

Planning Committee

Town Hall, Colchester
11 June 2009 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

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

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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 11 June 2009 at 6:00pm

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Stephen Ford.
Councillors Andrew Ellis, Mary Blandon, Helen Chuah,
Mark Cory, John Elliott, 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. An amendment sheet is circulated at the meeting and members of the public should ask a member of staff for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

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

6. Minutes

1 - 22

To confirm as a correct record the minutes of the meeting held on 30 April, 20 May and 21 May 2009.

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. F/COL/06/1132 26 Hythe Quay, Colchester
(New Town) **23 - 36**

Refurbishment and redevelopment of the existing Victorian warehouses and the construction of a new residential block to form 24no. apartments including landscaping and riverside improvements.
2. 090371 Graylands, Peldon Road, Abberton
(Pyefleet) **37 - 42**

Replacement of existing detached bungalow with a detached one and a half storey four bedroom house previously approved under F/COL/06/0379.
3. 090385 140 Mile End Road, Colchester
(Mile End) **43 - 51**

Conversion of existing 3 bedroom house into 2no. 1 bedroom flats with parking and amenity area.
4. 090452 Calver House, 44, 46, 48 and 38 Artillery Street,
Colchester **52 - 59**
(New Town)

Construction of 3no. 3-person, 2 bedroom bungalows for physically disabled people with associated parking.
5. 090545 76 Lexden Road, Colchester
(Lexden) **60 - 66**

Part demolition and extension of existing residential care home.
6. 090552 Bures Water Tower, Chappel Road, Wakes Colne **67 - 71**

(Great Tey)

Addition of 1no.600mm transmission dish at 21.6m attached to an existing pole-mount fixed to the inner face of the parapet wall on the top of the water tower, together with the retention of 3 existing 600mm dishes with 1no.600mm dish re-sited adjacent the new dish and 2no.600mm dishes at 21.6m centres on the existing pole to the right of the top of the tower, together with associated feeder cabling. The existing pole-mount on the front of tower to be removed on completion of the re-siting works.

7. 090241 Hythe Station Road, Colchester **72 - 75**
(St Anne's)

Change of use from highway to allow open pedestrian access.

8. 090260 Hythe Station Road, Colchester **76 - 82**
(St Anne's)

Alterations and improvement works including resurfacing works, erection of shelters and benches.

9. 090366 17 Heather Close, Layer de la Haye **83 - 86**
(Birch and Winstree)

Single storey rear extension to ground floor flat.

10. 090375 4 Bargate Lane Cottages, Bargate Lane, Dedham **87 - 91**
(Dedham and Langham)

First floor side extension over existing single storey side extension.

11. 090399 Primrose Cottage, The Street, Chappel **92 - 97**
(Great Tey)

Renewal of planning permission F/COL/03/2172 for proposed new dwelling and garage.

12. 090420 7 Stour Walk, Colchester **98 - 100**
(St John's)

Conservatory.

- 8. Enforcement Action // Land to the rear of Oaktree Farm, Straight Road, Boxted 101 - 109**

See report by the Head of Environmental and Protective Services.

9. Exclusion of the Public

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

PLANNING COMMITTEE

30 APRIL 2009

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

Substitute Member:- Councillor Manning for Councillor Offen.

(* Committee members who attended the formal site visit.
Councillor Hall was present for the site visits at minute
nos. 262 and 265 only.)

261. Minutes

The minutes of the meeting held on 16 April 2009 were confirmed as a correct record.

262. 090156 Former Cavalry Barracks, Butt Road, Colchester, CO2 7TN

The Committee considered an application for a proposed change of use and conversion of existing buildings at area J2B Colchester Garrison to create 54 residential units, including two live/work units, and two commercial B1 office units, including 81 square metres of extensions. The proposed extensions involve the infilling of existing light wells, are similar in scale to the existing buildings and will be obscured from public view for the most part by the Butt Road boundary wall. The Committee had before it a report in which all information was set out.

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

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Deed of Variation to link this application to the original Section 299a agreement.

(b) Upon completion of a satisfactory Deed of Variation, the Head of Environmental and Protective Services be authorised to grant consent with conditions to cover the following matters and informatives as set out in the report:-

- Time Limit
- Development to accord with approved plans
- Recording of the buildings
- Access and highway design
- Drawings showing architectural details
- Windows to be in painted timber
- External building and surface finishes and materials
- Details of rainwater goods
- Detailed design of boundary treatments
- Hours of work / delivery

- Sound insulation
- Detail of odour / fume control
- Control of light pollution
- Contaminated land and remediation
- Good practice relating to construction work, etc.
- Drainage details
- Tree protection
- Landscape, implementation and monitoring of works
- Refuse / recycling storage
- Cycle storage facilities
- Street furniture
- Removal of permitted development rights
- Entrance gates on Butt Road to be reopened and refurbished to provide links onto Butt Road
- Provision of the pedestrian cycle link to Area J1
- Opening hours for commercial units
- Commercial units to be used as B1 use only
- Bat mitigation strategy.

263. 090150 449 Ipswich Road, Colchester

The Committee considered an application for the erection of eight residential units comprising a mix of two storey dwellings and single storey bungalows on a brownfield site designated for residential use. The two storey properties are located on the street frontage to Ipswich Road and Evergreen Drive with the bungalows behind these properties in the middle of the site. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

The proposed density is 30 dwellings per hectare, the lower end of the normal range of 30 to 50 dwellings per hectare. There were no windows overlooking existing properties. The parking provision is in accordance with the current guidelines and vehicle movements would not be too significant and should not give rise to neighbour amenity issues. Visibility splays were satisfactory.

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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Joyce Clark addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. There had been a number of proposals for the site since 2003 which had been very stressful for existing residents. She did not oppose all development of the site nor did she object to the houses fronting onto Evergreen Drive and Ipswich Road. However, the access road for the five bungalows which would involve vehicle movements to and from the properties was alongside her property. This would create noise and disturbance close to private gardens which would have a significant impact on her and detract from her enjoyment of her garden.

Andy Butcher addressed the Committee on behalf of the applicant pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This was an entirely new scheme which complied with the council's policies. There were three main objections from residents: inadequate car parking, the access road and its use. In response he stated that the thirteen parking spaces for eight dwellings met normal parking standards and the

access road from Evergreen Drive met the Highways Authority standards and requirements. He acknowledged residents concerns regarding the use of the access road, parking and driveways but commented that this was a fairly small development and there was planting around the site. The bungalows were suitable for elderly people and the level of nuisance would be reasonably limited.

Councillor Smith attended and, with the consent of the Chairman, addressed the Committee. He referred to two previous schemes both of which had been recommended for approval; both had been rejected and the Planning Inspector had upheld those decisions. The reasons for rejection of this application are the amenity of neighbours and difficulties of the access. The residents are not opposed to all development on the site but it must be appropriate and he considered this proposal was not. The objection was to the five bungalows to be built on what was effectively a large back garden on the grounds that it would be over development of the site. There were only five parking spaces and two visitor spaces for the five bungalows. This area is in the second least deprived area in Colchester and he believed there could be two vehicles for each property, especially as the nearest bus service was in Ipswich Road. Any elderly occupants of the bungalows would need a car as there was no direct bus route to the hospital. There should be a minimum of two spaces per bungalow which is the likely standard in the emerging Essex Design Guide. He was also concerned at the lack of any Section 106 commitment in respect of social housing.

Members of the Committee commented that although the development has been reduced from nine dwellings in an earlier scheme to eight dwellings in this one and five of the eight dwellings are now bungalows, local residents were still not happy with what is being proposed, particularly the five bungalows in the centre of the site, and consideration should be given to whether eight dwellings on this plot constituted overdevelopment. There was a query on whether the new parking standard should be used and whether the boundary treatment was adequate. Further consideration should be given to the times of delivery of construction materials in view of the proximity of the local school.

It was acknowledged that the proposal complied with all the council's policies. During the course of the twelve years history of the site government guidance has changed, particularly densities which have increased. The density in this proposal is at the lower end of the range contained in the guidance. This was an awkward site and a means of access to the centre was required whilst ensuring the amenity of residents was also taken into consideration. It appeared from the plan that the proposed boundary treatment was adequate. The gardens that back onto the car parking area along the northern boundary are relatively short and there is an existing hedgerow along this boundary. Confirmation was sought that this boundary treatment was adequate and that it would be retained and not removed; maintenance of the landscaped boundaries was also highlighted as an issue. There was a suggestion to defer consideration of the application to permit further negotiation on an improved layout. The roadway alongside the length of the garden of 33 Evergreen Drive was a concern. It was in the interests of neighbours and others in the area that the form of development on this site is determined, and on balance this scheme appeared to be a good one.

It was explained that the application included an arboricultural report and the hedgerow along the northern boundary is to be retained. If the two parking spaces adjacent to the back gardens of properties in Acorn Close were to be moved into the centre of the site they would interfere with other spaces and affect the layout generally. It was considered that their impact would not be significant. Condition 26, hours of work, is normally an informative, but it could be applied as a condition. Condition 27, construction and vehicle movement, is consistent with travel times and school times. The conditions as set out were considered to be satisfactory in the circumstances. There is a landscape management plan condition on the amendment sheet, but it would be possible to add a mechanism to require boundaries to be

managed in the long term. An informative can be added to ensure construction vehicles are parked on site and materials are stored on site. It is officers' view that amenity can be safeguarded by good fencing and landscaping, particularly with 33 Evergreen Drive. There has been a long period of negotiation; it is a complicated site and the number of units have been reduced resulting in a low density development. Minor adjustments to the layout may be acceptable but more fundamental changes to the scheme would be difficult at this stage.

RESOLVED (MAJORITY voted FOR) that –

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

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report together with the following additional conditions and informative:-

Conditions:

- Landscape Management plan as set out on the Amendment Sheet as follows:-
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 for its permitted use.
Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.
- Additional boundary treatment, in particular to the southern boundary, area of Evergreen Drive,
- All building materials and contractor vehicles, plant and machinery etc. to be kept on site during the construction period.

Informative:-

- Contractor delivery vehicles to have regard to school opening times as per the previous informative for Bullock Wood Close development.

264. 090332 32 Egret Crescent, Colchester

The Committee considered an application for the construction of a two storey rear extension and a conservatory together with internal alterations to provide en suite, a new window and associated works. 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.

265. 090384 Highway Verge, Boadicea Way, Colchester

The Committee considered an application to determine whether prior approval is required for the siting and design of a Vodafone 11.4 metre high replica telegraph pole and equipment cabinet. The site is a grass verge separating Boadicea Way from the residential access road. The verge is reasonably well screened by mature and semi-mature trees. The Committee had before it a report in which all information was set out.

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

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations. In respect of mast sharing, it was not possible to share with this particular type of mast; any shared mast would require a larger structure.

Paul Raven addressed the Committee on behalf of himself and nearby residents, pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had purchased his property because of its uninterrupted outlook. A previous application was refused because of its close proximity to a school. The network provider agreed that the mast could be sited on the opposite side of the road. He asked that the Committee refuse the application.

Members of the Committee considered Boadicea Way to be a very special road and an alternative site should be identified elsewhere. The mast would be visible in the winter. There was some dissatisfaction with the process of considering applications such as this where Government guidance places constraints on what issues planning committees can and cannot take into account. Some members considered the location was acceptable because it would be hidden by the trees whereas a mast on the other side of the road would spoil the vista. The floodlights on the playing field were considered equally as intrusive as a mast. This site was a considerable distance from the school. There was a request for the cabinet to be painted green and for it to be maintained and kept free from graffiti.

It was explained that applications for masts on the other side of the road have been resisted because they would be too intrusive. An informative note could be added requiring the equipment cabinet to be maintained and kept free of graffiti.

RESOLVED (MAJORITY voted FOR) that prior approval is not required and submitted details are agreed, subject to an additional note to the applicant requesting regular maintenance of the equipment cabinet with particular regard to the removal of any graffiti.

266. 081938 3 Priory Street, Colchester

The Committee considered an application for the continued use of the building and rear amenity area for worship. The application was considered at the Committee's meeting held on 5 February 2009 and deferred for a site visit, and again at the meeting held on 19 February 2009 when it was deferred again for discussions with the applicant and the objector on the boundary treatments, the number of people attending outside services and the use of the former garden space as a parking area; minute nos. 205 and 214 refer. The Committee had before it a report in which all information was set out.

The Committee made a site visit on 19 February 2009 in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Theresa Whiting addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She had not received prior notification that this application was being considered at this meeting and no attempt had been made to involve them in any negotiations. The use of the land as described would be overbearing if numbers of up to 250 people were permitted. The site was adjacent to Priory Street and gardens which were for all to enjoy. There would be increasing noise pollution from 150 people who would be visible from No. 4 Priory Street whether or not there was screening. This is a predominantly residential area. Children should not be exposed to funerals with coffins on display. She asked the Committee not to impose this upon them.

Members of the Committee were concerned that the proper processes had not taken place if the neighbours had not been consulted and notified of this meeting. Residents should be given as much notice as possible. A number of particular issues were raised:- whether coffins would be covered, what was the effect of the screening described in paragraph 9.6, the impact of raised levels and whether they could be lowered to reduce overlooking and any overbearing effect.

It was explained that it had been intended that neighbours be consulted on the proposals and notified of the meeting. Officers offered apologies for any omission and suggested that it be investigated and reported back to a future meeting. It was normal practice to notify anyone who has made representations of the date of the committee meeting. It was suggested that illustrations of what the proposals would look like be brought back to a future meeting which would give neighbours the opportunity to make their views known.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for neighbours to be notified of the date of the committee meeting and for details of proposals to be presented to Committee.

267. 090021 Tesco Express, 48 St. Christopher Road, Colchester, CO4 0NB

The Committee considered an application for a single Tomra recycling unit and associated works outside a Tesco Express Store in a shopping parade which includes a number of other shops. Above the shops are residential units. The application was considered at the Committee's meeting held on 19 February 2009 and deferred for a demonstration of the recycling unit; minute no. 213 refers. Arrangements were made for the demonstration to be held at the Westside Centre, Stanway, on 2 April 2009. 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.

268. 090022 Tesco Express, 19 Bromley Road, Colchester, CO4 3JF

The Committee considered an application for a single Tomra recycling unit and associated works. The application was identical to 090021, 48 St Christopher Road, in all respects except that the site does not have any residential units above the premises neither are there any dwellings immediately adjacent. Arrangements were made for a demonstration to be held at the Westside Centre, Stanway, on 2 April 2009. 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.

269. 090265 Tesco Store, Highwoods Square, Colchester

This application was withdrawn from this meeting by the Head of Environmental and Protective Services as the required information on tree protection measures have not yet been received. The application will be submitted to the Committee when the information has been received and considered by the Arboricultural Officer, see Amendment Sheet.

270. 090274 Playing Field, Robletts Way, Wormingford

The Committee considered an application for the siting of two portakabins for use as changing facilities at Wormingford Wanderers Football Club adjacent to an existing pavilion on the edge

of the playing field at Wormingford. The site is adjacent to gardens and is accessed via Robletts Way, a residential cul de sac. The Committee had before it a report in which all information was set out.

The Committee made a site visit prior to the meeting held on 16 April 2009 in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site. The application was withdrawn from that meeting in order to ensure that all objectors were aware of the date of the committee meeting at which the application would be considered, see minute no. 254.

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

271. 090286 10 High Street, Colchester

The Committee considered an application for advertisement consent for replacement signage including externally lit redecorated fascia, new projecting sign and applied logo to the shop front. The application is a resubmission of 081933. The Committee had before it a report in which all information was set out.

John More, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee would have preferred something less obtrusive which would improve public amenity. The application does not involve any other part of the shop front. The issues are public amenity, highway safety relating to obstruction and glare from lighting. The site was in a Conservation Area which should be preserved or enhanced. The hanging sign has been changed and it was considered that the impact was neutral and slightly less obtrusive than the existing signage. The view was that the proposal did not enhance the Conservation Area.

