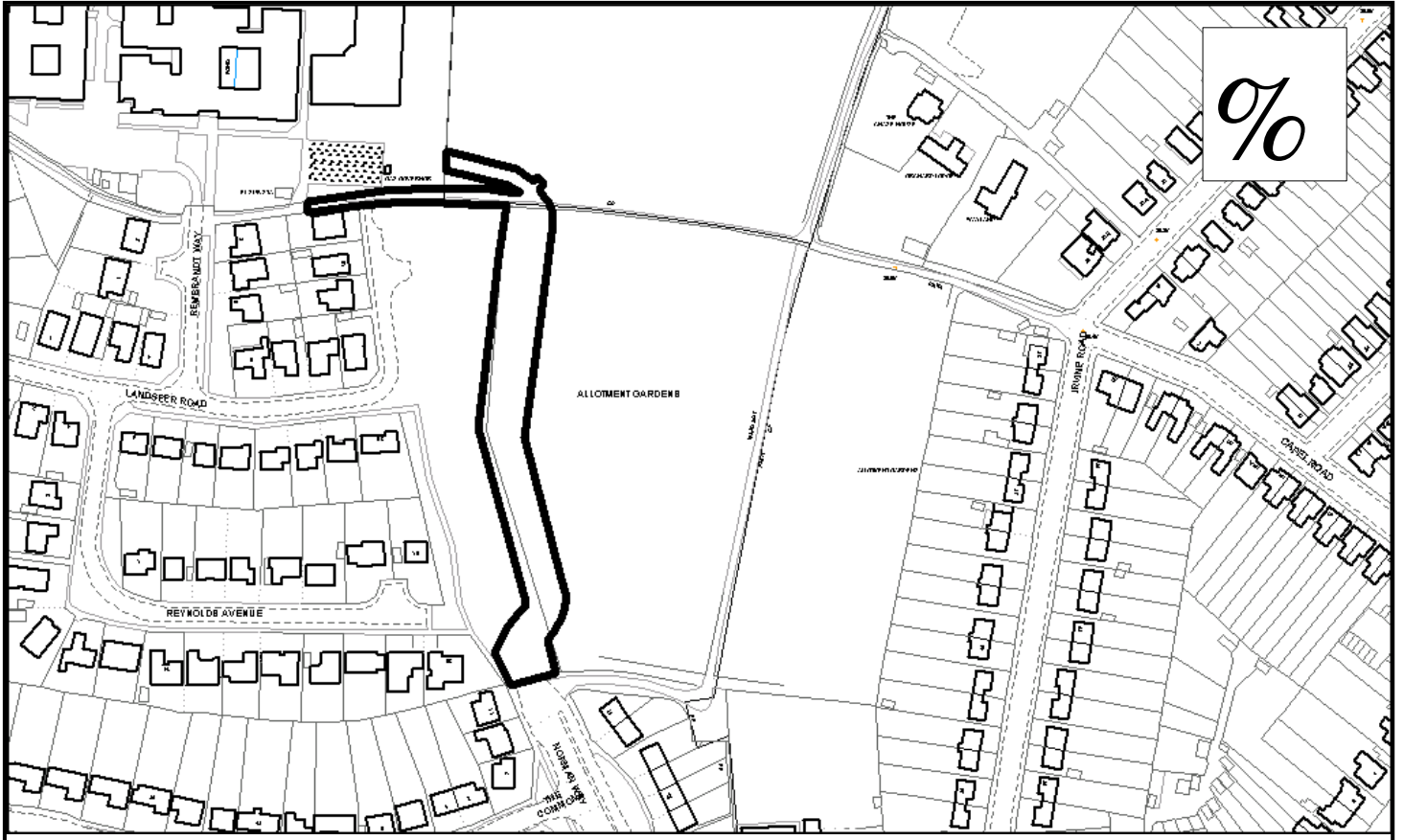
Outline Travel Plan Philip Morant School and College

- The School and College have adopted within their Healthy School Programme a focus on travel to school and college for staff, students and parents, which discourages, when and where practical, the use of vehicular traffic and encourages walking and cycling. The Healthy Schools Award was granted in December 2009
- Students have been encouraged to cycle through the development on site of a secure cycle park, currently able to accommodate 200 cycles, increasing to 300 shortly.
- A secure cycle store will be built imminently to house staff cycles
- Many staff (teaching and support) live too greater distant to cycle. Because of the working hours and the amount of recourses needed to be carried to and from work, the use of public transport is therefore impossible for some. Staff are however encouraged to share lifts and use public transport if possible.
- Staff have been able to access the Cycle to Work Scheme to purchase cycles and cycle equipment to encourage them to cycle to work and exercise more frequently.
- A third cycle store will be built in 2010 to house College (post 16) student cycles
- College students are not able to bring cars onto the school site. In exceptional circumstances parking for students is limited and controlled by permits, available to those with difficulties in walking or cycling or with unusual difficulties associated with public transport routes available to them between home and college.
- The school is working with Sustrans and other cycling initiatives to promote cycling whenever possible. For example the Virtual Bike Race and the Bike It Scheme. This includes a safe approach to cycling and cycling for exercise. We have supported Colchester Borough Council initiatives to encourage cycling including the Tour Series Pro Bike Race.
- Parents are told before they join the school and on a regular basis throughout their time associated with the school, that they are not allowed to drive students onto the school site. We ask them to encourage walking and cycling and the use of public transport, as the greater majority of our students live within comfortable walking/cycling distance. Lockers are available for storage of cycling equipment.
- The school is pleased to see parking restriction measures imposed in the roads leading to the school. This has helped to discourage parents from creating congestion in ands around the school.
- We work with the Police and other Safety agencies to endorse messages to students with regard to safe travel.



- Colleagues are being trained to deliver Cycling Proficiency courses to the wider student community as part of our involvement in the Colchester Cycling Town Project.
- Cycling in the curriculum – The Bike Ability Scheme has been included in the curriculum.
- The school has already achieved the Eco Schools Silver Award which includes sustainable transport links to school.
- We are investigating with all stakeholders the refurbishment of local footpaths and cycle paths. We would like to see local footpaths upgraded to encourage more people to walk and cycle to school, and to provide continuous safe routes across the school campus in the south of Colchester.
- A recent audit has taken place with all of our stakeholders and we envisage completing our travel plan by the end of March 2010.





Application No: 100223

Location: Grassed Area of Land North of Norman Way and east of Reynolds Avenue and Landseer Road, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: David Whybrow

EXPIRY DATE: 29/03/2010 OTHER

Site: Norman Way And East of, Reynolds Avenue &, Landseer Road

Application No: 100223

Date Received: 1 February 2010

Agent: Purcell Miller Tritton & Partners

Applicant: Philip Morant School And Sixth Form College

Development: New access road to service The Philip Morant School.

Ward: Prettygate

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

- 1.1 This full application for a new access road to Philip Morant School is an alternative proposal to that considered under the previous item. It proposes a route to the east of the former line and utilises land currently a vacant part of the allotment gardens and largely clear of the allocated open space/greenlink area. The allotment land is enclosed by chain link fencing and is part hedged on its western side. It also includes a plantation of young trees in its northern part.
- 1.2 It has again attracted a large number of letters of representation.
- 1.3 As from last summer the school is part of the School's Re-organisation Programme which is conditional upon a new access road being provided.

2.0 Site Description

- 2.1 The intended purpose of the new road is to provide access into the School for staff and visitors' cars, delivery and emergency vehicles. It is not intended to be used for the dropping off and collection of pupils nor for cyclists to access the School. Gates will be provided for safety and security purposes and it is not intended that the road will be open outside of school hours.
- 2.2 The proposed route is designed to intrude less into the public open space, to utilise land that is not currently accessible to the general public and can in part be screened by the existing hedgerow, screening the road from the houses to the west.