RESOLVED (UNANIMOUSLY) that the application for advertisement consent be approved with conditions as set out in the report.

Councillor Chillingworth (in respect of being the Chairman of the Council for the Protection of Rural Essex, a body which has submitted evidence to the previous and current Public Enquiries) and Cory (in respect of being an employee of Maldon District Council) each declared their individual personal interests in the following item which in the case of Councillor Chillingworth was also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during its consideration and determination.

272. Consultation Letter // Construction of wind farm at Bradwell in Maldon District

The Head of Environmental and Protective Services submitted a report seeking the views of the Committee upon a consultation from Maldon District Council in regard to the construction of a proposed wind farm at Bradwell, Essex.

It was explained that this was an on land wind farm. It was now considered that the proposals were broadly in agreement with this Council's Core Strategy and in accordance with the authority's corporate objective to be cleaner and greener and it was appropriate now to withdraw the earlier objections. There were to be twenty turbines, each twelve metres high.

RESOLVED (UNANIMOUSLY) that a positive response to the consultation on the proposed wind farm at Bradwell, Essex be supported.

Councillor Chillingworth was not present for the following item.

273. Update // Collins Green, School Road, Messing

The Head of Environmental and Protective Services submitted a report updating the Committee on matters regarding an enforcement action which it had been anticipated would be reported to this meeting of the Planning Committee. Unfortunately access to the site had not been possible to enable a report to this meeting and it was intended that a report be submitted to the next meeting.

RESOLVED that the situation be noted.

PLANNING COMMITTEE
20 MAY 2009

Present:- Councillors Blandon, Chuah, Cory, Elliott, Ellis, Ford, Gamble, T.Higgins, Lewis, Maclean, Manning and Quarrie.

1. Chairman

RESOLVED that Councillor Gamble be appointed Chairman for the ensuing Municipal Year.

2. Deputy Chairman

RESOLVED that Councillor Ford be appointed Deputy Chairman for the ensuing Municipal Year.

PLANNING COMMITTEE
21 MAY 2009

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

Substitute Members :- Councillor Laura Sykes
for Councillor Helen Chuah*
Councillor Nick Barlow for Councillor Mark Cory*
Councillor Richard Martin
for Councillor Sonia Lewis*

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

3. 090217 Land adjacent (South) Grange Road, Tiptree

This application was withdrawn from the agenda by the Head of Environmental and Protective Services.

4. 090099 Culver & Lion Walks, 9-21 Trinity Square, 30-33 Eld Lane, 87 Culver Street East, Colchester

The Committee considered an application for public realm works, including landscaping and street furniture, an extension to BHS entrance to Culver Walk, re-pointing of brickwork, the application of rendering/blind glazing onto existing brickwork on 7, 8, 9, 10 and 19 Culver Walk, replacement of timber soffit with white opaque glazing in Lion Walk Shopping Centre (except the Library), provision of new glazed canopy at 6, 8, 9 and 10 Culver Walk, and lighting proposals. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Sue Jackson, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Dave Stenning addressed the Committee on behalf of Colchester Civic Society pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that any change should reinforce the inherent character of this shopping area. The red brick and slate are real

materials and generally more worthwhile than synthetic materials. Of particular concern were the gable projections on the north side of the scheme. Whilst he considered these architectural features to have character, the repeated asymmetry was unnecessary and did not sit well with the Colchester skyline. White always looks bigger than grey and retaining concrete on one side would seem more satisfactory. He preferred light render or painted timber to shining plastic panels. The entrance to BHS will present a sheet of glass; and red bricks are better left exposed and allow the pointing to make them sparkle. Metal would be functionally dubious and clutter the elevation. The Civic Society would like the Committee to postpone a decision.

Paul Till addressed the Committee on behalf of the applicant pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The gable projections are not the subject of this application. There is no render frieze and the so-called welsh slate is a synthetic copy which has started to discolour. This scheme represents a significant investment in the town centre. High quality materials have been chosen including a York stone pavement and artwork for the scheme. The whole thrust has been to give the centre a facelift. Ninety percent of the brickwork will be retained and a carefully chosen palette of materials will not be gaudy. The brickwork round the head of the shop fronts in the scheme will be clad in a render material which is an important part of the whole scheme which will cost a total of £3million.

Members of the Committee expressed views on planting, seating, proposed flooring and existing red brick and ongoing maintenance. There were concerns regarding the removal of existing planting which was considered an important feature together with the seating and both features should be carried throughout the scheme. The Committee asked that the planting above W H Smiths and the hanging baskets on the lamps be retained and enhanced. Proposals for public realm art work are particularly welcome albeit as an after thought.

In respect of the proposed York stone paving, there were concerns that it may appear slightly bland. This could be improved by the use of a variety of patterning, but the material itself would work well with the other materials in the scheme. There was a view that renewing the paving was an opportunity to improve matters for people with visual impairments which could take the form of delineation in the stonework to provide some directional information. Some members were of the view that a style of mosaic patterning in the flooring would give an impression of the historic nature of Colchester and create movement but actual mosaics were not supported. Also suggested were plaques on walls to indicate where significant historical finds had been made.

It was considered that this scheme was a natural evolution of what was there and many of the existing features were being retained. Some members preferred the appearance of the red brick and had concerns about the rendering. Others considered the lighter colours to be an improvement. Particularly mentioned was the white render which would encourage people to look up. The Committee had looked at the samples of pointing adjacent to the Dixons store and the second band from the bottom was mentioned as a preference. Concerns also included weathering, ongoing maintenance and the need to keep the finishes clean.

Clarification was sought on how these comments, which are largely issues of detail, were to be taken on board. The Committee welcomed the investment which will revitalise and refresh the centre of the town, especially at a time when regeneration areas seem to be on hold. In general terms this was considered to be a good scheme and the town was fortunate to have Lion Walk updated in this way.

It was explained that there was a new seating area included in the scheme which would have raised planting. There was no indication of any detailed planting on the lighting columns but that could be achieved by an informative on the planning permission; there will be a condition requiring additional soft landscaping. There was some patterned paving outside the Red Lion Church and the junction with Lion Walk, and also etching in the paving at the junction with Eld Lane. It was important to have a uniform scheme and details of materials and pointing were required to be submitted and agreed. The render would add colour and character and also repel dirt.

Planning officers were willing to have a discussion with the applicant regarding the suggestion about mosaics; this will be covered by a condition. Colchester is passionate about Colchester in Bloom and officers could include this in those discussions. A requirement for maintenance of the scheme could be included as part of the approval of colours, etc.; the render material is guaranteed for 30 years and an indication of what will happen when the guarantee runs out could be required.

There were a number of residents in the area and it would be right to add a condition relating to the whole construction process and methodology being agreed prior to commencement of the scheme, also for prior agreement on hours of working as well as a scheme to notify residents on hours of working with the suggestion that a fortnightly or monthly notification be sent to residents.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report, see also Amendment Sheet relating to Condition 20 being deleted and amended wording for

Conditions 6, 7, 8, 12, 14 and 15, together with the following matters:-

- additional conditions on hours of work, construction process and methodology, notification to residents, maintenance and extra landscaping;
- discussions to be held with applicants regarding the mosaic or patterning relating to York stone, a complement to the public realm, and planting and hanging baskets on the lamps.

5. 090215 St Fillan Road, Colchester

The Committee considered an application for the demolition of existing drop-in daycare centre and non-operational thirty-six bedroom care centre, and replace with a sixty-six bedroom care centre. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUS) that the application be approved with conditions and informatives as set out in the report, see also Amendment Sheet.

Councillor Ray Gamble (in respect of his acquaintance with the agent, Mr Gordon Parker) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

6. 090452 Calver House, 44, 46, 48 and 38 Artillery Street, Colchester

The Committee considered an application for the construction of three two-bedroom bungalows, each bungalow to accommodate three physically disabled people with associated parking. 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.

Alistair Day, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. This application is for three bungalows built in a Victorian style, each bungalow to be provided with one parking space and a small garden; new boundaries were proposed between the scheme and other properties.

Miss Nicola Skedgel, tenant of Calver House, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application which she believed contravened her rights to

peaceful privacy and the right to enjoyment of the garden. A double drying area is proposed which will be screened by a 1.5 metre wall and railings together with the only bin area for the whole site. Trees and flower beds will be lost, there will be a public walkway alongside a bedroom window, and one shed per resident is needed as at the moment there is no storage in the flats. Their outside space will be reduced. Colne Housing agreed to mark out the proposal on the ground but did not arrive to do this. In the tenancy agreement they have the right to consultation which has not taken place. There will not be sufficient parking spaces a disabled space requires 1.5 parking spaces. She questioned whether there would be sufficient space for emergency service vehicles and fire appliances to get on the site. This application affects the rights of existing and new tenants.

Mr Gordon Parker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Forty-three letters were sent out to local residents and six letters of objection were received; two from residents in Victor Road, and their concerns have been addressed. The Calver House resident's comments relate to amenity land and whilst it is being reduced it is within the standard. The scheme is supported by Essex County Council and Environmental Control, and there is strong support from the Housing Officer for this type of property in this area. The bungalows have been designed as a result of discussions with architects coupled with input from planning officers and he believed that this development will be seen as attractive and worthwhile. The Unilateral Undertaking is signed and the cheque for its monitoring has been paid.

Members of the Committee recognised that there was a need for this type of dwelling. There were concerns about parking and there was a view that the occupants of the bungalows should not be able to join any residents' parking scheme which may be introduced in this area because they have the benefit of their own parking space. The Committee were sympathetic to existing residents' views on the reduction of their outside amenity space and it was suggested that consideration of the application be deferred to permit Colne Housing to consult their residents on the proposal.

It was explained that the scheme complies with the council's policies. Planning Services had consulted residents including the speaker and it was unfortunate that Colne Housing have not undertaken their own consultation with their tenants. Details of drying areas are required to be agreed in advance and it was confirmed that fire appliances can reach the bungalows. An Informative could convey the view that inclusion in any parking scheme would not be welcome because the bungalows have an allocated parking space. The parking spaces are the standard width not the wider disabled parking spaces and the Committee may wish to defer this application to clarify this issue. If there are currently two spaces for disabled tenants and there

should be sufficient parking for the other two tenants and if Colne Housing tenants enjoyed disabled parking that situation should continue. It was confirmed that the Unilateral Undertaking has been received by the Council.

RESOLVED (MAJORITY voted FOR) that consideration of the application be deferred for clarification on parking spaces for disabled residents and for Colne Housing to consult their existing residents. The matter to be brought back to the Committee for determination.

7. 090463 Carlef, Ivy Lodge Road, Great Horkesley

The Committee considered an application for the demolition of the existing bungalow and its replacement with a two storey dwelling with an attached single storey garage. 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.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations. The road contains a mix of single and two storey dwellings. The main body of the building will be located on the existing footprint. The new building steps down on the site. On the west side is a bungalow shown to be of a similar height.

Mr Ken Barnsley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The previous application was refused on the grounds of overlooking their living quarters. His conservatory roof is clear glass not translucent as stated in the report. If the application is approved he will have to replace the roof glass. He considered the Committee did not appreciate their objection. There will be a direct line of sight into their living quarters. The proposed design is not in keeping with neighbouring properties. There are only two two-storey properties in the road. The approval would open the flood gates for further such two-storey houses. His property is higher than surrounding properties.

Mr Rob Mitchell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He had been in a lengthy consultation with the planning officers and the design was sympathetic and well thought out. It was designed to avoid any privacy issues.

Members of the Committee had noted that there were two storey buildings on both sides of the road. On the site visit they had stopped in the conservatory

and the Chairman agreed with the applicant that the conservatory roof was made of clear glass not translucent glass, and on behalf of officers he apologised for the error in the report. The Committee also noted that the conservatory appeared to be a permanent living area. Members concerns about over dominance between the objector's property and the new property were allayed when it was appreciated that the closest part of the new building is a single storey and the two storey section is set back from the objector's bungalow. The illustration on screen shows that the occupiers of the new property would have to lean out of their bedroom window for overlooking to occur. The objector's conservatory was beyond the existing building. The intrusion caused by the previous application has been dealt with and from a planning perspective the new building did not breach their privacy. Whilst members of the Committee had some sympathy with the objector, in planning terms there was no reason for a refusal of the application.

It was explained that the objections related to the two storey building being out of keeping, a loss of light and issues of privacy. The new building would be 5.5 metres from the neighbour on the east side and 1.6 metres from neighbour on the west side. In respect of the 45 degree rule, it depends from which corner of the property the angle is taken. However, in this instance the 45 degree angle is not sufficient reason to cause detriment to the neighbour.

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

8. 090446 110 Coast Road, West Mersea

The Committee considered an application for a variation of Condition 2 of planning permission 91/1483 to extend the permitted opening hours, currently from 8.00am until 6.00pm, to 8.00am until 10.00pm. It was proposed that any permission be for an initial period of one year only to allow the Council to monitor the emerging impact of the extended opening hours upon the amenity of the adjoining dwellings and of the area in general. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

9. 090523 4 Hillcrest Cottages, Greyhound Hill, Langham

The Committee considered an application for the demolition of an existing

single storey rear extension and the erection of a single storey rear extension and a car port on the side of the house. The Committee had before it a report in which all information was set out.

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

Councillor Andrew Ellis (in respect of his wife and daughter being members of the Dabchicks Sailing Club) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.

10. 081947 143 Coast Road, West Mersea

The Committee considered an application for the removal of a wall and its replacement with posts and chain. The Committee had before it a report in which all information was set out, see also Amendment Sheet. The application had been considered at the Committee's meeting on 5 February 2009 and deferred for negotiation of an amended scheme comprising white timber posts without chains set closer together. The applicants had considered the Committee's comments. An alternative scheme was proposed comprising five white painted galvanised steel posts, set closer together than originally submitted, and heavy white rope looped between.

Alistair Day, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Steve Vince addressed the Committee on behalf of West Mersea Town Council pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. This site is entirely on a village green and it is technically an enclosure of village green, registration no. 247 in order to keep youngsters out. This is in breach of the Enclosure Act. Any works have to be for use and enjoyment of the green. This area floods, there is a possibility of trip accidents. The Town Council's recommendation is for wooden posts at 5' centres. Steel will rust; wood is best in salt water. This is not a front garden. There is a need to respect people's right of access. He was keen to listen to reasons why the village green should be enclosed. For some councils enclosure of a village green is a material consideration. It is also a conservation area. This matter has been ongoing for a long time. He urged the Committee to go along with West Mersea compromise.

Members of the Committee queried the precise location of the village green.

They also requested confirmation on whether a straight replacement would need planning permission. Some members of the committee considered wooden posts with a rope would be more in keeping and that metal posts would be detrimental to the Conservation Area. There was recognition that the wall had been in situ for 20 years.

It was explained that an Article 4 Direction was imposed on this section of West Mersea. There are two vehicle entrances and they are to remain. Two posts on each end are to remain and the wall in between is to be replaced. The reason for the barrier is not to prevent children from running into the road. The relevant drawing is very small scale so the extent of the village green is not clear. The objector is of the view that the village green comprises the whole of the area. The applicant says it does not. However, planning officers have look at plans which suggest that most of this area does fall within the village green area. The proposal needs planning permission because the height of the proposal needs planning permission under the Article 4 Direction relating to erection of boundary wall and treatments

An informative could be added to the effect that the applicant must be satisfied that he ensures that the railings have no impact on the character of the Conservation Area and that the proposal complies with other legislation.

RESOLVED (MAJORITY voted FOR) that –

(a) Consideration of the application be deferred and, subject to the applicant amending the application to secure a wooden posts and rope arrangement, the Head of Environmental and Protective Services be authorised to approve the application with conditions and informatives she considers appropriate, including an informative to ensure that all other legislation including village green legislation is complied with.

(b) In the event that the applicant is unwilling to amend the application in accordance with the Committee's preference for wooden posts, the application be refused on the grounds of an adverse impact on the Conservation Area.

11. 090221 92 Coast Road, West Mersea

The Committee considered an application for a change of use from store buildings to four en suite bedrooms and two pavilions for outside dining. The application is a resubmission of 081553. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED that the application be approved with conditions and informatives

as set out in the report.

12. 090264 65 Barbrook Lane, Tiptree

The Committee considered an application for the retention and continued use of a relocatable classroom building on a permanent basis within the grounds of the Mildene county Primary School, Barbrook Lane, Tiptree. The building is used as a pre-school playgroup and has been located on the site since 2001 with the benefit of temporary planning permissions. The Committee had before it a report in which all information was set out.

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

13. 090360 Sports Ground, Colchester Road, West Mersea

This item was withdrawn from the agenda by the Head of Environmental and Protective Services for submission of information relating to the impact of the parking area on the existing trees/hedges and details of the hours of use of the improved clubhouse facilities.

14. 090375 4 Bargate Lane Cottages, Bargate Lane, Dedham

The Committee considered an application for a first floor side extension over an existing single storey side extension. The Committee had before it a report in which all information was set out.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. Overlooking is not serious enough to recommend refusal. There are a number of conditions to protect amenity and the bathroom window will be in obscured glazing.

Mr Sharp addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His main concern was the two first floor windows which look directly out over their back garden and room, creating issues of privacy because of the angle of the existing house. The only real compromise on layout would be to move the windows of bedrooms two and three and the dormer window could be for a bathroom instead of a bedroom. This would result in some overlooking of part of the garden and road.

Mr Clark addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. An extension done in 1993 was not in keeping with the rest of the house and looks quite odd. The plans which have been submitted are the best option and brings the house into keeping with the area. In terms of privacy, the neighbours have already done what they are asking Mr Clark not to do. The view is looking away from the house and down to the bottom garden. He considered the loss of privacy was at a minimum. With regard to layout this is the best plan for their outlook.

Members of the Committee discussed the options regarding the positions of some of the first floor windows. However the best solution regarding protection of the neighbour's privacy appeared to result in a blank gable end which would have a detrimental impact on the appearance of the building. A site visit was proposed as the application was already beyond the deadline for determination within the Government targets.

RESOLVED (MAJORITY voted FOR) that the application be deferred for a site visit.

15. Performance Report // Performance summary for the year 1 April 2008 - 31 March 2009.

The Head of Environmental and Protective Services submitted a report giving details of the performance of the Planning Service judged against Government National Indicators, summarises the details of 'allowed' appeals, and sets out the levels of revenue received through Section 106 Agreements for the period 1 April 2008 to 31 March 2009.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. The number of major applications determined within the timeframe has dropped below the government target. The number of minor applications determined within the timeframe has been slightly above the government target. Contributions towards open space has nearly reached £1million. Three planning officers have been placed on secondment to other departments.

Members of the Committee congratulated Vincent Pearce and his team for the sterling work that they do and on a very good year. It was considered that planning officers have done a terrific job in what has been a difficult year.

RESOLVED (UNANIMOUSLY) that the report be noted and Vincent Pearce and the planning team be congratulated for the sterling work that they do and for a very good year.

16. Protocol for future mast applications // Findings and recommendation by Internal Audit resulting from their Inquiry and subsequent report into the Planning Services handling of the Lexden telecommunication mast Prior Notification application

The Head of Environmental and Protective Services submitted a report on findings and recommendations by Internal Audit resulting from their 'Inquiry' and subsequent report into the Planning Service's handling of the Lexden telecommunication mast prior notification application. The report describes the investigation undertaken by the Planning Service Manager and the new processes introduced in response to the recommendations.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. He explained that applications are received electronically and by post. The mast application cheque was received in the post without any accompanying information and was put into an invalid application tray. A different officer received an electronic application form without the fee and it too was placed into the invalid application tray. The two parts of the application were united on 4 December 2008 when the council started the clock, but the legislation states that the clock starts on the date that the valid application is received which was on 26 November 2008. The planning office was in discussion with O₂ who have deferred installation of the mast.

However, the matter is on hold now because O₂ and Vodafone have launched a national survey looking at mast sharing. There is no guarantee that the mast will be erected in Norman Way.

As a consequence of events leading to the error a new process has been devised. Henceforth all ward councillors and the members of the Planning Committee will be notified automatically upon receipt of a mast application. This will be done electronically with a link to the website as soon as applications are logged. Councillor Lewis recommended that it should be notified in one working day. This investigation process has shown that there are other processes which can be improved and a standard committee report has been devised.

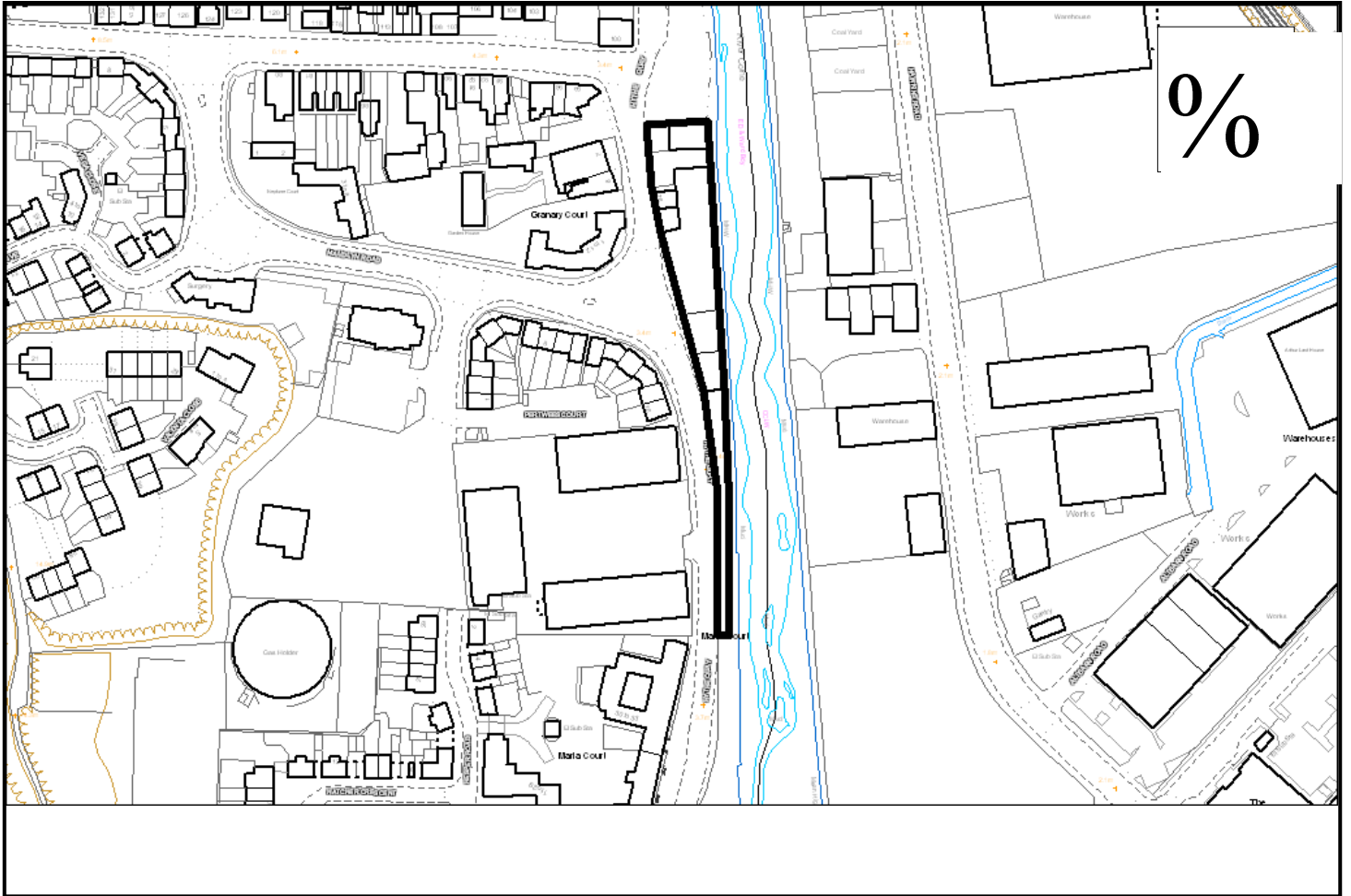
Councillor Mike Hardy attended and, with the consent of the Chairman, addressed the Committee. It appeared to him that the Planning Service Manager had left no stone unturned and he was to be commended on his thoroughness and his openness regarding the enquiry. Both Councillors Lewis and Hardy had reservations about the way the Planning Service operated and those reservations had been taken into consideration and solutions identified. From a ward councillor point of view this situation has

come to a satisfactory conclusion with all their recommendations being included. Mr Priest had addressed the Committee at its earlier meeting and Mr Pearce had agreed to look into the points that were raised. However, correspondence has been received from Mr Priest in which he considered that his points had not been taken into consideration. Also general comments about masts have been received from Sarah Costello and Mr Pearce will be in discussion with her about those comments.

The Chairman mentioned that Mr Priest had raised issues regarding PPG15 about which no reference had been made in the report. It is anticipated that Mr Priest will be contacted about this matter. In the meantime he considered it to be unwise to run the process right up to the deadline. In response the Planning Service Manager commented that the new procedure requires that applications should be determined two weeks before the expiry of the 56 days.

The Chairman thanked the Planning Service Manager for his actions and report. It is right that this report has come to Committee to ensure the whole investigation is transparent with committee members, ward councillors and the public able to attend. Out of an unhappy situation the investigation has been done as properly as it can be and all those involved deserve thanks and appreciation. The situation has been resolved as best it can be and he hoped that nothing like this ever happens again. He thanked all those involved and especially Councillors Sonia Lewis and Mike Hardy.

RESOLVED (UNANIMOUSLY) that the content of the Inquiry report together with the content of the Planning Service Manager's own report be noted and that the comprehensive action that has been taken be acknowledged and the new processes introduced to minimise the risk of a similar occurrence be welcomed.



Application No: F/COL/06/1132

Location: Blackheath Demolition & Tradin, 26 Hythe Quay, Colchester, CO2 8JB

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **11 June 2009**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: **Bradly Heffer**

MAJOR

Site: 26 Hythe Quay, Colchester, Essex

Application No: F/COL/06/1132

Date Received: 7th July 2006

Agent: Weston Williamson

Applicant: J Frank & L Levine

Development: Refurbishment and redevelopment of the existing Victorian warehouses and the construction of a new residential block to form 24no. apartments including landscaping and riverside improvements.

Ward: New Town

Summary of Recommendation: Refusal

1.0 Planning Report Introduction

1.1 Members are advised that planning application F/COL/06/1132 was reported to the Planning Committee meeting held on 27th August 2007. At that time the following report was submitted:

Site Description

Planning permission is sought to convert the existing 19th Century warehouses on Hythe Quay into 19 apartments and to replace an existing single storey building with a new 3-storey building comprising 5 units. The site is approximately 0.3 hectares and the buildings are currently used for storage purposes and a reclamation yard.

The application site falls within the Hythe Conservation area in a prominent location at the foot of Hythe Hill adjacent to the River Colne in the heart of the regeneration area. The warehouses, collectively known as 26 Hythe Quay are one of the few remaining industrial buildings of the former port and embodies much of the past industrial and maritime history of the area. The Victorian warehouses retain their industrial appearance and add genuine character to the conservation area in terms of landscape value and links to the industrial and maritime past.

The buildings consist of individual yet linked structures each with a different character and orientation to the river and are constructed in soft red and yellow stock brick. While they are structurally sound, they are in poor condition. The original slate roofs have been replaced with corrugated sheeting and much of the original detailing has been lost or is disintegrating. The southernmost warehouse has suffered from a severe fire in the past and most of the internal floors and structures have been lost and subsequently replaced along with a new steel trussed roof. The existing single-storey building to the north of the site replaced a 3-storey Victorian gabled warehouse and is of little architectural merit and is not considered to make a positive contribution to the character and appearance of this part of the conservation area.

A narrow linear strip of land lies to the south of the site which currently provides parking for 26 Hythe Quay.

The application is accompanied by a Design Statement, Transport Statement, Contamination Assessment, Noise Assessment and a Flood Risk Assessment.

Land Use Allocation

River Colne Regeneration Area - Area 4 (The Hythe Conservation Area)
Hythe Conservation Area
Colne Harbour Design Framework (SPG)

Relevant Planning History

COL/97/0906 - Demolition of fire damaged store and conversion of existing offices and warehousing to 19 No. flats and 1 no house - Approved 24th July 1997.

COL/97/0936 - Conservation Area consent for Demolition of existing buildings and construction of new flats - Approved 1st August 1997.

Principal Policies

Adopted Review Colchester Borough Local Plan - March 2004
DC1 - Development Control Considerations
ECH1 - The River Colne Regeneration Area
ECH5 - The Hythe Conservation Area
UEA1 - Character of Conservation Areas
UEA2 - Building within Conservation Areas
UEA3 - Demolitions within Conservation Areas

UEA8 - Scheduled Ancient Monuments & Archaeology
UEA12 - Design
UEA14 - Green Links
H4 - Affordable Housing
H16 - Housing Density
L9 - Riverside Walk
T2 - Cycle Parking Requirements
P1 - Pollution (General)
P4 - Contaminated Land

Consultations

The Highway Authority has objected to any development on this site and has highlighted that the Planning Authority previously set aside the Highway Authority objection on the now expired consent. The Highway Authority recommends refusal of the application for two reasons:

1. The proposals would lead to an increase in unacceptable access, turning movements on and off Hythe Quay to the detriment of highway safety by reason of their interference with the normal traffic streams, driving along the footway at an acute angle and their proximity to a mini-roundabout junction on the busy A134 traffic route. Furthermore the proposals will lead to an increase in vehicles unnecessarily reversing and manoeuvring on the highway to the detriment of highway safety and traffic flow;
2. The proposals fail to make adequate provision for the safe passage of pedestrians to and from the site by reason of a lack of a continuous footway linking with the existing footway system. The development would therefore lead to pedestrians waiting on and walking in the carriageway to the detriment of pedestrian safety and the promotion of pedestrian travel.

The Highway Authority has sought amended drawings to achieve the following the following:

- A continuous footway width of 1.8 metres over the site's frontage to the highway
- No car parking spaces that enter and leave the highway at an acute angle
- Cycle parking that is convenient secure and related
- A riverside walk which is a minimum walking width of 1.5 metres

Officer comment: The highway issues are discussed in the main report below.

Environmental Policy deferred comments in the light of the request from the development team for a financial appraisal. In principle a purely residential scheme on this site was agreed, given its location etc. As the site forms part of a larger site an affordable housing contribution required.

Officer comment: See Development Team and Financial Appraisal, below.

The Conservation and Design Officer has no objection in principle but cannot support the proposal in its current form. The concerns raised relate to the change of use, character and townscape. In particular comments are made on the:

- Increase the height of the south gable
- The strong uniformity of the majority of the windows and the balconies
- The loss of the enclosure to this part of Hythe Quay and the erosion of the 'space' as a result of the loss of the two storey addition fronting Hythe Quay and the proposal to form 3 car parking spaces and the incorporation of trees
- The main car parking area is not in a particularly desirable location in terms of visual impact and potential highway safety issues
- The new building could be designed to address the street in a positive manner by locating the bin stores in an alternative location

Officer comment: The policy section has been consulted and has no objection on land use grounds. The highway matters are discussed in the main report below. The applicant has amended the roof of Block D to reflect the existing ridge line/configuration thereby retaining the irregular form of the existing inclined ridgeline. The increased height was in response to new flood levels from the approved scheme as highlighted in the Flood Risk Assessment submitted with the application. The remaining comments on the design are noted. The applicant is prepared to vary the window pattern and is agreeable for this to be dealt with by a planning condition. Your officer considers that the replacement of the single-storey building with a building of similar mass/proportions to the warehouse, which was demolished, will provide a more desirable building which will provide enclosure to the street and river and also enhance the conservation area.