2.3 The application is accompanied by a Design and Access Statement, Arboricultural Impact Assessment, Phase 1 Habitat Survey and Transport Assessment, all of which may be viewed on the Council's website. Key features of the scheme are:-

1. Cycle paths are to be enhanced by increasing their width and re-routing of the SUSTRANS route allows a new dropped kerb to be placed between the end of Norman Way and the path, allowing cyclists direct access.
2. The new road will remove traffic from existing residential streets where visibility at junctions is sub-standard.
3. The new layout is designed to encourage lower vehicle speeds and cyclists and pedestrians are segregated from vehicular traffic.
4. The landscaping details submitted with the application fall outside the scope of the application and must be treated as illustrative only. However, the development of the site will bring an opportunity for best practice tree and woodland management of the retained trees and also wildlife habitat creation. This land would be passed to a charitable trust for maintenance purposes.

2.4 For Members' information, steps are already being taken to de-classify the allotment land and provide equivalent alternative provision in the locality.

3.0 Land Use Allocation

3.1 Open Space
Green link
Public Footpaths 204 & 206

4.0 Relevant Planning History

4.1 The land, subject of this application, has no specific planning history but the background history to the new road proposals are set out in the previous report.

5.0 Principal Policies

5.1 Adopted Review Borough Local Plan
DC1 - General Development Control criteria
UEA14 - Greenlinks
L3 - Protection of existing public open space
L14 - Protecting public rights of way
P1 - Pollution

5.2 Adopted Core Strategy
SD2 - Delivering facilities and infrastructure
UR2 - Built design and character
PR1 - Open Spaces
TA1 - Accessibility and changing travel behaviour
TA2 - Walking and cycling
ENV1 - Environment

6.0 Consultations

- 6.1 Environmental Control recommend conditions to be attached to any consent granted, relating to site boundary noise levels and light pollution.
- 6.2 The Trees and Landscape Officer is satisfied with the landscape content of the proposal subject to minor amendments to the scheme. The Tree Protection Officer also has no objection.
- 6.3 As in the previous case the Highway Authority support the proposal for a new access road in general. Their detailed comments and recommendation will be available before the Meeting.
- 6.4 The Archaeological Officer requests an archaeological watching brief condition.
- 6.5 Transport Policy Team confirm that relevant Policy TA1 seeks to change travel behaviour by requiring major developments, employers and institutions to develop travel plans to promote sustainable travel behaviour and resist developments that promote unsustainable travel. In this case, their detailed requirements are for:-
1. The applicant's commitment to promotion of cycling and the travel plan.
 2. The route should not be a dropping off/pick up point for students.
 3. The pedestrian/cycle entrance on Rembrandt Way should be retained and cyclists also allowed to enter the south-east gate to the School.
 4. The road to incorporate physical features to reinforce 20 mph speed limit.
 5. Improved pedestrian crossing facilities at Norman Way entrance to road and at the north end of the road to maintain desire line of footpaths.
 6. Confirmation of a significant increase in cycle parking as referred to in the application.

7.0 Representations

- 7.1 22 letters of objection have been received, raising the following objections:- (representations may be viewed in full on the Council's website)
1. Parents dropping off children will be drawn to the closest point to the main entrance, i.e. Landseer Road, adding unacceptably to an existing problem of over-congestion. The School requires at least 2 exit/entry gates for pedestrians.
 2. The closure of the main entrance will lead to the spreading of problems of anti-social behaviour and disturbance already associated with congregations of school children. Access routes should divert school children away from footpaths close to dwellings.
 3. The land should remain as open space and the allotment area be retained as a nature reserve. The open space should not be considered surplus to requirements.
 4. Detrimental impact on both visual amenity currently enjoyed by many residents and intended right of access for recreational purposes.
 5. The road will bring unwarranted noise and disturbance and will generate more traffic in Norman Way, causing congestion, pollution and amenity problems due to inconsiderate parking. It is too close to the bungalows facing the Green.

6. The Council should be encouraging people to exercise more and walk and cycle to work. Allotments especially encourage a healthy life-style and should not be lost.
7. People need open space for playing, walking, sitting and relaxing in a safe, quiet environment.
8. I would not object if I was satisfied that the School had carefully thought through the impact of the proposal on current cycling/pedestrian routes. Local routes are very well used.
9. 20 mph traffic orders should be considered on surrounding estate roads.
10. Vandal proof shelters for children should be provided at dropping off/collection points for use during inclement and cold weather.
11. The scheme overlooks any need for drainage/lighting.
12. The need for this road has not been proven and there is no justification for development of open space/recreational land which contravenes Government policy in respect of sport and recreation. The proposal cannot be considered in isolation from the wider sports field and link footpath situation.
13. Who will man and manage the gates at the access?
14. The main traffic problems arising from the School use are parents' cars and they will cause a tail-back in traffic along Norman Way. Delivery lorries generally visit the School early before pupils arrive.

7.2 Colchester Cycling Campaign urges rejection of the application unless the applicants offer:

- A straight and direct cycle route to connect the 2 stubs of Norman Way or reservation of the existing path to allow for this to be built in the future.
- A high quality crossing facility to preserve the current foot/cycle path between Landseer Road and Irvine Road.
- To contribute to the costs of a 20 mph order covering the Prettygate Estate.
- A ban on sixth formers using their cars to travel to school.

7.3 Comments by Painters Corner Residents' Association (PCRA):-

PCRA supports this proposal because:

- this route has a less adverse effect on public open space than the original route;
- it leaves the Green as open space and a safe route to school for pupils walking and cycling to school;
- it is safer than the original route in the way it separates vehicles and pedestrians/cyclists;
- where it crosses the footway/cycleway at the corner of Irvine Road Field it has a properly designed pedestrian and cyclist crossing;
- the access is intended for staff cars, coaches and delivery, construction and emergency vehicles, relieving residential streets of some of this traffic;
- its sinuous alignment provides a traffic calming effect and hence safety benefits;
- the access will be a private road and will be gated at both ends;
- the existing school entrance in Rembrandt Way will be closed to vehicular and pedestrian traffic;
- Philip Morant School will provide land to be used as open space to replace that lost to the road.

Note: PCRA does not support the new entrance for cyclists and pedestrians alongside the electricity substation at the front of the school on the grounds of pedestrian/cyclist congestion in the narrow space outside the proposed entrance and the potential for damage being caused to adjacent residents' property; a number of residents object to this item so it needs to be changed."

7.4 2 further letters of support have been received. It is noted that the proposal would secure a space for the use of the community and also a safe route to school for Philip Morant pupils and children from other schools. The remaining land should be classed as a public green in perpetuity.

7.5 A further letter has been received acknowledging that the School is a leader in green travel with a large proportion of pupil access by foot and bicycle. It suggests this work be taken further in providing a decent footpath and cycle network with good width, surfacing and forward visibility. Absolute priority should be given to those on bike and foot.

8.0 Report

8.1 The background to this application is set out comprehensively in the previous report. Similar considerations apply in this case although there are marked advantages to this scheme in terms of:-

1. Minimal impact on the open space area. Indeed, the proposal will allow more carefully landscaped areas to be created with wildlife habitat benefits.
2. Segregation of traffic and pedestrian/cycle routes and a road alignment that actively restricts traffic speeds as a safety feature.
3. Increased separation from residential property and additional safeguards to protect residents from noise and light pollution.

8.2 The established green travel credentials of the School are noted in several of the letters received, however, requests for further pedestrian/cycle route improvements, particularly relating to the permissive path linking the 2 ends of Norman Way, are beyond the scope of this application. That said, the Highway Authority will be considering the matter with a view to optimising the opportunities to encourage and prioritise non-car travel in line with adopted policies and it is anticipated that the applicants will be responding to their requirements and those of the Transport Policy Team before the Meeting.

9.0 Summary

9.1 This scheme, involving a new means of access to the School, remains a contentious issue for many local people, but Members will recognise that it has garnered broad support from all the main consultees. It is undoubtedly a better alternative to the existing extant permission as described above.

9.2 It is recommended that a carefully conditioned planning approval allied with the School's rigorously promoted green travel plan is appropriate here.