Environmental Control raises no objections subject to appropriate conditions and informatives including unexpected contamination. In respect of noise, while Environmental Control has concerns about noise levels, it is accepted that development on brownfield sites is likely to be subject to higher noise levels than brownfield sites.

The Borough Archaeologist has made no recommendation.

The Environment Agency has no objection subject to conditions being attached to the consent requiring a topographical survey indicating access/egress routes and the increase of the floor levels to 3.8 AODN and service entries being at/above 4.8m AODN.

Essex County Council has requested a financial contribution of £64,054 towards education facilities in the area.

Officer Comment: All financial contributions were considered through the open book process.

The Council's Landscape Officer has recommended refusal of the application subject to revision/additional information relating to the tree planting taking place to the satisfaction of the Local Planning Authority.

Officer comment: The tree planting in the highway and along the river wall has been removed from the proposal. Conditions can be added to address the remaining issues of concern.

The Council's Housing Development Officer has commented as follows:

"The current application for 24 x 2 bedroom flats on 0.3 hectares appears to be verging on a questionable regard for required density of provision and the Council's Planning Officers will need to be certain that the current proposal does not represent intentional under-development in order to avoid an affordable housing contribution. If this were the case, then a proportional affordable housing contribution would still be required."

Officer comment: The provision of 24 units still falls below the minimum threshold of 25 units for affordable housing. However, by building at 80 dwellings to the hectare, it is difficult to argue that the scheme has been deliberately designed to avoid this threshold.

Leisure Services comment as follows:

"There is limited information provided on the layout of the development but it is assumed due to the size of the development site that there is minimal open space and recreation being provided. As a consequence, a contribution will be sought to enhance or provide facilities that will meet anticipated demand from the increased number of residents. Consideration is to be given to the ease of pedestrian access to the River Colne and its impact on privacy of those on ground floor accommodation. Responsibility for the vessels that are moored in the river Colne is to be established to determine future arrangements."

Officer comment: All financial contributions were considered through the open book process. The vessels moored in the river are outside the scope of this application.

Representations

One letter of objection has been received. The objection is summarised thus:

- The hand painted period signs are particularly attractive and should be preserved and highlighted.
- The cast iron framework would be put at risk by the proposal to alter the roof line and the addition of balconies.
- The Hythe area has been identified as a possible European Route of Industrial Heritage site which provided that important elements of the cultural landscape are left reasonably unaltered, could be used to promote Colchester as an important industrial heritage cultural destination in the East of England.
- The Society for the Protection of Ancient Buildings and the Victorian Society promote sympathetic repair principles for buildings of this type and should be consulted

Officer Comment: The proposal is in line with the local plan policies (all be it, subject to the open book process) and adopted guidance relating to this area, both the site itself and the aspiration of the wider regeneration area. The buildings are not afforded listed building protection and as such, there is no requirement to consult the Society for the Protection of Ancient Buildings or the Victorian Society on this proposal. There is also no control over the proposed internal alterations. If the cast iron framework is considered to be of particular interest, a recording condition could be attached to the grant of any planning permission should members choose to do so. The applicant has confirmed that hand painted signs can be accommodated in the proposal.

The East Colchester Regeneration Office is generally supportive of the proposal. However they have raised a number of issues. Some of these relate to matters of design and have already been raised by the Conservation Officer and/or the previous objector. Additional issues of concern are:

- Does the proposal fit with other waterside developments.
- The storage for houseboats could lead to odours next to the river walk
- The conversion of these buildings would be a pastiche of the Barratts' Hesper Road block of flats.
- The riverside walk is welcomed but who is responsible for providing the walkways and for the necessary repairs to the river wall? Who is responsible for the barge which is decaying in the river by these buildings and for its removal?

Officer Comment: Each planning application is assessed on its own merits and the merits of this proposal are discussed in the main report below. The storage of house boats is not a matter for consideration under this application. The applicant will be responsible for the river wall works and this will be secured through a S106 agreement, should members approve the scheme..

2 Letters of support have been received from the Hythe Residents Association and the owners of Harbour House.

Report

The proposal is for the restoration and refurbishment of the existing warehouse building into 19 apartments. Much of the fabric will be retained although new roof coverings, windows entrance doors and other additions will be introduced and the height of the southernmost warehouse building will be raised by approximately 1.2 metres at the northern end. A new 3-storey building, of similar mass and proportions to an earlier demolished Victorian warehouse building, will provide enclosure to the road and river frontages and restore the original building grouping. This building will provide a further 5 apartments and will also incorporate bin and cycle stores. The overall density of the scheme is 80 dwellings per hectare.

The narrow open area to the south will be redeveloped to provide 21 parking spaces and an improved river walk which will continue north along the frontage of the site and link to the walkway at 28 Hythe Quay. A landscaped area and a new pedestrian link to the proposed river walk will be created and an additional 3 parking spaces will be provided next to the open courtyard.

The proposed development will provide a very attractive and sustainable new residential quarter on brownfield land and will make a significant contribution to the regeneration of East Colchester by enhancing the vitality of this prominent site. The development will provide:

- A new public realm centred on the river
- A new river walk
- Improved public access and permeability
- Restoration and preservation of a key group of buildings
- 150 metres of new river walling

- A replacement building for the single storey building which will enhance the character of the conservation area.

Development Team and Financial Appraisal

The applicant maintains that if any planning gain package were required it would undermine the viability of the development. This is primarily due to the cost of the River Wall works (£375K), a payment to a third party of £40K in respect of the river wall works and £20K of highway work. In cases such as this, where development costs appear to be so high that normal planning gain requirements cannot be achieved without undermining the scheme's economic viability, the Council seeks a cost appraisal that is analysed by consultants who specialise in the field of development economics.

The applicant submitted a financial appraisal for the application site (and for adjacent sites within his ownership) and the findings were subject to scrutiny by an independent financial consultant appointed by the Council.

The assessor has commented that 26 Hythe Quay produces a substandard level of profit on the developer's figures and that the figures in the submission are felt to be reasonable. However the reason why the submission shows a low profit outcome is essentially that the suggested construction costs are high in relation to the expected sales figures. This is compounded by a relatively high existing use value for the site.

The assessment concludes that "In our view at 26 Hythe Quay it might be possible to achieve costs just a little lower, and prices a little higher, than those in the financial appraisal. However any difference is probably quite marginal and we must recognize that any improvement would in the first instance have to go into enhancing the profit margin."

Consequently, the findings have demonstrated that the site is not capable of supporting a full planning gain package. Notwithstanding this, it is your officers view (shared by the assessor) that the retention of the buildings should be viewed as planning gain, as the future of a key building within the conservation area is retained, when a new building on the site would cost less and sell for more. Furthermore, the river wall works in themselves are a significant 'gain' and the repair and maintenance is as an objective of the regeneration of the Hythe area and is highlighted in Table 8 of the adopted local plan.

Design

The issues raised in respect of the design detailing are noted, particularly in relation to the balconies and window. A balance has to be reached whereby the Council's corporate objective of regenerations are met and the future of one of the few remaining Victorian warehouses in the Hythe Conservation Area is safeguarded. It is your officer's opinion that the proposal as submitted will achieve both these key matters. It is also important to note that while the warehouse is in a conservation area, it is not listed. Members are advised that a condition can be added to the consent to address the window pattern to which the conservation officer has referred.

Highways Issues

As outlined earlier in the report, the Highway Authority has objected to the proposal. Members are reminded that a scheme with a similar parking arrangement was approved in 1997, albeit, the consent has now lapsed.

The applicant's highways agent (Intermodal Transportation) has responded to the points raised by the Highway Authority. A copy of the response is appended to this report.

The scheme cannot deliver a 1.8 metre walkway along the frontage to the highway. However, the applicant has introduced a pedestrian crossing point to an island adjacent to the car park entrance. It is not possible to incorporate a 1.5 metre walkway along the river frontage without introducing a cantilevered walkway. This in itself has raised an issue with delivering such a feature. Consequently, the proposal for a cantilevered walkway has been dropped from the proposal although a footway link will be provided.

The buildings currently benefit from a commercial use that could be intensified. This in itself could lead to increased traffic movements in proximity to the roundabout. It is also apparent that a number of vehicles currently park on the strip of land which is earmarked for car parking and park in a similar arrangement to that proposed in the parking layout submitted. It is therefore open to question as to whether the proposed parking layout would be demonstrably worse than the current situation.

Turning to the remaining representations received it is not considered for the reasons set out above in the officer's comments that any of these are sufficient in this case to justify a refusal of planning permission.

Summary

26 Hythe Quay represents some of the few remaining examples of Victorian warehousing of the former port. It forms an important part of the conservation area in both urban design and townscape terms and is central to the successful regeneration of the historic part of the Hythe. The restoration and refurbishment of 26 Hythe Quay offers the opportunity to ensure the future of this important group of buildings located at the heart of the Hythe Conservation Area, while at the same time preserving and enhancing vitality at this pivotal site.

On balance therefore it is considered that the proposal is acceptable. If refused, then given the marginal viability of this scheme, it is likely that this brownfield site would remain undeveloped and the existing buildings remain unrestored in an area of Colchester where the Council is keen to promote regeneration and environmental improvement. The officers' recommendation is therefore that the application be approved, subject to the applicant first entering into a Section 106 Agreement as set out below.

Background Papers

HA; PP; CD; HH; NR; MR; ECC Education; Adopted Review Colchester Borough Local Plan - March 2004.

Recommendation for F/COL/06/1132

- A. That planning permission F/COL/06/1132 is deferred and the applicant advised that the Council is mindful of granting conditional permission providing a Section 106 Agreement is first entered into (within a period of six months from the date of this Committee) to secure:
- The illustrated highway and public realm works in vicinity of the site.
 - Measures to repair and maintain the river wall and provide and maintain in perpetuity, a footpath adjacent to the River Colne for public access.
- B. On the signing of such an agreement, the Head of Planning and Protection be authorised under delegated powers to grant planning permission subject to appropriately worded conditions covering:
- Time limits
 - Development to accord with approved plans
 - Submission and approval of external materials
 - Large scale drawings of architectural details
 - Details of window and balcony positions, design and materials
 - Details of sign written painted panels
 - Detail drawings and specifications for construction of riverside walk
 - Submission and approval of ground surfacing materials
 - External works including boundary treatments
 - Hard and soft landscaping
 - Unexpected contamination and remediation
 - Flood risk assessment
 - Highways work - footways
 - Cycle parking
 - Refuse storage and recycling facilities
 - Lighting and Street furniture
 - Noise mitigation
 - . Drainage.
 - . Flood protection measures

Informatives

Non-Standard Informative

1. Any other informatives recommended by the Highway Authority, the Council's Environmental Control Team and the Environment Agency.

2.0 Additional Report

2.1 Members will note that the application has been held in abeyance for a substantial period of time. However, recently progress had been made with regard to the S106 agreement, and a draft document had been produced on behalf of the Council that had subsequently been sent to the applicant for approval. It was at this stage that the applicant advised that he was unwilling to enter into the agreement with the Council, on the basis that he had not agreed at any stage to the ongoing maintenance of the repaired river wall. The following written response has been received:

“Further to our recent telephone conversation and following the exchange of correspondence between our solicitor Mr C Penfold of Marshall Legal and the Council’s Solicitor Mr T McPhie of Ellisons Solicitors, I am writing as requested to clarify our position regarding the Section 106 Agreement for the above proposed development.

As you are aware we have been endeavouring to secure a planning consent for this highly visible and strategic site for over three years. The principal reason for this application taking so long to determine has been the issue of viability and what this development could or could not fund in terms of the Council’s Section 106 aspirations.

In order to correctly assess the viability issues, we were asked to undertake an open book appraisal. This we did and the Council’s consultant Fordham Associates concluded that our proposals were realistic and fair and that the site was only marginally viable.

The open book process took place in Spring 2007 at the height of the housing boom. Prices of flats have since dropped by some 20-25% and I have no doubt that if we were to up-date that appraisal this scheme would no longer be viable. However, we have to seek determination of this application using the financial information provided.

At no point in my negotiations with the officers dealing with this application was I asked to agree to maintain the river walls in perpetuity. There was discussion about the maintenance of the paths through the site and the riverside walk but not about the river walls. Furthermore there is nothing in the planning application or the Council’s correspondence to suggest that this was expected of me. The first time that this issue appears, is the committee report with the actual wording only being given to us recently when the draft Section 106 was received.

If you look back through the files, you will see that every detail of this application has been scrutinised by both the officers and the Council’s consultants. If there had been a financial liability of this nature then it would have been clearly accounted for within the financial appraisal as a separate item.

We are unable to accept this obligation. It would render the completed residential units unsaleable as it would effectively place a potentially large financial burden on the relatively small number of residents living in this development. The river frontage is disproportionately long compared to the unit numbers. Equally as we have already shown in great detail even at the height of the property boom there was not enough profit in this scheme to allow a sinking fund to be set up for future maintenance.

The Council have accepted, following the appraisal process, that there were a number of Section 106 aspirations that should not be imposed here e.g. the Leisure/Open space contribution. That form of contribution (i.e. fixed) is far smaller and less onerous than the perpetual river wall liability that is now being asked for. To impose such a large liability without consultation and after the appraisal process has been completed is clearly not appropriate.

The site stands at the centre of Colchester Borough Council's Hythe Regeneration Area in one of the most visible locations along the river. These are some of the last remaining Victorian Warehouses within the historic port area and their preservation should be a priority for any regeneration plans for this area. Three years on we are still trying to secure a planning consent for a first class scheme that would see these buildings restored by a company that has a proven track record for doing the job properly.

I have always maintained that the Council should be working to secure the regeneration of these sites by acknowledging that these long narrow sites cannot fund these major river wall/walk works. Once again I appeal to the Council to work with us to bring about the regeneration and help fund these essential works. It is obvious that without assistance these sites will remain undeveloped so it is important that these issues are addressed."

- 2.2** The contents of the letter are fully acknowledged but it is difficult to respond to particular comments made as the officers involved in the original negotiation phase of this application have now left the Council. Nevertheless, it is noted that when the application was submitted for determination to Committee on 27th August 2007 the report did include the expected heads of terms for a legal agreement. The report did identify a requirement for '...measures to repair and *maintain* (officer emphasis) the river wall...'
- 2.3** Members will no doubt be aware that the improvement of the river wall is identified as an important element within the overall regeneration proposals for the Hythe. It is considered that the maintenance of the section of the wall that runs adjacent to this application site should, in equity, be dealt with in the same way as that on other sites in the area. For example, it is noted that the permission for redevelopment of the adjacent site at 28 Hythe Quay is subject to a legal agreement that, inter alia, secures the ongoing maintenance of the section of river wall that relates to that particular application site. Similar maintenance agreements have been secured on the former Jewson's site on the opposite side of the river to the east of this application site.

2.4 The fact that the relevant stretch of river wall is not owned by the applicant has previously been considered, and the solicitor retained by the Council to draft the agreement has commented on this issue as follows, in a letter to the applicant's solicitor:

'It is accepted that your clients do not appear to own the river wall adjacent to the application site, even though they (or perhaps just Jonathan) do own the river wall adjacent to the nearby Gas Quay site. But I think that there's a simple solution to this problem that keeps matters within the scope of the committee authority... That solution is to include in the Section 106 Agreement a proviso that extinguishes your clients ' obligation to maintain the river wall in the event that the actual owner comes forward and takes steps to prevent your clients from carrying out any maintenance work.'

2.5 On the issue of the scheme's viability the following comment was made:

Again, the position that your clients are in is acknowledged, but there does not appear to be anything in the planning case file to indicate that the planning officer did not intend to include the maintenance of the river wall as a vital part of the scheme, which explains why the recommendation in the committee report was written as it was.

The Council is, of course, not in a position to question what your clients say on the saleability of those 24 flats in the event of the river wall maintenance obligation being passed to them, but that circumstance can be avoided by your clients choosing not to pass on that obligation to those flats.

Instead, your clients could retain that obligation, which will have the benefit of the... proviso referred to above. The Section 106 Agreement can then be worded so as to exclude the river wall maintenance obligation from the 24 flats once your clients enter into the deed of covenant at the First Schedule.

2.6 Although the applicant's information regarding site viability is acknowledged it is noted that this particular issue had been considered in some detail when the application was originally considered by the Council. Infact the matter was considered by Fordham; their work being jointly funded by the applicant and the Council. As a result a reduced level of mitigation was agreed as being appropriate for this site, and this was reflected in the previous report presented to Committee. Given their previous involvement, Fordhams' view on the maintenance issue has been sought. Any response will be reported at the meeting.

2.7 Clearly the recent economic decline has impacted on the construction industry generally and the viability of schemes, including this one would have been affected. It is also fully appreciated that the redevelopment of this site would contribute significantly to the regeneration of this part of the Hythe. Nevertheless, the need to secure the ongoing maintenance of the river wall is considered to be fundamentally important in planning terms and as such a reasonable mitigation element to be secured in an agreement. On this basis it is considered that the application should be refused on the basis that the important issue of future maintenance of the river wall would not be secured as part of the planning permission for redevelopment of this site.

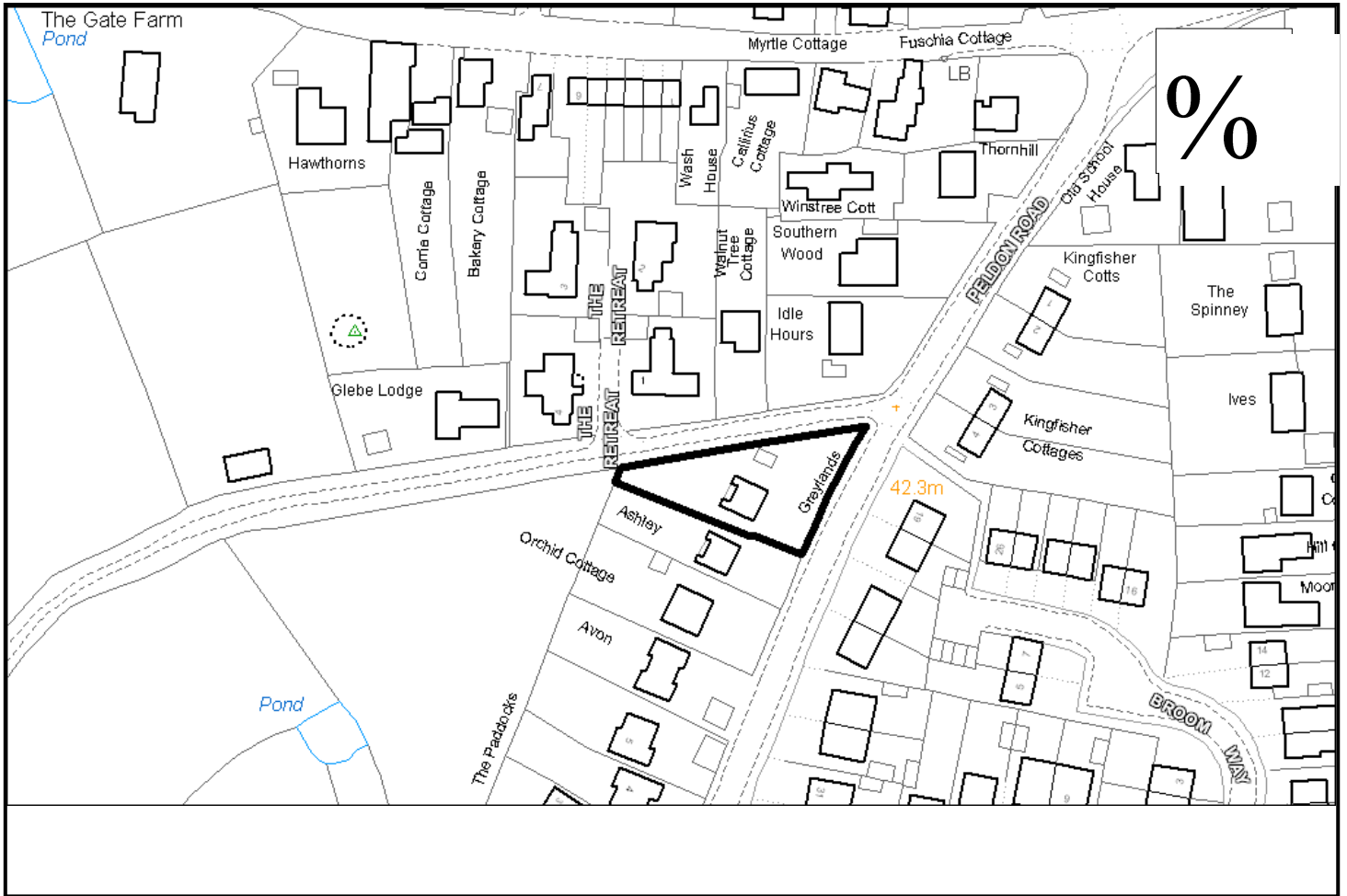
3.0 Background Papers

3.1 CAA

Recommendation – Refusal

Reason for Refusal

Whilst the proposal would include the repair and improvement of the river wall adjacent to the application site it would not secure its ongoing maintenance. The Council considers that the maintenance of the river wall feature is a reasonable requirement of development taking place on the site, according with the aims of relevant Local Plan policies and those in the Local Development Framework Core Strategy document relating to the regeneration of East Colchester.



Application No: 090371

Location: Graylands, Peldon Road, Abberton, Colchester, CO5 7PB

Scale (approx): 1:1250

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7.2 Case Officer: **Bradly Heffer**

OTHER

Site: Graylands, Peldon Road, Abberton, Colchester, CO5 7PB

Application No: 090371

Date Received: 19 March 2009

Agent: Ms Marguerite M Livingstone

Applicant: Mrs Violet Cooper

Development: Replacement of existing detached bungalow with a detached one and a half storey four bedroom house previously approved under F/COL/06/0379.

Ward: Pyefleet

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This report relates to a proposal to renew a planning permission for residential development on land at Peldon Road Abberton.

2.0 Site Description

2.1 The application site is a triangular piece of flat land within the village envelope for Abberton. It is currently occupied by a bungalow and associated outbuildings. The site is located at the junction of Peldon Road and Glebe Lane. Vehicular access to the site takes place off Peldon Road, the boundaries of the site are defined by established hedging.

3.0 Description of Proposal

3.1 This application seeks permission for the replacement of the existing bungalow on this site with a one and a half storey dwelling, incorporating four bedrooms. The new building would be constructed in brick, with rendered and boarded elements and would incorporate a tiled roof. The new dwelling would be located adjacent to the next door property, known as 'Ashley', and would form one of a row of dwellings facing on to Peldon Road. The submitted plan also shows the provision of a double garage to the front of the new dwelling, served by a new access leading off Peldon Road. This planning application is accompanied by a Design and Access statement that is available for viewing on the Council's website.

4.0 Land Use Allocation

4.1 The site lies in the established village envelope for Abberton as defined in the Adopted Review Colchester Borough Local Plan.

5.0 Relevant Planning History

- 5.1 Members are advised that the initial planning permission for this development was granted under delegated powers (application ref. F/COL/06/0379), via decision notice dated 2nd May 2006.

6.0 Principal Policies

- 6.1 Adopted Review Borough Local Plan
DC 1 – General development control criteria
UEA 11 – Design
UEA 12 – Design/Character
UEA 13 – Development, including extensions, adjoining existing or proposed residential property.
H7 – Development within village envelopes

7.0 Consultations

- 7.1 The Highway Authority has no objection to the proposal as submitted, subject to the imposition of conditions. The following comment is also made:

‘It is noted that the proposed garage does not form part of the described development but does feature in the DAS therefore the Highway comments include the garage. It is further observed that the Applicant states there is no new or altered access proposed but the access shown on the plans does not accord with the existing access position. Highway comments are made in assumption that a new access is required.’

8.0 Parish Council's Views

- 8.1 The following comment has been received from Abberton and Langenhoe Parish Council:

‘Overdevelopment – recommend refusal’.

9.0 Representations

- 9.1 None received

10.0 Report

- 10.1 Given that the site for this application falls within the defined village envelope for Abberton, it is considered that the principle of this development taking place would be acceptable. Nevertheless, the proposal would have to accord with the adopted standards of the Council in order to ensure its acceptability in planning terms. On this basis the proposed dwelling does incorporate traditional design features and use of materials that would be appropriate to this village setting. Additionally the layout plan demonstrates to the satisfaction of your officers that there would be sufficient private amenity area to serve the new dwelling, and, importantly, the amenity of neighbouring dwellings would not be adversely impacted by the development. It is also noted that the Highway Authority does not object to the proposal, subject to the imposition of conditions as listed below.

- 10.2 While the comment of the Parish Council is noted it is felt that the proposal would not appear cramped in this setting, notwithstanding the fact that the proposed dwelling would have a larger footprint than the existing bungalow. There is a variety of dwelling styles in the vicinity including bungalows, chalets and houses and the proposed dwelling would reflect this character. Furthermore it is felt that a sufficient amount of space would be retained around the building which is considered to be important in this village setting. Lastly, a key material consideration is that the proposal has previously been approved by the Council.
- 10.3 Members are reminded that as this proposal is for a replacement dwelling there is no requirement for an open space contribution to be made.

11.0 Background Papers

11.1 HA; PTC; F/COL/06/0379

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 - C3.1 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 the use of an appropriate choice of materials having regard to the prominence of this site in [the countryside] and to ensure that the choice of materials will harmonise with the character of the [surrounding area].

3 - Non-Standard Condition

A scheme of environmental works including construction of walls/fences/railings/ planting of hedges etc and other structures on or adjacent to the boundary of the site [with the highway/means of access] shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved scheme shall be completed prior to the development being brought into use and shall be maintained thereafter.

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

4 - Non-Standard Condition

The existing access at point "X" shown on the returned plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway verge/footway/kerbing to the satisfaction of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

5 - 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 exceeding a height of 600mm. These splays must not form part of the vehicular surface of the access.

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

6 - Non-Standard Condition

Prior to the occupation of the proposed development being permitted the access shall be formed at right angles to the highway boundary and shall be provided with a properly constructed crossing of the highway verge and shall be constructed to a width of 2.4m and with an appropriate connection to the carriageway.

Reason: To ensure that vehicles using the site can do so in a controlled manner and to prevent indiscriminate access manoeuvres into and out of Peldon Road, in the interests of highway safety.

7 -Non-Standard Condition

Prior to commencement of the proposed development, a vehicular turning facility, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that vehicles using the site access may enter and leave the highway, in the interests of highway safety.

8 - 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.

9 - 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.

Informatives

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

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



Application No: 090385

Location: 140 Mile End Road, Colchester, CO4 5BZ

Scale (approx): 1:1250

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7.3 Case Officer: Andrew Tyrrell

MINOR

Site: 140 Mile End Road, Colchester, CO4 5BZ

Application No: 090385

Date Received: 8 April 2009

Agent: Andrew James Architectural Services Limited

Applicant: Mrs Monica Roberts

Development: Conversion of existing 3 bedroom house into 2no. 1 bedroom flats with parking and amenity area.

Ward: Mile End

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

1.0 Planning Report Introduction

1.1 This application is referred to the committee as a result of a late representation from Myland Parish Council. They have raised an objection, however the case officer recommends approval.

2.0 Site Description

2.1 The site is on the eastern side of Mile End. It has a slope from north to south, and the front garden rises from west to east (i.e. upwards from the street). This is typical of neighbouring sites too.

2.2 The site contains one dwelling, a semi-detached property of two-storey height. This is a typical post-war design. The attached neighbour is to the south of the application dwelling. There is a reasonable sized garden although this has been reduced in part by a large detached double garage at the far end, which fronts onto an access road to the rear of the back garden. The garage has one door which opens onto two spaces forming a small forecourt in front of it.

3.0 Description of Development

3.1 The proposal is to convert the existing 3-bedroom house into 2 single bedroom flats. The flats are supplied with parking and amenity area, both of which are already in use for the single dwelling. There are also cycle parking and drying areas.

4.0 Land Use Allocation

4.1 The land is allocated as residential land, which is its current use. The use will not change.

5.0 Relevant Planning History

5.1 The most relevant application is 081523, for the conversion of this property into 2 flats, which was refused last year. This proposal was similar to the current application, although it was less comprehensively detailed. The refused scheme had no cycle parking or drying areas.

5.2 The previous scheme also had no practical parking areas as it failed to recognise that the existing garage will have to be subdivided into 2 halves, with separate doors to allow different residents individual access.

5.3 Myland Parish Council had no objection to the previous scheme.

6.0 Principal Policies

6.1 In addition to national and regional policies, the adopted Colchester Borough Review Local Plan policies listed below are relevant:

- DC1 – General Development Control Considerations
- UEA11 - Design
- P1 – Pollution (General)
- H3 – Conversions to Flats and Bedsits

6.2 The Core Strategy policies listed below are also relevant:

- H3 – Housing Diversity
- UR2 – Built Design and Character
- TA5 - Parking

7.0 Consultations

7.1 The Highway Authority has no objection to the proposals.

7.2 Environmental Control believe that a condition to ensure that a satisfactory noise remediation scheme is agreed prior to the commencement of development would be satisfactory. They point out that noise reduction measures must also adhere to Part E of the Building Regulations so Building Control would secure an appropriate insulation scheme anyway.

8.0 Parish Council's Views

8.1 There has only been one objection. This response, from the Parish Council, is an objection on the basis that:

- 1) The garage parking is insufficient and does not meet current regulations;
- 2) The proposed conversion is out of keeping with the area which consists of family homes. It is felt that the loss of a family home to add to the great number of flats, many of them currently unoccupied, in the area is very disappointing;
- 3) The proposed sound insulation proposed for the first floor flat is inadequate; and
- 4) Policy H3 of the Local Plan states "proposals for conversion of premises into flats or bedsitting rooms will be granted provided that: (b) the proposals are not for conversion of properties of not less than 110 sq m gross". The Design and Access Statement says "The property is not less than 100m² gross". This indicates that the gross sq m does not meet the minimum 100 sq m gross required by policy H3.

8.2 If permission is granted the Parish Council requests that conditions are imposed to restrict working hours in order to protect the amenities of nearby residents.

9.0 Representations

9.1 There have been no objections to the proposal from members of the public.

10.0 Report

Design and Appearance

10.1 The design and appearance of the property do not significantly alter. Consequently, there are no adverse impacts on the surroundings in terms of design and appearance. The only difference is one additional ground floor window on the side elevation. Internally there are more significant alterations, particularly with regard to providing living accommodation at first floor level where there are currently bedrooms, as well as the internal subdivision.

Impact on Neighbours

10.2 There is no noise impact assessment. However, where the scheme previously lacked any indication of sound insulation there is now a scheme of sound insulation illustrated on the plans. The drawing states that Crown Acoustic Partition Roll or Rocksilks Flexible Slab (Knauf Insulation) will be used to ensure that there is no harm to the neighbouring residents.