10.0 Background Papers

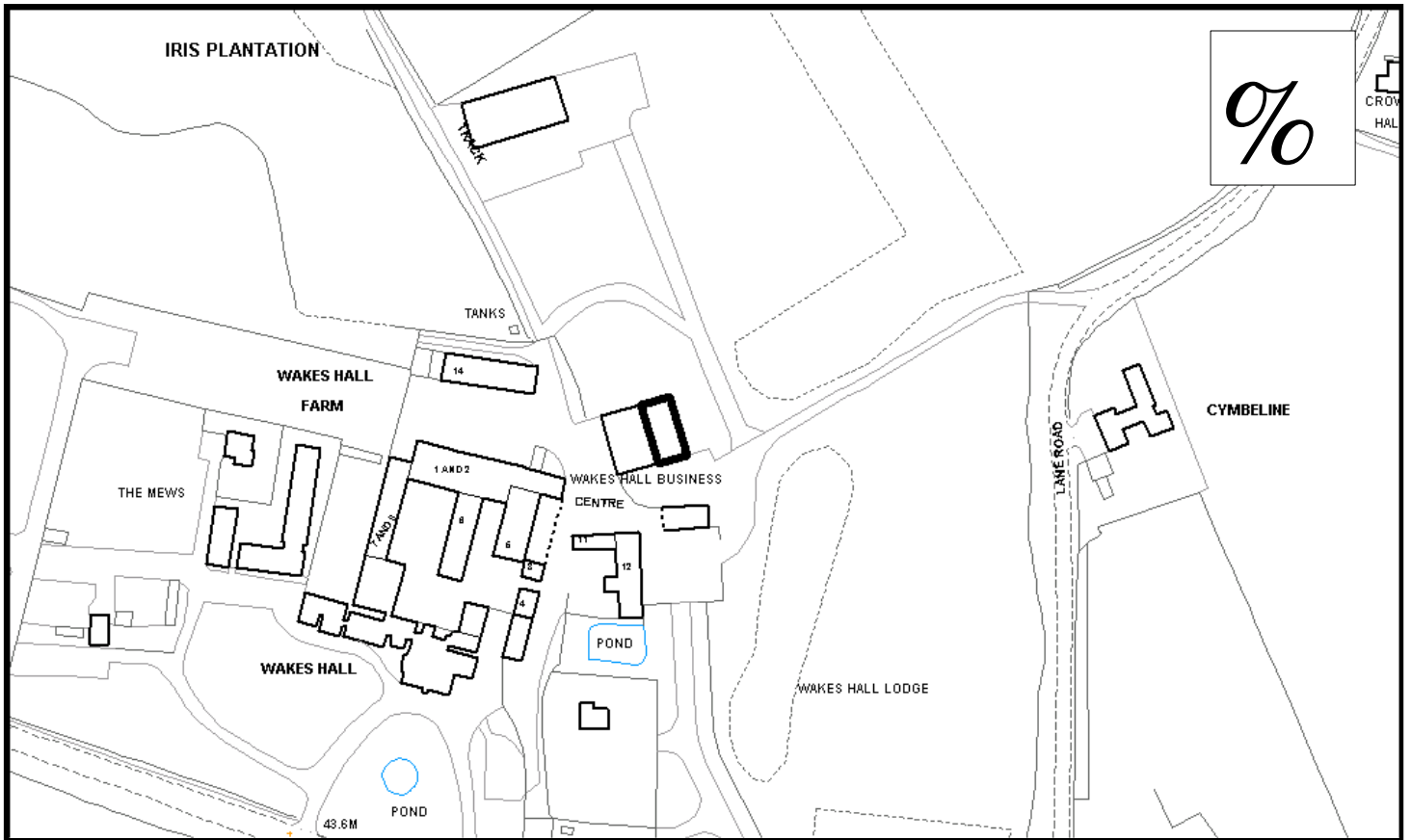
10.1 ARC; ACS; HA; HH; NLR; AT; OTH; TL

Recommendation - Conditional Approval

Conditions

A full schedule of conditions will be provided before the Meeting and included on the Amendment Sheet. Matters to be covered will include:-

1. Landscaping and tree/hedgerow protection.
2. Noise/lighting.
3. Archaeology.
4. Surface treatments.
5. Traffic management and calming measures.
6. Highway Authority's requirements.
7. Maintenance of public rights of way.



Application No: 100171

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

Scale (approx): 1:1250

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7.3 Case Officer: Jane Seeley

EXPIRY DATE: 31/03/2010

OTHER

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

Application No: 100171

Date Received: 3 February 2010

Agent: The Johnson Dennehy Partnership

Applicant: The Owner And/Or Occupier

Development: Change of use of redundant agricultural building to Use Class B1 (light industrial)- Unit 16

Ward: Great Tey

Summary of Recommendation: Conditional Approval subject to receipt of satisfactory responses from outstanding consultees

1.0 Site Description

1.1 The application site lies just off the A1124, between the settlements of Chappel/Wakes Colne and Earls Colne. It is within an area designated by the Local Plan as Countryside Conservation Area. Planning permission was granted in 2003 for the conversion of a range of former agricultural buildings to B1 business use. At that time existing access on to the A1124 was created. In 2007 a further planning permission was granted to 2 agricultural buildings for B1 use.

1.2 This application is for the one remaining unit. This unit was originally included in the 2007 application but was withdrawn because the building, an open Dutch barn type structure was not considered suitable for reuse. Since that time the building has been renovated and is now of substantial construction and capable of being utilised for the intended purpose.

1.3 To the east of the site is open countryside and agricultural access tracks. Woodland planting has been undertaken and additional landscaping is proposed. Extra parking spaces are proposed adjacent to the agricultural access.

2.0 Land Use Allocation

2.1 Countryside Conservation Area
Wakes Hall is Grade II listed

3.0 Relevant Planning History

3.1 C/COL/99/1401 - change of use of former cow shed to B1/B8 use (business/storage/distribution). Refused

- 3.2 C/COL/02/0298 - change of use of redundant agricultural buildings to B1 light industrial use. Application withdrawn
- 3.3 C/COL/03/0418 Change of Use of Redundant Agricultural Buildings to B1 Light Industrial Use. Re-submission of C/COL/02/0928 – Approved
- 3.4 072505 – Change of Use of 2 redundant agricultural units to B1 Light Industrial - Approved
- 3.5 081260 Change of Use from Class B1 to Class D1 of Unit 14c and reinstatement of Class B1 and D1 of Unit 11 - Approved

4.0 Principal Policies

- 4.1 Adopted Review Borough Local Plan
 - DC1- Development Control Considerations
 - CO2 - Countryside Conservation Areas
 - CO3 - Landscape Features
 - CO10 - Agricultural diversification
 - UEA6 - Listed Barns
 - EMP4 - Employment Uses in the Countryside
 - T3 - Green Commuter Plans
 - T10 - Car Parking
 - P1 – Pollution (General)
 - P2 – Light Pollution
- 4.2 Core Strategy
 - ENV 1 - Environment
 - ENV2 – Rural Communities

5.0 Consultations

- 5.1 Landscape Officer: Comments awaited
- 5.2 Highway Authority: Comments awaited
- 5.3 Environmental Control: Comments awaited
- 5.4 Social and Economic Regeneration: Comments awaited

6.0 Parish Council's Views

- 6.1 Comments awaited

7.0 Representations

- 7.1 1 on line objection received:
 - strongly object;
 - volume of traffic along Colchester Road is astronomical; additional heavy traffic is not undesirable, properties close to the road suffer from vibration;
 - lorries sometimes mount the pavement to pass one another;

- road is not suitable for heavy traffic it was down graded some years ago;
- there have been accidents, including a fatality in the vicinity;
- this type of distribution use should be on motorways that can handle the traffic.

8.0 Report

8.1 Government Guidance in PPS4 and Policies in the Local Plan and Core Strategy support the reuse of former agricultural buildings for business uses. The building, the subject of this application, is the last such structure on this site; the other buildings having been converted for alternative uses since the original planning permission in 2003. When this building was originally proposed for reuse in 2007, it was not considered to be of suitable condition for conversion. Following renovation works the applicants have successfully circumvented the planning system as the building is now of a standard that its reuse can be supported.

8.2 Parking spaces are proposed to the east of the buildings. These were also resisted in 2007 because of the spread of the development into the open countryside. Woodland planting has been undertaken to the east of the buildings but allowing for the continued use of 2 farm tracks. In time this will provide screening of long views from the east. Proposed planting will separate and contain the business site from the surrounding agricultural land. The Landscape Officer's views are awaited but assuming he raises no concerns it is not considered that a refusal of permission can be justified.