- 10.3 Acoustic Partition Roll is a flexible glass mineral wool designed specifically for the sound insulation of metal and timber stud partitions. The mineral wool acts as a sound absorbent layer in partitions to improve their acoustic performance by absorbing airborne sound in the cavity and reducing reverberation. Acoustic Partition Roll can meet the requirement for a 40 Rw dB sound reduction in accordance with Approved Document E of the Building Regulations. For comparison, putting an average single glazed window in a hole in the wall of a building would achieve around a 25 Rw dB noise reduction. Similarly, the option of Rocksilks is for general thermal and acoustic insulation on internal partitions, and between timber and metal studs, rafters and floor joists.
- 10.4 On this basis the application appears to be satisfactory in terms of its impact on neighbouring amenity. The matter of securing an effectively implemented acoustic screening would be controlled under Building Regulations rather than planning. However, should there be a noise nuisance in future then that matter would be handled by Environmental Control under their own legislation. Thus planning has limited scope for controls after any approval is given. Therefore consideration of conditions is crucial. Environmental Control has indicated that the acoustic installations detailed should be sufficient, as they meet normal standards required under Building Regulations and anything over and above the national standards can not be justified when this is commonly accepted. However, their formal comment is that a condition relating to this matter is suggested to secure assurances.

Occupants' Amenity Provision

- 10.5 The private amenity space will be shared between the two properties. The grassed area shown is above the required amenity area. There has been some trade off between the amenity space provision and our requirements for there to be drying areas and cycle parking. However, regardless of these reductions to the usable area, the amenity area meets minimum standards.
- 10.6 As stated above, since the previous refusal the scheme has been revised so that there is now cycle parking provision. This needs to be in use prior to occupation and retained thereafter. This can be achieved by use of condition.
- 10.7 Another improvement to the scheme is that there is an identified area for hanging out washing etc. This again needs to be secured by condition. As does the area for storing waste and recycling.

Parking

- 10.8 On-street parking is by resident parking scheme. Residents can only apply for a permit if they do not have the possibility of access to off-street parking. In this instance, the current dwelling has a garage and forecourt area at the rear of the property for parking. Therefore, it is possible to gain on site parking and no permits or increase of on-street parking will be necessary.

- 10.9 Previously the double garage door width stretched right across the adjacent forecourt parking spaces, making the area in front of the garage only practical for use by one of the flats. If the second flat parked in front of the garage the single door could not be opened to allow the garage to be used, thus reducing the feasibility of parking in different ownerships/tenancies. However, this problem has been remedied in the revised scheme. The subdivision of the garage in a manner that allows its use by the individual flat occupants would require new single width doors and an internal wall. This will then mean that there will be adequate parking on site for future occupiers. This can be secured by condition prior to the first occupation.
- 10.10 Despite the Parish Council claims that the parking is insufficient, the provisions meet current adopted standards. It is believed that they might have prematurely referred to other standards that are currently being discussed. However, no new standards are adopted, or likely to be adopted in the next few months. Proposed new parking standards have repeatedly met with problems and have again been delayed, currently until at least December 2009 (demonstrating the danger of premature consideration of draft policies as these were originally intended for County-wide adoption in 2008). Therefore, only the current adopted standards set out by the Essex Planning Officers Association in 2001 should be considered.
- 10.11 Essex County Council Highways Authority are satisfied that there are no parking or highways issues.

Other

- 10.12 The Parish Council have claimed that the proposed conversion is out of keeping with the area which consists of family homes. They feel that the loss of a family home to add to the great number of flats is disappointing. Whilst this might be a recurring opinion, it is one of limited planning weight. This scheme should be considered on its own merits and the loss of a single non-descript dwelling to use as two flats will have a limited overall effect on the area. Other development should not affect this proposal. Additionally, the lack of external change means that the overall impact of the change will be negligible to the wider area. Our policies also support a mix of dwelling types.
- 10.13 Myland Parish Council also believes that the proposed sound insulation proposed for the first floor flat is inadequate. This matter has been referred to Environmental Control. However, to date they have not responded as detailed above.
- 10.14 Finally, Myland Parish Council refer to policy H3 of the Local Plan, which states that the conversion of premises into flats will be granted provided that the property to be converted is not less than 110 square metres. The Design and Access Statement says that the application dwelling "is not less than 100m² gross". The Parish have taken this to mean that it does not meet the minimum floorspace required by policy H3. On measuring the dwelling footprint the property appears to be approximately 112 square metres. Therefore, the dwelling does not appear to conflict with this policy. Even if the dwelling did fall below, it would have been extremely marginal, and refusal on this basis alone would have been precarious at appeal.

11.0 Conclusion

- 11.1 To conclude, at the current time there are no significant concerns regarding the scheme. The design and layout is satisfactory and meets current standards, there are also measures to control sound insulation. The late Parish Council response has raised several issues; however, none of these are considered to have merited the necessary weight to warrant the refusal of planning permission.
- 11.2 A Unilateral Undertaking has been provided and should be considered to be essential to any approval in line with adopted policy and procedures.

12.0 Background Papers

- 12.1 HA; HH; PTC

Recommendation

The application be deferred in order that a Unilateral Undertaking is completed whereby a contribution to Open Space, Sport and Leisure is made in accordance with the Council's Supplementary Planning Document. Once completed, the Head of Environmental and Protective Services be authorised to grant planning permission for the proposed development, 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

Prior to the first occupation of the development hereby permitted, a total of 2 car parking spaces per flat shall be provided in accordance with details that will have been previously agreed, in writing, by the Local Planning Authority and these spaces shall be retained thereafter for the sole purpose of parking of vehicles ancillary to the development.

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

- 3 – Non-Standard Condition

Prior to the development hereby approved being brought into use, facilities for the drying of clothes shall be provided on the site and thereafter retained in accordance with a scheme submitted to and agreed by the Local Planning Authority

Reason: To ensure that adequate drying facilities are provided as there are inadequate details of how this area of the plans will be equipped and set out.

4 - D4.4 Bicycle Parking (satisfactory arrangements)

The building/s or land subject to this permission shall not be brought into use for the purposes hereby approved until satisfactory arrangements for the provision of bicycle parking have been agreed in writing and implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure proper provision for cyclists, including parking in accordance with the Local Planning Authority's standards.

5 - 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.

6 - B9.3 Refuse Storage in Accordance With Approved PI

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

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

7 -B9.2 Recycling Facilities

Prior to the development hereby approved being brought into use, facilities for the collection of recyclable materials shall be provided on the site and thereafter retained in accordance with a scheme submitted to and agreed by the Local Planning Authority.

Reason: To ensure that adequate facilities are provided for the collection of recyclable materials.

8 - C1.2 Making Good Any Damage

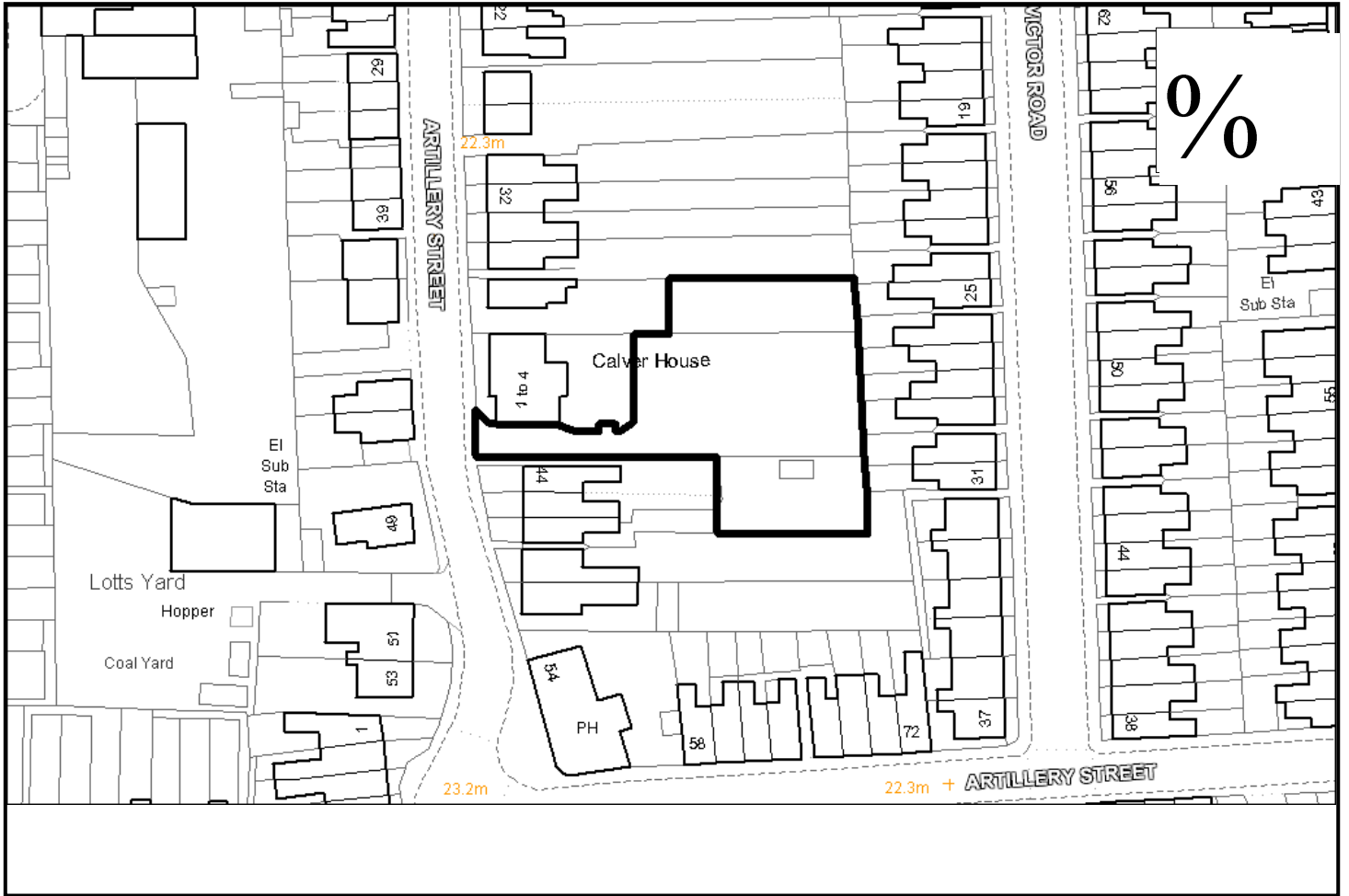
Following completion of the building operations for which consent is hereby granted any damage to the building shall be made good and all making good of the existing building shall be carried out using materials to be agreed with the Local Planning Authority so as to ensure there is a good match with historic materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity.

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 any works.

Any works affecting the highway are to be carried out by prior arrangement with and to the satisfaction of the Highways Authority. Application for the necessary works should be made initially by telephone on 01206 838600.



Application No: 090452

Location: Land to the rear of, Calver House, 44, 46, 48 & 38, Artillery Street, Colchester, CO1 2JC

Scale (approx): 1:1250

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7.4 Case Officer: David Whybrow

MINOR

Site: Calver House, 44, 46, 48 & 38, Artillery Street, Colchester, CO1 2JC

Application No: 090452

Date Received: 1 April 2009

Agent: Mr Gordon Parker - Dellacourt Developments Ltd

Applicant: Colne Housing Society

Development: Construction of 3no. 3-person, 2 bedroom bungalows for physically disabled people with associated parking.

Ward: New Town

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

1.0 Planning Report Introduction

1.1 This application was deferred at your last meeting for the case officer to provide 2 disabled parking spaces and 2 parking spaces, also to contact Colne Housing Society asking them to hold discussions with the Calver House residents in respect of their concerns over the proposals.

1.2 The previous report is reproduced below and incorporates additional information provided on behalf of the agent (in italics) which was previously included on the Amendment Sheet.

1.0 Site Description

1.1 The site of 0.1 ha lies within an established area of Victorian 2 storey housing in New Town Ward. The land presently comprises concrete hardstanding used as a car parking area to the rear of Calver House and adjoining amenity/garden land. Access is by way of a single vehicle width private drive alongside Calver House and alongside the end-terrace house at 44 Artillery Street.

1.2 The rear boundary to properties in Victor Road is screened by established trees. The remaining boundaries are chiefly screened by timber fencing.

1.3 Additional information provided on behalf of agent:-

- *Calver House was altered by Colne Housing Society in 2003 when 8 car parking spaces were provided to rear. This area was open to the garden area provided for the flats.*
- *In 2003 an application for 1 bungalow on the car park was submitted and refused for single reason – inadequate garden area for proposed bungalow (O/COL/03/1443 refers – the proposal involved the re-modelling of the amenity space for the flats and clothes drying area).*
- *In the present case site area is larger and garden size issue addressed.*
- *Owners in Victor Road have been contacted and advised parking has been moved away from boundary, offering protection from noise and fumes. Also extra planting and higher fencing can be addressed by way of a “boundary treatment” condition.*
- *The applicants intend to provide a replacement shed for Calver House tenants.*

2.0 Description of Proposal

- 2.1 It is proposed to erect 3 two bedroom bungalows for residents with physical disabilities. Each is served by a car port convenient to the front door and gardens with an average area of about 80 sq.m. The proposals involve a reduction in the amenity area available to the Calver House flats but provides each with a car parking space and relocated clothes-drying area and bin store. A wall and railings is proposed to the rear of the flats' communal amenity area providing screening from the new bungalows.
- 2.2 The proposals incorporate new surface treatments, hard and soft landscaping to the courtyard in front of the bungalows and a new gateway feature to the site entrance designed to establish and reinforce a sense of place. The bungalows themselves are in red brick and slate and elevational features such as chimneys, stone window surrounds and barge-boards provide visual references to the Victorian period and single storey almshouses in the locality.
- 2.3 A Unilateral Undertaking has been submitted in respect of Open Space and Recreational contributions.

3.0 Land Use Allocation

- 3.1 Residential

4.0 Relevant Planning History

- 4.1 None

5.0 Principal Policies

- 5.1 Core Strategy
UR2 - Built design and character
TA1 & TA4 - Accessibility and parking

- 5.2 Adopted Review Borough Local Plan
DC1 - General Development Control considerations
UEA12 & 13 - Residential design including backland development

6.0 Consultations

- 6.1 Environmental Control have no comment but recommend the standard note on demolition/construction works accompanies any approval granted.
- 6.2 The Highway Authority have no objection to the submitted scheme.
- 6.3 The Housing Development Officer's observations are as follows:-

"I am writing in support of the application by Colne Housing Society to build three new wheelchair standard bungalows with carports on this site. This type of unit is in high demand but in very short supply and difficult to acquire through the Council's usual s106 planning gain approach. Our Portfolio Holder is also known to be very supportive of the provision of this sort of affordable home.

I have sought out the opinion of the Council's Assessment and Options Team regarding the need in this area for these units and they have confirmed a current need and are also very supportive of Colne's proposals. To this end I have worked with and encouraged Colne to work up these plans."

7.0 Representations

- 7.1 5 letters of representations have been received from residents of Victor Road and occupiers of flats at Calver House. Their concerns may be summarised as:-
1. Loss of sunlight (Victor Road).
 2. Increased noise pollution and exhaust fumes will exacerbate existing health problems (Victor Road).
 3. Loss of privacy; fencing of more than 1.8m height is required if this development goes ahead.
 4. Increased parking congestion and traffic difficulties in the already overcrowded New Town area.
 5. Overdevelopment of site results in reduction of amenity space enjoyed by occupiers of flats (including disabled residents). In addition this space will be surrounded by drying area, bin store and wall and railings, reducing its amenity value.
 6. Two ornamental trees will be removed to further detriment of visual amenity.
 7. The parking allocated for Calver House (1 space per unit) is inadequate. There are disabled residents who must have convenient parking.
 8. The proposals involve loss of shed and flats already lack general storage space.
- 7.2 Support for the Housing Development Officer's view have been expressed by Councillor Mrs Oxford, Elaine Webb, Medical Assessment Officer for Assessment and Options Team at CBC and also Ruth Hamnett, Adaptations Officer for CBC Life Opportunities.

8.0 Report

Use

- 8.1 In basic land use terms, this is a site allocated for residential purposes. It is undoubtedly a backland situation in an area where such development is not typical, the prevailing form of residential development being terraced or semi-detached housing sited close to individual street frontages. Current Policy UEA12 is generally supportive of backland development where that development itself creates a satisfactory form of townscape and there are no significant adverse effects on neighbours.
- 8.2 More recently, a number of appeal decisions have emphasised the need for such schemes to have proper regard to their setting. Proposals must demonstrate a sympathetic layout with clear distinction between public and private spaces and the architectural treatment should take reference from the better elements of the local style. These principles underlie guidance currently being produced with a view to drafting new development control policy for inclusion in the LDF in the future.
- 8.3 As part of this work, the Local Planning Authority have been endeavouring to address the issue of comprehensive development in preference to piecemeal schemes. Comprehensively planned development will deliver the full potential of land and can better make the necessary contributions that ease the burden of housing intensification in urban areas.
- 8.4 This scheme of single-storey units cannot properly reflect the character of surrounding 2-storey housing but elevational features have references to the prevailing Victorian character. In relation to comprehensive development, there is no indication of adjoining gardens being considered ripe for development and the single-width, private drive access gives limited scope for upgrading to create an adoptable standard roadway into the wider backland area.
- 8.5 Essentially, if approved, the scheme will provide for much-needed wheelchair standard accommodation. In themselves units are attractively designed and set behind a courtyard landscaped and detailed to create a sense of place, and, so far as possible avoid overdominance by parked cars.

Highways and Parking

- 8.6 The scheme replaces an existing parking area for 8 cars and to that extent does not involve any marked increase in traffic activity. The Highway Authority raise no objections on this basis. The 3 new properties are provided with 4 spaces and a further 4 bays are retained for the Calver House flats, representing a reduction in their current levels. In this location 1 space per unit would ordinarily be deemed acceptable and in accordance with current standards.

Amenity

- 8.7 In the light of the current use of the site, the level of traffic likely to be generated and single-storey nature of the development, the adverse effect on the privacy, outlook and amenity of existing residents is unlikely to be compromised. A scheme of screening to site boundaries will be a requirement of any consent granted.
- 8.8 As raised in the representations the scheme involves a reduction in the amount of amenity space (including a shed) available to residents of Calver House; greater enclosure would be provided to this space and clothes drying area also reduced. That said, the space retained, at 100 sq.m. meets current amenity space standards for flats i.e. 25 sq.m. per unit, and privacy would be enhanced.

S106 Matters

- 8.9 The application is accompanied by a draft Unilateral Undertaking in respect of the required Open Space and recreation contribution. This must be signed before any decision notice is issued.

9.0 Conclusion

- 9.1 As in many cases of this sort, the issues are not wholly straightforward. Officers are mindful that the scheme delivers keenly required specialist housing, care has been taken to create an attractive grouping of individually detailed bungalows with good sized plots and carefully hard and soft landscaped public areas.
- 9.2 The proposal will not have any significant impact on the amenity of adjoining residents except where the generous parking and garden space enjoyed by Calver House residents will be curtailed. Even so, the scheme meets current spatial and parking standards for flats, particularly in this close-knit, urban setting and, on balance, the recommendation is for approval.

10.0 Additional Report

- 10.1 Amended plans have been requested incorporating 2 disabled parking bays of overall width of 3.3m in order to facilitate wheelchair access. It is anticipated these will be available before the meeting.**
- 10.2 It is understood that Colne Housing have discussed their proposals with the tenants and any outcomes of these discussions, including provision of suitable storage facilities, will be reported at the meeting.**

11.0 Background Papers

- 11.1 ARC and Core Strategy; HH; HA; NLR; CBC; HD

Recommendation

- (a) That the matter be deferred for the Unilateral Undertaking accompanying the application to be signed.
- (b) Upon completion of the Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant planning permission under delegated powers, 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 - A7.3 Ram of Perm Devil Rights-residential

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 enlargement of the dwelling house(s) including additions or alterations to the roof as permitted by Class A, B & C of Part 1 of Schedule 2 of that Order nor the provision of any building or enclosure within the curtilage of the dwelling house as permitted by Class E of Schedule 2 of that Order shall be carried out without express planning permission from the Local Planning Authority.

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

3 - C3.1 Materials (general)

Before the development hereby permitted commences, the external materials and finishes to be used, which shall be substantially as shown on the approved drawings shall be agreed in writing by the Local Planning Authority. The details to be submitted shall include all new surface treatments. The development shall be implemented in accordance with agreed details.

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

4 - C12.2 Details of Walls or Fences

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

Reason: To ensure a satisfactory and attractive form of development and protect the privacy and amenity of adjoining residents.

5 - C12.5 Boundary Screening by Trees and Hedging

Where indicated on the approved drawing returned herewith the development hereby approved shall be screened by trees/ hedges/shrubs on the boundaries of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority before any part of the development is begun. The planting of all [trees/hedges/shrubs] agreed shall be completed not later than the next planting season following [commencement/completion] of the [development] unless otherwise agreed in writing by the Local Planning Authority. Any tree, shrub or hedge planting that dies is diseased, becomes seriously damaged or is removed within five years of planting shall be replaced with another of similar size and species in the next planting season.

Reason: To ensure a satisfactory and attractive form of development and protect the privacy and amenity of adjoining residents.

6 - D2.4 Residential Devel Altern-see also Cond A7.7

The car parking spaces and car ports hereby approved shall be [constructed strictly in accordance with the approved plans/hardened and surfaced] prior to occupation of the dwellings and thereafter shall be retained for parking vehicles ancillary to the development.

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

7 –Non-Standard Condition

The bungalows hereby permitted shall be occupied only by physically disabled people as described in the submitted application documents.

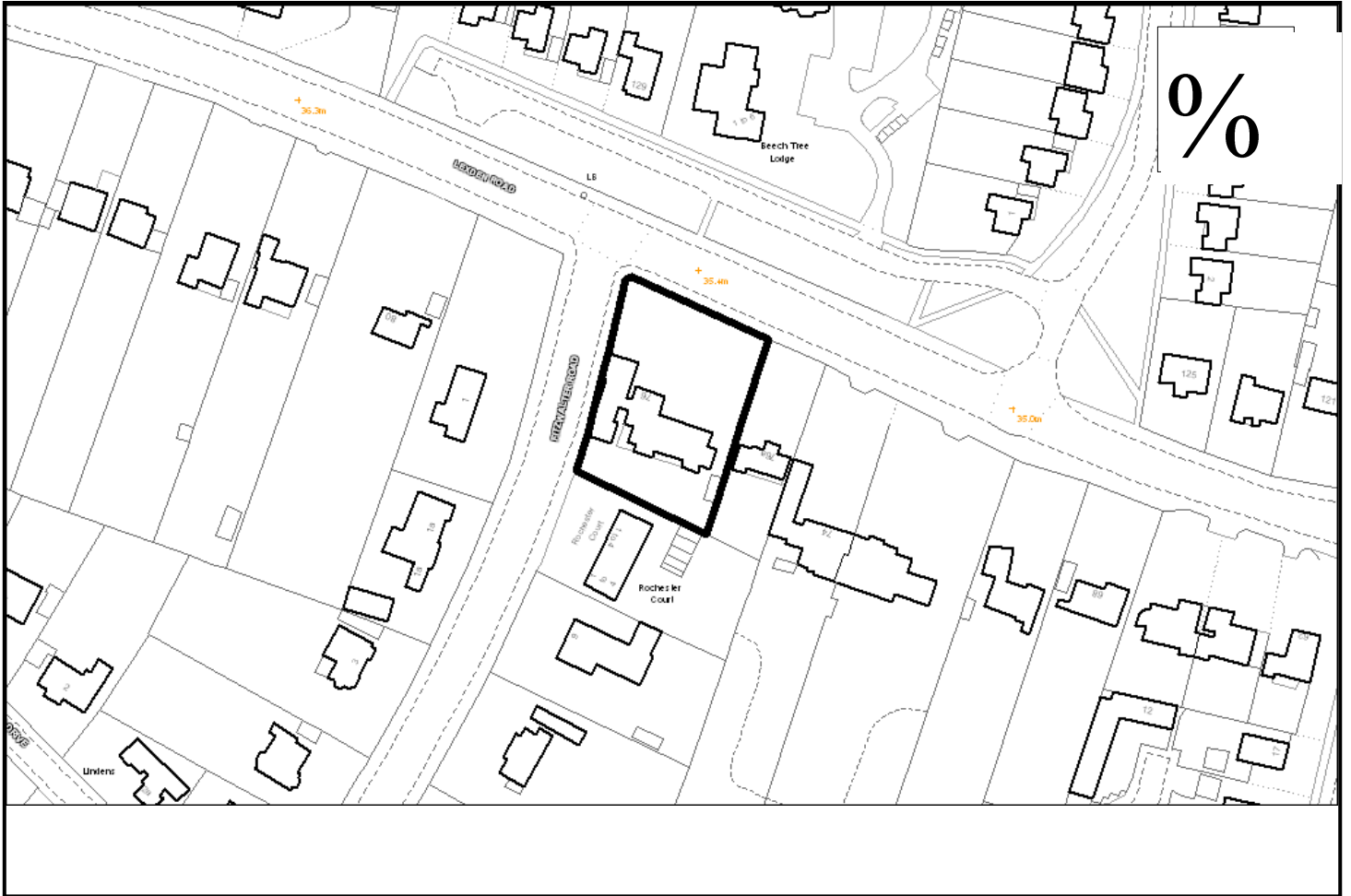
Reason: For avoidance of doubt as to the scope of the permission and in order to ensure this much needed type of accommodation is secured in perpetuity.

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 shall be made initially by telephoning 01206 838600.

The applicant is requested to give consideration to the general storage needs of occupiers of flats in Calver House in the light of the removal of existing shed as required by these proposals.



Application No: 090545

Location: Woodlands, 76 Lexden Road, Colchester, CO3 3SP

Scale (approx): 1:1250

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7.5 Case Officer: Jane Seeley

EXPIRY DATE: 17/06/2009

OTHER

Site: 76 Lexden Road, Colchester, CO3 3SP

Application No: 090545

Date Received: 22 April 2009

Agent: Hurley Porte And Duell Ltd

Applicant: Woodlands

Development: Part demolition and extension of existing residential care home

Ward: Lexden

Summary of Recommendation: Conditional Approval

1.0 Site Description

- 1.1 Woodlands, a residential care home for elderly ladies, is located on the east side of the junction of Lexden Road and Fitzwalter Road. Vehicular access is from Lexden Road, the access and driveway is shared with 76A a dwelling unrelated to the care home. The site currently supports a large building that has the air of a large country house. It is an eclectic mix of architectural styles, ranging from mock Tudor to Arts and Crafts, with a corresponding range of detailing including render, black stained timber, stained glass windows, and materials. A single storey extension was built in the 1980's along the Fitzwalter Road boundary.
- 1.2 The site is within an Area of Special Character and part of the front garden is within a Conservation Area. There is a TPO tree at the rear of the site.
- 1.3 The applicants have advised, in the submitted Design and Access Statement, that the building has been used as a Care Home for over 35 years; currently it has accommodation for 23 residents. They consider that the existing facilities are in need of extensive modernisation to provide the accommodation standards required by Government legislation and the demands of existing and new residents. It is considered that the only option to ensure a sustained and viable economic future for the care home is to provide a large extension with a significant number of new bedrooms. The net number of additional bedrooms will be 7; the number of residents will increase from 23 to a maximum of 26.

2.0 Land Use Allocation

- 2.1 Predominantly Residential
Area of Special Character
Conservation Area
TPO

3.0 Relevant Planning History

- 3.1 80/1844 Single storey side extension to provide staff accommodation in connection with elderly ladies home – Approved 8 December 1980
- 3.2 90/0362 Removal of Condition 1 of COL/1844/80 and conversion of extension to additional bedrooms and ensuite bathrooms for elderly persons – Approved 24 April 1990

4.0 Principal Policies

- 4.1 Adopted Colchester Borough Local Plan
 - DC1 - Development Control considerations
 - UEA1 - Character of Conservation Areas
 - UEA2 - Building within Conservation Areas
 - UEA11 - Design
 - UEA13 - Development, including extensions, adjoining existing or proposed development
 - UEA21 - Areas of Special Character
 - CO4 - Landscape Features
- 4.2 Core Strategy
 - UR2
 - H3

5.0 Consultations

- 5.1 The views of the Trees and Landscape Officer are awaited.
- 5.2 The Highway Authority has no objection but recommend 2 informatives.
- 5.3 The Urban Design Officer comments as follows:-
 - 1) The application reflects the pre-application discussion for a building that doesn't mimic or compete with the existing eclectic building, but creates a simple building which addresses the corner site and reinforces the character of Lexden Road which is a Conservation Area.
 - 2) The scale and massing of the new building is compatible with the existing house on the site and other buildings along Lexden Road. It provides a good street definition without detracting from the established building line along Lexden Road. The modern interpretation of a Georgian style provided a simple but elegant form that reinforces the character of the Conservation Area.
 - 3) Within the Area of Special Character the extension replaces a non-descript single storey extension along the street boundary with Fitzwalter Road. Although the extension is not set back from the street frontage, as is typical of Fitzwalter Road, it provides an improvement to the existing streetscape as it replaces an uncharacteristic building with a built form that better reflects the character of the area. From an urban design viewpoint a departure from an established building line is welcome at corner sites, providing interest and a focal point feature, this is reflected in the incorporation of a large corner tower.

- 4) The simple design and calm material palette will be sympathetic to the existing busy building, and complement the predominate material palette along Lexden Road.
- 5) The proposed railings on Fitzwalter Road reflect the typical style in the vicinity and respond to the new building with detailing at regular intervals to mark window positions.

6.0 Representations

6.1 Colchester Civic Society – understands the need for the extension but considered the relationship between the original main building and the proposed extension is wrong.

6.2 One email commenting:

- Construction of extension will bring enormous benefit to the quality of life of the residents.
- Existing side extension is not a pleasant looking building.
- Proposed extension will significantly improve the look of the whole site and will fit in perfectly with other buildings in the area and along Lexden Road.

6.3 16 proforma letters (11 from residents of Woodlands) have been received commenting:-

- Support application.
- Existing single storey building is neither elegant or sympathetic to the existing building or surroundings.
- 2 storey extension will provide an improved sense of enclosure at the end of Fitzwalter Road and Lexden Road and offers a more appropriate style and design.
- Relationship between existing Mock Tudor building and proposed extension is appropriate and in keeping with other buildings throughout Lexden.
- Plans to improve quality of life of residents should be supported and encouraged.

7.0 Report

7.1 Core Strategy Policy H3 supports the provision of specialist residential accommodation for the elderly. It is appropriate to ensure that there is sufficient open space within the curtilage of the unit and that care facilities are in close proximity to community facilities, such as shops, or readily accessible public transport. The proposed extension is primarily on the site of an existing single storey extension, which is to be demolished. There will be garden utilised for the extension to the front and rear of the existing buildings. These areas are now, in the main, utilised as paved outdoor areas with wooden summerhouses. However a paved terraced area running along the rear of the original building and landscaped gardens to the front will be retained. This is considered adequate for the needs of the residents. Woodlands is not in close proximity to any community facilities but there is a good bus service along Lexden Road with bus stops in close proximity. In any event the residents are frailer and rarely leave the premises.