8.3 Highway Authority comments are awaited, however, these are not anticipated to raise any objection. The objector's concerns regarding traffic along Colchester Road are noted. These would appear to be as much about the general use of the road as just the traffic associated with the site. Mention is made of the site being used for distribution, however, there are no B8 (storage and distribution) permissions for any of the units. As originally submitted the current application was for B1 and B8 use. The applicant has agreed to amend the application for B1 use only. This should prevent a distribution use which would potentially generate more HGV movements than a B1 use.

9.0 Background Papers

9.1 ARC; Core Strategy; NLR

Recommendation

Subject to the receipt of satisfactory responses from the outstanding consultees grant planning permission subject to the following conditions:

Conditions

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

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

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

2 - Non-Standard Condition

The premises shall be used for B1 (Light Industrial) purposes only as defined in the Use Class Order] and for no other purpose (including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

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

3 - Non-Standard Condition

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

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

4 - B1.2 Sound Insulation: Any Building

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

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

5 - Non-Standard Condition

The use hereby approved shall not be carried out anywhere on the site except within Unit 16 indicated on the approved plans.

Reason: To comply with the initial noise condition and in the interest of rural amenity.

6 - Non-Standard Condition

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

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

7 -A5.1 Industrial Uses

No machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times 0700 hours to 1800 hours Mondays to Fridays and 0700 hours to 1300 hours on Saturdays, nor at any time on Sundays or Public Holidays.

Reason: In the interest of local residential amenity.

8 - 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.

9 - B8.11 Groundwater Protection

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

Reason: To protect the groundwater quality in the area.

10 - B9.1 Refuse Bins

Prior to the development hereby approved being brought into use, refuse storage facilities shall be provided in a visually satisfactory manner and in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained to serve the development.

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

11 - Non-Standard Condition

No extraction equipment shall be provided except in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of rural amenity.

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

The bicycle parking facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the use hereby approved before that use becomes operational. These facilities shall thereafter be retained as such.

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

13 - Non-Standard Condition

Prior to the first use of the development hereby permitted, the parking spaces and the turning space shown on the approved plans, enabling vehicles to enter and leave the highway in forward gear, shall be constructed, surfaced and made available for use and shall be retained thereafter for that sole purpose.

Reason: In the interest of highway safety.

14 - Non-Standard Condition

The Travel Plan for the premises shall be implemented in full accordance with the details submitted with and forming part of this planning permission.

Reason: To reduce dependence on the motor car as a means of travel.

15 - A4.12 No Open Storage

There shall be no outdoor storage of any materials goods equipment plant machinery or vehicles of any description on any part of the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

16 - A7.9 Rem of Perm Dev Rights Rel Extends/Alt Ind Pr

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no extensions or alterations shall be carried out (other than those expressly authorised by this or any other express permission) on any part of the site, whether externally or internally, without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

17 - Non-Standard Condition

All means of vehicular access to and egress from the site for all purposes associated with the B1 use hereby permitted shall be via the access route off the A1124 shown on the approved drawing, and by no other route. The existing farm track from the site onto Lane Road shall be closed off by means of a gate, as shown on the approved drawing, and this track shall be for the use of agricultural vehicles only.

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

18 - 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.

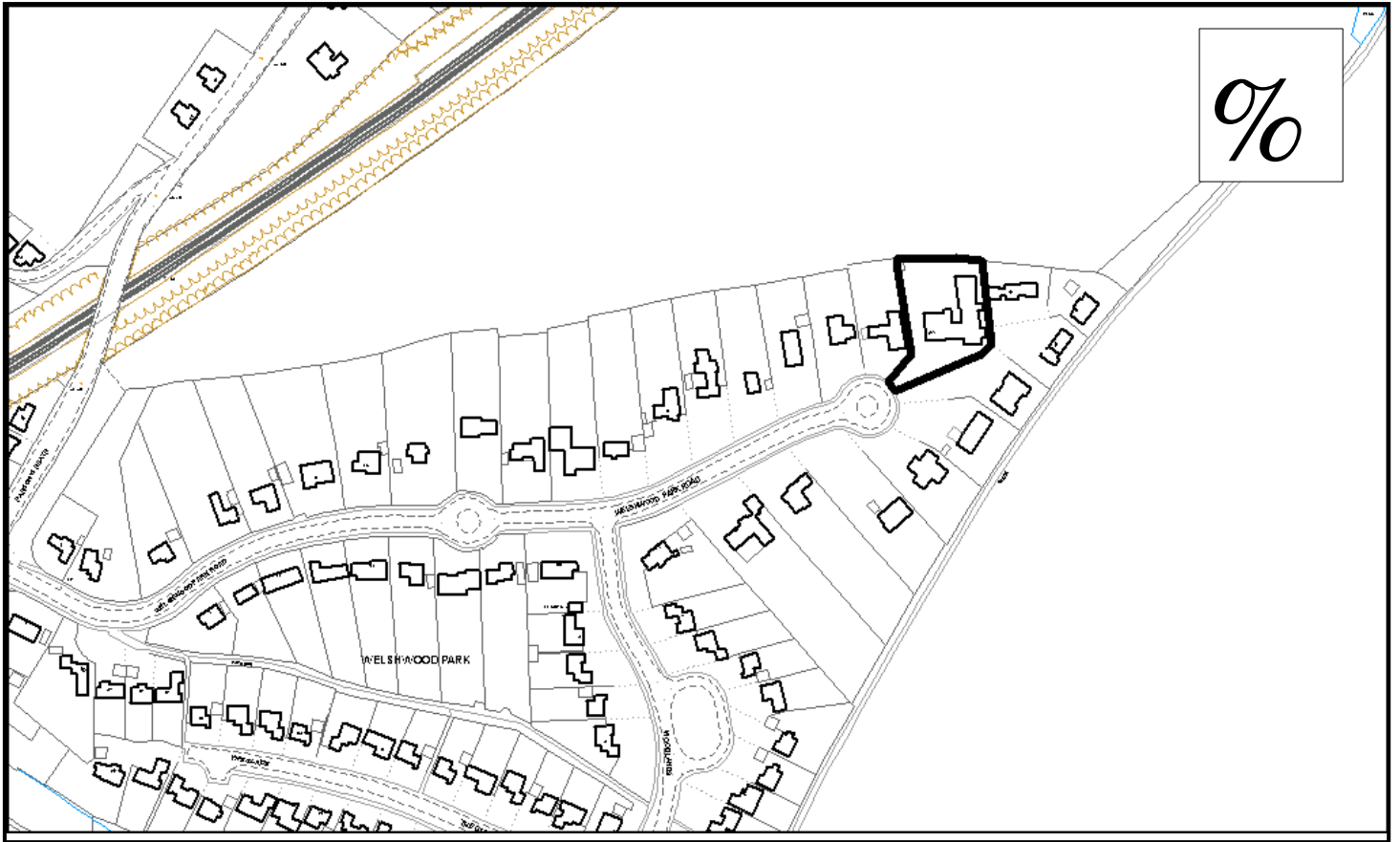
Reason: To ensure an appropriate visual amenity in the local area.

19 - Non-Standard Condition

Any further conditions as may be recommend by the outstanding consultees

Informatives

With regard to condition no. 4 above, a competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.



Application No: 100097

Location: Welshwood Manor, 37 Welshwood Park Road, Colchester, CO4 3HZ

Scale (approx): 1:1250

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7.4 Case Officer: Simon Osborn

EXPIRY DATE: 24/03/2010

OTHER

Site: 37 Welshwood Park Road, Colchester, CO4 3HZ

Application No: 100097

Date Received: 27 January 2010

Agent: Richard Johnson Chartered Architect Ltd

Applicant: Davard Care Homes Ltd

Development: Proposed two storey side extension forming a new kitchen with ancillary storage with a single bedroom with en-suite facility over. Existing kitchen converted into a dining area. Existing external food storage shed to be removed.

Ward: St Johns

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 The application was called in by Councillor Ray Gamble on the grounds of overdevelopment and adverse impact upon the area of special character.

2.0 Site Description

2.1 Welshwood Manor is a registered residential care home for the elderly that is registered to care for 34 residents. The building has been extensively extended in the past and is mainly 2-storey with a third storey mansard area to the front. The site is within a residential area of particular character marked by spacious detached buildings within a setting which retains many mature trees.

3.0 Description of Proposal

3.1 The proposal is for an extension at the side of the property, part 2-storey and part single storey to provide a kitchen and store on the ground floor and a new bedroom at first floor. The existing kitchen on the ground floor will be converted into a dining area. The proposed new bedroom will allow the last remaining double bedroom to be split into two singles. Two additional parking spaces are proposed to the front of the building.

4.0 Land Use Allocation

4.1 Predominantly residential area
Area of Special Character Area
Tree Preservation Order 17a/97

5.0 Relevant Planning History

- 5.1 86/1489 alterations and change of use to private residential retirement home approved 1986
- 5.2 87/0868 rear extension, lift and staircase, approved 1987
- 5.3 87/1530 2 storey rear extension for 8 additional rooms, refused 1987
- 5.4 88/0690 single storey rear extension for 4 additional bedrooms, approved 1989
- 5.5 89/2116 car port approved 1990
- 5.6 94/0201 front extension for laundry and lobby, rear conservatory, approved 1994
- 5.7 99/0013 rear conservatory, approved 1999
- 5.8 F/COL/00/0183 first floor extension for additional bedroom, approved 2000
- 5.9 F/COL/00/0943 first floor extension for additional bedroom, approved 2000
- 5.10 F/COL/01/1748 first floor bathroom approved 2002
- 5.11 F/COL/03/0872 ground floor extension to create 2 bedrooms, refused 2003
- 5.12 F/COL/03/1590 first floor 2 additional bedrooms, approved 2003
- 5.13 F/COL/05/1187 renewal of 00/0943, approved 2005
- 5.14 F/COL/06/1150 replacement of first floor window approved 2006
- 5.15 F/COL/07/0285 variation of condition 2 of F/COL/06/1150 to allow clear glazing, approved 2007
- 5.16 090254 2 storey rear extension, approved 2009.

6.0 Principal Policies

- 6.1 Local Development Framework
Core Strategy:
SD1 - Sustainable Development Locations
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
- 6.2 Adopted Review Colchester Local Plan 2004 saved policies:
DC1- Development Control considerations
CO4 - Trees
UEA11 - Design
UEA 12 - Backland development
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
UEA21- Areas of special Character

7.0 Consultations

- 7.1 Highway Authority – no comments received.
- 7.2 Environmental Control – recommend demolition and construction informative.
- 7.3 Arboricultural Officer – Agreement with the recommendations within the arboricultural report subject to a full schedule of implementation and monitoring. Recommend approval subject to conditions.

8.0 Representations

- 8.1 Objections were received from the Welshwood Park residents association and No.35 Welshwood Park Road on the grounds of overdevelopment of the site and loss of light to the residents of No. 35, particularly to the side windows and kitchen.

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

9.0 Report

- 9.1 Policy UEA21 of the Local Plan states that all those spaces around buildings, trees, etc which create the area's character will be protected. Development that will lead to loss of character will be refused.
- 9.2 The proposed extension will not lead to the loss of any mature trees and the Council's Arboricultural Officer does not object to the proposal subject to conditions and a full schedule of monitoring.
- 9.3 The proposed extension is 4.2m wide; the current gap between the residential home and the boundary is 7.8m, leaving a gap to the boundary of 3.6m. Within the rear garden of the residential home are a number of mature trees. Standing within the road immediately to the front of the proposed extension, the views of these trees will be lost. However, when approached along the length of Welshwood Park Road from Parsons Heath the tops of these trees will still be visible.
- 9.4 The residential home has been significantly extended in the past and the proposal will erode the sense of spaciousness on this side of the property. Nonetheless a gap of 3.6m has been retained and, on balance, it is considered that the proposal will not be significantly detrimental to the special character and setting of this area.
- 9.5 Policy UEA13 of the Local Plan seeks to protect against the unreasonable loss of daylight and sunlight to neighbouring properties. No. 35 is a bungalow with a number of side facing windows. These include two larger windows within the rear portion of that property and three minor windows nearer to the front. These latter three face the proposed two storey extension, whereas the larger windows face the single storey element of the proposal. The concerns of the neighbour are recognised; nonetheless, the impact is not considered to be sufficiently detrimental to warrant refusal.

10.0 Conclusion

10.1 This property has been significantly extended in the past as the planning history illustrates. The proposed side extension will reduce the sense of spaciousness between Nos 35 and 37 Welshwood Park Road, but does still retain a gap of 3.6m to the boundary. The proposal is on balance recommended for approval. The Case Officer recommends that Members visit the site before making their decision.

11.0 Background Papers

11.1 ARC; Core Strategy; HA; HH; TL; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - C3.5 Materials to Match Existing

The external materials and finishes to be used for the approved development, shall be of the same type and colour as those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

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

3 - Non-Standard Condition

No side facing windows shall be constructed above ground floor level within the side (west) facing elevation of the extension hereby permitted without express permission from the Local Planning Authority.

Reason: To protect neighbour amenity primarily from overlooking and subsequent loss of privacy.

4 - Non-Standard Condition

The first floor bedroom hereby permitted shall only be occupied as a single bedroom and on the basis that the last remaining double bedroom shall also be occupied as a single bedroom.

Reason: In accordance with the application submission and to prevent overdevelopment.

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

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

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

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

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

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

7 -C10.18 Tree and Hedgerow Protection: General

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

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

8 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, a full schedule of implementation and monitoring of the protected trees by a professional arboricultural consultant before and during construction works shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure adequate protection for the trees.

9 - Non-Standard Condition

The construction of the proposed extension shall take place solely in accordance with the terms of the Methodology Statement received on 27th January 2010 which forms part of this permission, and no other works shall take place that would affect the trees unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate protection for the trees.

10 - Non-Standard Condition

Prior to the first use of the new store room hereby permitted, the existing food store shall be demolished and the materials resulting therefrom shall be completely removed from the site.

Reason: To retain the sense of spaciousness between the side of the building and the boundary fence.

Informatives

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

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



Application No: 090705

Location: Garden to Rear of 69 Smythies Avenue, Colchester, CO1 2US

Scale (approx): 1:1250

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7.5 Case Officer: Mark Russell

EXPIRY DATE: 21/07/2009

MINOR

Site: 69 Smythies Avenue, Colchester, CO1 2US

Application No: 090705

Date Received: 26 May 2009

Agent: K C Smith Ltd

Applicant: H M Lingard

Development: Proposed new dwelling

Ward: Castle

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Site Description

1.1 The site comprises part of the former rear garden of 69 Smythies Avenue and actually addresses Rosebery Avenue. The pattern of development is almost uniformly 1930s, and mostly semi-detached, with a few detached dwellings and a small amount of modern backland development in the vicinity of the site.

2.0 Description of Proposal

2.1 The proposal is to erect a two-bedroom detached dwelling in the same style as those around it with a hipped roof, gabled section to the front, and detailing to mimic other dwellings in the vicinity. Two parking spaces and a small rear garden, with a further overlooked front garden are proposed.

3.0 Land Use Allocation

3.1 Residential

4.0 Relevant Planning History

4.1 No relevant planning history

5.0 Principal Policies

- 5.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations;
UEA1 – Character of Conservation Areas;
UEA2 – Buildings in Conservation Areas;
UEA11 – Design;
UEA12 – Backland Development;
UEA13 – Development Adjoining Existing Properties;
P1 – Pollution
- 5.2 Core Strategy:
SD1 – Sustainable Development Locations;
UR2 – Built Design and Character;
- 5.3 Essex Design Guide
SPD – Backland and Infill

6.0 Consultations

- 6.1 Environmental Control requested a standard Demolition and Construction advisory note.
- 6.2 The Highway Authority has raised no objections but asked for conditions relating to vision splays, inward opening gates, no unbound materials, and a shallow gradient.
- 6.3 Museum Resources has given no recommendation.

7.0 Representations

- 7.1 Eighteen letters of objection were received, mainly from nearby properties, at the time of initial consultation. Interested parties were then re-notified in December 2009 about the amended scheme (details below), and most objectors repeated their concerns. The broad thrust of these is as follows:
 - 1. The development would not respect the building line;
 - 2. Overdevelopment;
 - 3. Design is out of keeping (no bays, no arched windows);
 - 4. Loss of light to neighbouring dwellings;
 - 5. Loss of privacy to neighbouring dwellings;
 - 6. Loss of outlook to neighbouring dwellings;
 - 7. Access arrangements whilst works are carried out;
 - 8. More carriageway parking;
 - 9. Inadequate amenity space;
 - 10. Too much development in the area generally;
 - 11. Lost views of St. James' Church and the town;
 - 12. Precedent for other, nearby, plots of land – particularly opposite;
 - 13. DAS is misleading – states amongst other things that the building is sympathetic with the area;
 - 14. Buyer of 69 Smythies understood that no building would be carried out which would lead to loss of sunlight;

15. The loss of a green space;
16. Problems of sewerage and water disposal;
17. The house could end up on the rental market;

8.0 Report

- 8.1 The site in question is zoned as residential, thus infill or backland development is acceptable in principle, provided other matters can be satisfactorily resolved.
- 8.2 The design of the proposed house has been amended with the addition of window arches and a front bay. This mimics the houses around it, and together with an appropriate choice of materials this is held to be sympathetic with its surroundings.
- 8.3 The chief difficulty with this proposal lies with the positioning of the proposed dwelling. The proposal struggles to respect the prevailing building line of Rosebery Avenue whilst at the same time not overshadowing the dwellings and gardens behind it.
- 8.4 The applicants have developed the scheme at a minimum of 2.7 metres from the rear boundary, this being due to the presence of a three metre easement to a sewer which runs along to the rear of the property. This brings the proposed property out to 0.9 metres (the two storey element) or 1.5 (the ground floor element at the bay window section) proud of the established building line of 52-58 Rosebery Avenue, incorporating 69 Smythies Avenue.
- 8.5 In so doing, whilst an established building line is breached the extent of this is not excessive.
- 8.6 The effect on neighbouring properties needs to be carefully considered. There are no issues of lost privacy either to the dwelling behind (nor to those either side), as only obscured (bathroom) windows would face out on to the rear garden. The distance to the dwellings opposite would be about 22 metres, which is less than the recommended 25 metres in the Essex Design Guide, but this does comply with the distance between other nearby dwellings.
- 8.7 The presence of the building, whilst not overbearing as it would be set with a hipped roof nearly three metres from the boundary, would be obvious and it cannot be denied that the outlook from number 67 would be altered, although it is not held to be overbearing.
- 8.8 The main issue to consider appears to be that relating to possible overshadowing. It is not disputed that there would be some overshadowing to the curtilage of 67 Smythies Avenue. Our aerial photographs from the summer of 2004 show an area of shadow extending five metres into the rear gardens of 52-58 Rosebery Avenue, this shadow is cast by the houses themselves. The proposed edge of the dwelling, at approximately 2.7 metres further south-east when compared with nos 52-58 would, therefore, cast a shadow in the region of 2.3 metres, approximately one-third of the width, across the garden of 67 Smythies Avenue.
- 8.9 There would be a loss of some morning (north-eastern) light to number 58 Rosebery Avenue, but this would be similar to that which occurs between 56 and 54, and 52 and 50, and indeed any of the groups of semi-detached houses on this north-east/south-west axis.

- 8.10 Also overshadowed to some extent would be the host dwelling 69 Smythies Avenue which would lose some evening light. At the time of the submission of the application this dwelling was shown as being in the applicants' ownership with the inference that any possible overshadowing or other loss of amenity was with the owner's full knowledge and blessing.
- 8.11 The host dwelling has, however, subsequently been sold to a third party, and this party has objected, stating: "The transaction was carried out on the strictest understanding....that any development carried out would not in any way block or impede the sunny south aspect of my garden and I am most concerned this amendment will do so.....rendering my beloved south facing garden in almost permanent shade."
- 8.12 In terms of guidance, the section "Daylight and Sunlight" in the Essex Design Guide offers guidance on distances front to front across streets and states at point (a) that a "two metres plus twenty five degrees" separation (i.e. about ten metres in total) is desirable.
- 8.13 In this instance, the scenario is side to rear, this is covered by point (b) which states: It is not a reasonable requirement for all dwellings to have sunlit rooms. Often a view on to a sunlit external space is preferable. However a room will be sunlit if at least one main living room window faces within 90 degrees of due south and is not obstructed according to the criteria under (a) above.
- 8.14 In the case of 69 Smythies Avenue (the host dwelling) the test would be successfully met to the main living room as it only has a side (south-east) facing window, which is, but not completely, unaffected. The kitchen window would not pass the test as the proposed dwelling stands at five metres from the host dwelling and approximately 1.2 metres higher than a height which would comply with this test. On balance the proposal is therefore largely in compliance with this guidance.
- 8.15 The scheme lacks adequate amenity space in terms of our general guidance for a two bedroom house. This amounts to a courtyard garden of 30m² (as opposed to the required 50m²). There are smaller strips of about 10m², and 6m² to the sides, and a larger non-private area to the front which measures about 50m². Clearly it would have been desirable to have more of this space to the rear, and this would have complied with guidance, but this is the price of seeking to respect the building line which is held to be important in this instance.
- 8.16 The other comments are also noted - namely disruption during building, loss of views, problems of sewerage and water disposal, and a fear that the house could end up on the rental market - Members will, of course, be aware that these are not material when considering Planning applications. In terms of potential precedent, it is conceded that there is one other plot close by which might also be deemed acceptable should Members choose to approve this application.
- 8.17 Parking provision (two spaces) is adequate for such a dwelling, and the Highway Authority has not objected.

9.0 Conclusion

9.1 On balance, the proposal is held to suit its surroundings and repair the streetscene, without unduly affecting the amenity of neighbouring properties. Whilst the altered views, and partial shadowing of the host dwelling and the neighbouring garden, are noted, these are not considered to be sufficient to refuse the scheme.

10.0 Background Papers

10.1 ARC; Core Strategy; HH; HA; NLR

Recommendation

Conditional Approval subject to dating of Unilateral Undertaking to contribute to open space and community facilities.

Conditions

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

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

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

2 - C3.1 Materials (general)

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

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

3 - Non-Standard Condition

The windows marked as obscured on the approved scheme shall be of limited opening and shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

Reason: To avoid overlooking of the rear gardens of neighbouring properties on Smythies Avenue.

4 - A7.5 Rem of Perm Dev Extens Rel to Erect Buildings etc

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

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

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 - C12.2 Details of Walls or Fences

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

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

7 -Non-Standard Condition

The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with the approved plan attached for 2 cars to be parked and thereafter such space shall be retained for that purpose only.

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

8 - Non-Standard Condition

Prior to the proposed access being brought into use, a 1.5m x 1.5m pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

9 - Non-Standard Condition

No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

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

10 - Non-Standard Condition

Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 4.8m from the nearside edge of the carriageway of the existing road.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

11 - Non-Standard Condition

The gradient of the proposed vehicular access/garage drive/hardstanding shall be not steeper than 4% (1 in 25) for at least the first 6m from the highway boundary and not steeper than 8% (1 in 25) thereafter.

Reason: To ensure that vehicles using the access both enter and leave the highway in a controlled manner, in the interests of highway safety.

12 – Non Standard Condition

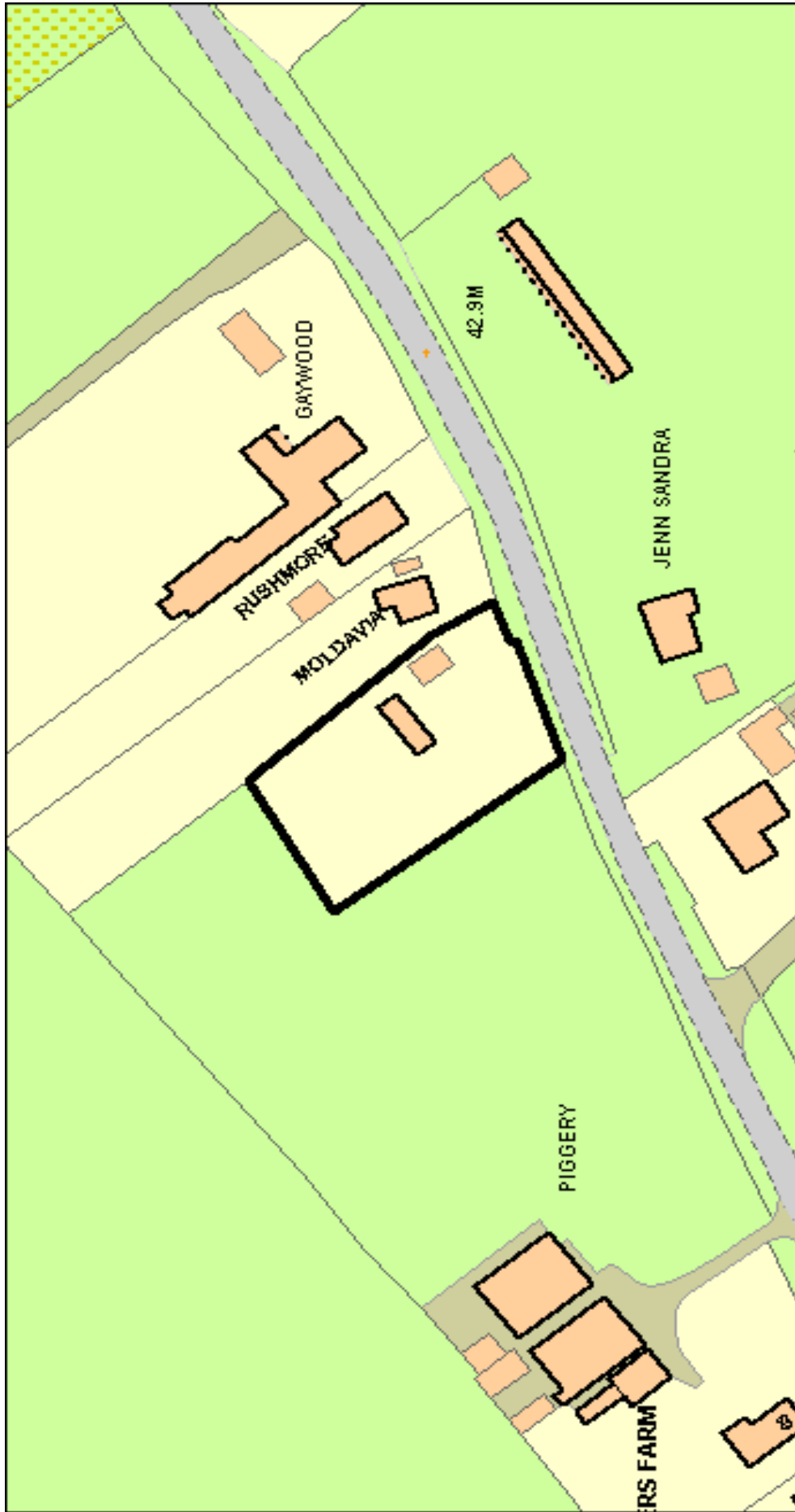
The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing nos 01b, 02b, 03b, 04 and 05 dated "March 2009" and received 3rd December 2006.

Reason: For avoidance of doubt as to the scope of this permission as the original plans were unsatisfactory in terms of design and proposed positioning.

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.

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



Site Location Plan

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Complaint Reference: 131961

Site Location Address: Stableview, Newbridge Road, Tiptree, Colchester, CO5 0HZ

Date Produced: 9 March 2010

(MAP NOT TO SCALE)

Planning Committee

Item
8

18 March 2010

Report of	Head of Environmental and Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	Stableview, Newbridge Road, Tiptree		
Wards affected	Birch and Winstree		

**This report concerns the erection of a three metre high,
automatically operated security gate**

1.0 Decision(s) Required

- 1.1 Members are requested to authorise the service of an enforcement notice requiring the removal of the gate.

2.0 Reasons for Decision(s)

- 2.1 The imposing gate appears incongruous in this part of Newbridge Road, which lies within the Tiptree and Messing Countryside Conservation Area. It is inappropriate in terms of character, scale and design.
- 2.2 Essex County Council Highways consider the gate is set too close to the highway to allow a vehicle to stand clear of the highway whilst it is being opened or closed. Therefore the gate is not in accord with the current Development Management Conditions and the Highway Authority supports enforcement action.

3.0 Alternative Options

- 3.1 If no action is taken, the gate will become lawful after four years, which would occur in approximately three years from now.

4.0 Supporting Information

- 4.1 The gate measures three metres at the highest point. It appears to be constructed from wrought iron and finished in silver, with a metal backing plate preventing any visibility into the site. It is electrically operated and slides sideways to open. The frontages in this part of Newbridge Road are generally characterised by hedging with gates of a more rural character.
- 4.2 This site has been occupied for around twelve years. Following a fire in July 2008, a planning application, reference 081776, for a replacement mobile home was submitted, which was approved in January 2009. A further application in August 2009, reference 091020, for retrospective permission for a storage building, was approved on 26 October 2009.
- 4.3 A complaint was received about this gate in May 2009 and the owner and agent were informed that planning permission was required for it approximately a month later.

- 4.4 The design and access statement (dated July 2009) which formed part of the application for the storage building acknowledged that planning permission was required for the gate. It stated that a separate application would be submitted, but this has not been received.
- 4.5 The owner has suggested that if the gate was reduced to two metres in height it would be permitted development. This view was rejected as it is considered that the gate is adjacent to the highway and therefore anything over one metre in height would require planning permission. The owner's agent has enquired whether planning permission was likely to be granted if the gate were reduced to two metres and painted a dark colour. This was considered unlikely and the agent was advised that there was likely to be a highway objection to the retention of the gate.
- 4.6 Essex County Council Highways were consulted on the acceptability of the gate and whether they would support enforcement action. Their response was that the gates were set back an average of 4.5 metres from the highway. The distance required for recessed gates from the highway to allow a vehicle to stand clear of the highway whilst the gates are being opened or closed is 6 metres in a residential location. Therefore these gates are not in accord with the current Development Management Conditions and the Highway Authority would support enforcement action. The owner's agent has advised that relocating the gate would be an expensive undertaking, however this is not a planning consideration.
- 4.7 The owner has stated that the gate was erected to provide better security following an attack made on him. It is accepted that the owner may be fearful of a second attack, but this has to be balanced against matters of wider public interest, such as highway safety and the incongruous appearance of the gates. Other measures can be taken to provide security and it is noted that there are CCTV cameras mounted at the entrance.

5.0 Proposals

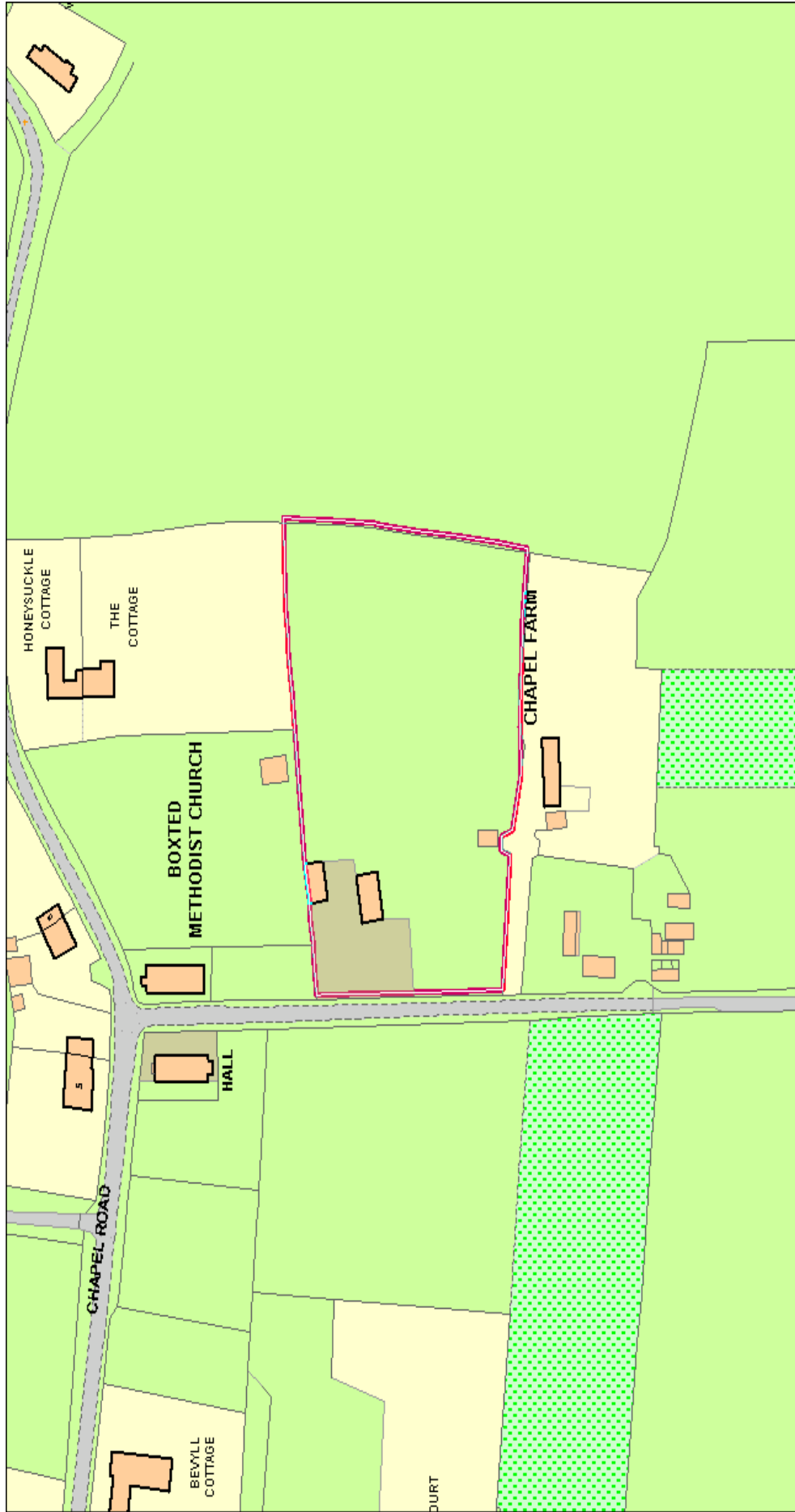
- 5.1 That enforcement action is taken requiring the removal of the gate.
- 5.2 A compliance period of six months is proposed, which would allow for a planning application for a more appropriate gate to be submitted, approved and erected if agreement can be reached.

6.0 Equality and Diversity Implications

- 6.1 The Council's Equality and Diversity impact statement can be found on the Council's website. The pathway to the EIA on the website: Council and Democracy > Policies, Strategies and Performance > Diversity and Equality > Equality Impact Assessments > Planning – Enforcement

7.0 Standard References

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



Site Location Plan

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Complaint Reference: 150470
Site Location Address: Chapel Road, Boxted, Colchester
Date Produced: 9 March 2010

(MAP NOT TO SCALE)

18 March 2010

Report of	Head of Environmental and Protective Services	Author	Dale Keeble
Title	Land off Chapel Road, Boxted, Colchester		01206 506942
Wards affected	Fordham and Stour		

This report concerns the untidy state of the above land and seeks authorisation for the service of a notice requiring this land to be tidied.

1. Decision(s) Required

- 1.1 Members will see this is the second time this report has come before them, unfortunately due to the time lapse on serving the notice, and on the advice of the Council's solicitor, it is considered necessary to issue a new notice. Members are requested to consider the information contained in this report and to authorise that a Section 215 Notice be issued to require the tidying of the land by the removal from the site all vehicle parts and tyres; household waste, white goods and building materials; all waste from arboricultural and garden works; the wooden chalet building and corrugated arc shelter.

2. Reasons for Decision(s)

- 2.1 This site is in an untidy state following unauthorised residential occupation and what appears to be the storage of used tyres. There has also been a serious fire in July 2008. Members will see from the recent photographs that the land is in a poor condition.
- 2.2 Section 215 allows the Council to serve a notice requiring land to be tidied if it is considered that the appearance of land adversely affects the amenity of the local area. It is considered that the appearance of this land does adversely affect the appearance of the area.
- 2.3 It cannot become too late for the service of an untidy site notice. However, the owners did not respond to the previous notice and it is likely that the appearance of the site will continue to deteriorate if action is not taken. Sites which are already untidy are frequently subject to fly-tipping, and this has already occurred.

3. Alternative Options

- 3.1 Members could choose not to pursue enforcement action; however, this would result in the establishment of an unacceptable use of the land in the countryside.

4. Supporting Information

- 4.1 In 1976, a temporary permission lasting for 1 year was granted for the siting of a residential caravan.

- 4.2 In 1982, the first complaints relating to this site were received when residential caravans moved onto the site. As a result, planning application COL/1211/82 was submitted and refused. The subsequent appeal was dismissed.
- 4.2 Consequently, in 1983, Enforcement Notice ENF/4/83 was served on the site for the removal of 2 caravans. This Notice was appealed and the Inspector allowed a personal permission for Mr W Brown with a restriction of 2 caravans on the site and a condition requiring their removal once Mr Brown and ceased to use the site.
- 4.3 In 1998 Mr W Brown died and the ownership of the land passed to 4 of his children, as recorded with the Land Registry in 2000.
- 4.4 According to the records no complaints were received by the Planning Department regarding this site between 1983 and 2002. However, in April 2002 a complaint was received regarding the condition of the site and the residential caravans using the site. A Planning Contravention Notice was served on the owner whose address was on record and as a result steps were taken in August 2002 to clean up the site.
- 4.5 In April 2003 a Breach of Condition Notice was served with regard to the residential caravans on site, unfortunately this was not served on all the owners and so the service was invalid.
- 4.6 Since 2004 no formal complaints have been received from residents by the Planning Investigation Department but the Investigations case had remained open and the site has been visited on a number of occasions by many Council Officers. It is known that the residents of the site have changed frequently since 2004 and the condition of the site has also varied dependant on who has been in occupation. One particular family has been in residence for the majority of the time since 2004 and the children attend school in Colchester.
- 4.7 During 2005/2006 there were discussions regarding the possibility of a planning application to develop the site. This proposal has produced mixed reactions and to date no application has been received.
- 4.8 In March 2007 the Planning Investigation Officer was informed that a police raid of the site was to take place. The opportunity was taken to accompany the police and Planning Contravention Notices and Human Rights Questionnaires were served on all occupants of the site. A Planning Contravention Notice was also served on the one owner with a known address. Responses to all these Notices were received by 8th April 2008.
- 4.9 On the 21st of January 2010 advice was sought from Council's solicitor on the way to proceed with the case. Five days later, on 26th January 2010, a site visit and it was observed that burnt debris had been moved to block the entrance to the site and there was evidence that fly tipping had also occurred in the entrance.
- 4.10 A Section 215 Notice was served back in August 2008, but has not been complied with.
- 4.11 The owners of the land were given another 28 days in which tidy the site before enforcement action is taken this expired on the 9th March 2010, it was evident from my site visit this has not been done.

5. Proposals

- 5.1 Members authorise the service of a notice under section 215 of the Town & Country Planning Act 1990. A period of two months is considered to be a sufficient period to allow the land to be tidied

6. Financial Implications

- 6.1 The right of appeal against the Section 215 Notice is to the Magistrates' Court, rather than the Planning Inspectorate, therefore, if an appeal is lodged, the cost of legal representation will be incurred.

7. Equality, Diversity and Human Rights Implications

- 7.1 In the consideration of this action, regard must be had to the impact on Human Rights, particularly, but not exclusively, to:

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

- 7.2 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. As an appropriate compliance time has been proposed, it is considered that the enforcement action proposed, is not disproportionate.
- 7.3 In respect of Article 1, it is accepted that planning law controls property in the general public interest. The exercise of the enforcement powers contained in the legislation, does not amount to deprivation, provided the action is proportionate.
- 7.4 The recommendation would have an impact on an individual's human rights, but having considered the level of impact and in the general interest of the public and in accordance with planning law, the proposed action is considered to be reasonable.

8. Standard References

- 8.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or community safety; health and safety or risk management implications.

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.