- 7.2 The front of the application site, which is well treed, is in the Conservation Area. The application building is outside the Conservation Area. The trees afford substantial screening to the front of the buildings. However the side elevation is clearly visible from the Conservation Area in views of Fitzwalter Road. The whole site is within an Area of Special Character.
- 7.3 A single storey extension, built in the 1980's is located between the main buildings and the road. The boundary is marked by close-boarded fencing. This structure, which is constructed in redbrick and pantiles is not considered to be a sympathetic addition to the dwelling or to views out from the Conservation Area.
- 7.4 Policy UEA 21 indicates that within an Area of Special Character all spaces around buildings, trees and open spaces will be protected. There are trees to the front of the site but, due to the existence of the single storey extension no tree or other screening along the Fitzwalter Road. A protected tree to the rear of the site is significant in views from Fitzwalter Road.
- 7.5 The design of the proposed extensions has been the subject of pre-application consideration and discussion with the applicant and their agents in order to achieve a solution which is sympathetic to the Conservation Area and the Area of Special character. The poor design of the existing extension, and its presence immediately adjacent to the road has persuaded Officers that its replacement with a more appropriately designed structure, albeit significantly larger, is acceptable. Given the varied and detailed style of the existing building it is considered that a simple design, which reflects the Georgian architecture that is prevalent along the length of Lexden Road, is an acceptable design solution. In views from the Conservation Area (Lexden Road) the new building will provide a focal point, which is a desirable urban design feature for corner plots.
- 7.6 In long views in Fitzwalter Road (from the south) the trees to the front of the site will remain visible above the building. In views from the west the existing building does not give any illusion of space. The rear of the extension has a single storey element that will ensure that the visual amenity afforded by the TPO tree is retained. There is adequate space between the extension and the flats to the rear of the site to ensure that the sense of openness and space will be retained. On balance it is not considered the extension will be harmful to the character of the Area of Special Character.
- 7.7 The trees at the front of the site, in the Conservation Area, are an important feature of Lexden Road. An Arboricultural Impact Assessment indicates that the significant trees can be retained (one tree, adjacent to the driveway will be crown lifted to 3.5m) The Council's Arboriculturalist advised at pre-application stage that he was satisfied with the arboricultural content of the proposal. Comments on these application and suggested conditions will be detailed on the amendment sheet.

8.0 Background Papers

- 8.1 HA; TL; Urban Design advice; 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 - C3.1 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 - C4.1 Large Scale Drawings

Additional drawings that show details of proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at a scale between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. The development shall thereafter be carried out in accordance with such details.

Reason: To ensure that the windows have an appearance appropriate to the character of the building and the surrounding area.

4 - Non-Standard Condition

Prior to the commencement of the hereby approved development the following details shall be submitted for the prior approval of the Local Planning Authority and shall be implemented as approved:

- a) full details of the boundary wall railings, brick plinth and piers and capping
- b) the material to be used in the vertical strips between the ground and first floor corner windows and central tower windows
- c) Details of the eaves brackets

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

5 - Non-Standard Condition

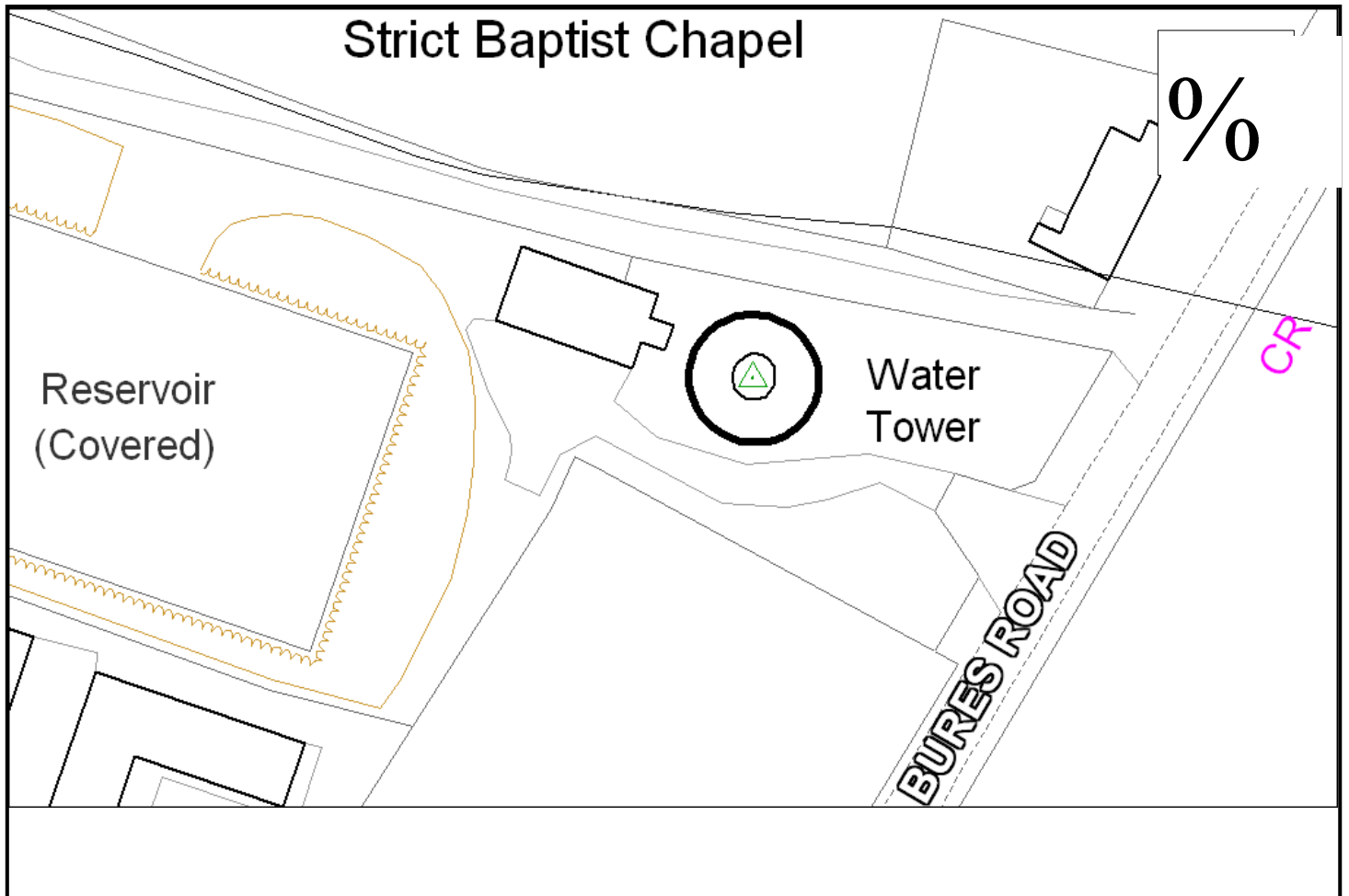
Any conditions advised by Trees and Landscape Officer

Informatives

Your attention is drawn to the attached advisory guidelines relating to the control of pollution during demolition/building.

Prior to the commencement of any works the precise location of the highway boundary must be agreed on site with the Highway Authority.

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



Application No: 090552

Location: Bures Water Tower, Chappel Road, Wakes Colne, Colchester, CO6 2BD

Scale (approx): 1:1250

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7.6 Case Officer: Jane Seeley

EXPIRY DATE: 15/06/2009

OTHER

Site: Bures Water Tower, Chappel Road, Wakes Colne, Colchester, CO6 2BD

Application No: 090552

Date Received: 21 April 2009

Agent: Savills

Applicant: Anglian Water Services Ltd.,

Development: Addition of 1no.600mm transmission dish at 21.6m attached to an existing pole-mount fixed to the inner face of the parapet wall on the top of the water tower,together with the retention of 3 existing 600mm dishes with 1no.600mm dish re-sited adjacent the new dish and 2no.600mm dishes at 21.6m centres on the existing pole to the right of the top of the tower,together with associated feeder cabling. The existing pole-mount on the front of tower to be removed on completion of the re-siting works.

Ward: Great Tey

Summary of Recommendation: Prior Approval Required (Approved)

1.0 Introduction

- 1.1 The proposal constitutes permitted development under the terms of Schedule 2, Part 24, Class A of the Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2001. Before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the Authority will be required for the siting and appearance of the development.
- 1.2 This is an application for a determination as to whether the prior approval of the Authority will be required to the siting and appearance of the development. The Local Planning Authority has 56 days to consider the application. If the Local Planning Authority does not make a decision within that period, the development is deemed to be approved and can be implemented. The Local Planning Authority cannot apply conditions to these prior approval applications.

2.0 Site Description

- 2.1 The application site relates to the Bures Water Tower, a white painted structure which rises 20m in height above the surroundings. The tower is itself located on a high and relatively flat table of land, with fairly open views within the wider landscape. The closest residential property, Beak Cottage, is 50m to the south, but generally the surrounding countryside is sparsely populated. Currently there are 3 dishes on the tower: 2 on a pole on the front (east) and 1 on the side (north). This is not in line with the proposals put forward at the time of the previous Prior Approval application 2006 which proposed 1 dish on the south and 1 on the north.
- 2.2 This application seeks prior approval for an additional dish on the north of the tower and the relocation of the pole and dishes on the front of the tower to the south side. The existing pole mount on the front (east) is to be removed. The poles and dishes are to be coloured white.
- 2.3 The application was accompanied by a supporting statement, providing a justification for the proposal. This indicates that Anglian Water has developed its own secure integrated telemetry system throughout its network for the data communication and the efficient operation of its services. The Bures water tower forms an important part of this telemetry system forming a link between Gt. Horkesley Reservoir (bearing 88 degrees) and Parkfield Water Tower (bearing 262 degrees), Great Braxted Mast and the Colchester Hospital Mast. For the system to function correctly there must be a clear line of sight between connecting sites, which means that the path between the dishes must be free of trees, particularly any in close proximity to the dishes. The proposed facility is stated to fully conform to the ICNIRP guidelines regarding radio frequency emissions.

3.0 Land Use Allocation

- 3.1 The site is within countryside as designated in the Local Plan.

4.0 Relevant Planning History

- 4.1 PA/COL/06/0665 - Application to determine whether prior approval is required for installation of electronic communications apparatus – 2no 600mm transmission dishes - Prior approval required (approved)

5.0 Principal Policies (Mast)

- 5.1 Adopted Review Colchester Local Plan
DC1– Development Control Considerations
UT4 – Telecommunications Development
- 5.2 Core Strategy:
ENV1 - Environment
ENV2 – Rural Communities

6.0 Consultations

- 6.1 None

7.0 Parish Council's Views

7.1 Wakes Colne Parish Council:

- 1) Existing site contravenes the original permission.
- 2) No objection, but would comment
 - a) The water tower can be seen clearly from a distance and therefore must look pleasing to the eye;
 - b) Is it really necessary with modern technology to be requesting a further dish when cheaper and more environmentally friendly methods can be used.

8.0 Representations

8.1 One letter raised the following issues:

- 1) The existing development contravenes planning.
- 2) Wish to ensure that Mount Bures PC and the Colne-Stour Countryside Association are notified of the application
- 3) Why has a formal planning application not been made?
- 4) From an aesthetic point of view it would be best precise to have the dishes pointing in a south easterly or north westerly direction as they would be less visible from the road from Wakes Colne or Mount Bures. This would also divert harmful rays away from local residents. All devices should be colour to match existing paintwork.
- 5) The water tower is of architectural significant and can be seen from the Stour and Colne valleys.
- 6) The dishes and related structures should be located below the towered railings to lessen the visual impact. Why can they not be fixed to the inner tower?
- 7) Why are communications devices required between sites used by the same organisation; computers would be cheaper and more environmentally friendly.

9.0 Report

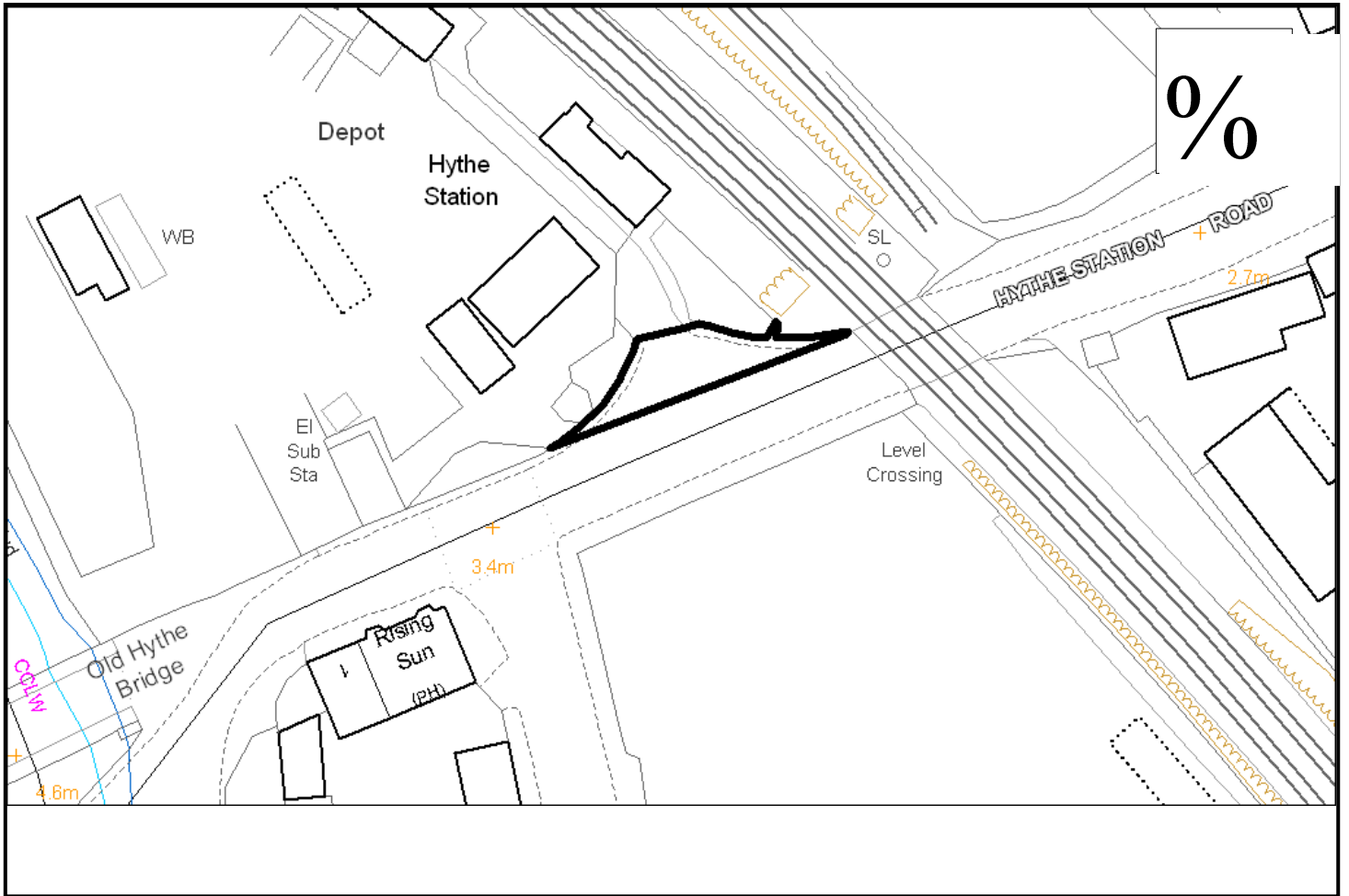
- 9.1 It is Government policy to facilitate the growth of telecommunications systems because of their perceived benefits relating to fast, reliable and cost-effective communications. By their very nature and purpose, such installations often need to be prominently sited on the tops or sides of buildings. Much telecommunications development has "permitted development rights" under the Town and Country Planning GPDO. This gives the Local Planning Authority only limited powers with which to control the location, siting and design of such development.
- 9.2 The Water Tower is on one of the highest geographical contours within the region and can be viewed from a considerable distance. The existing telecommunication apparatus is visible but, in comparison to many such structures, is very low key.
- 9.3 There are currently three dishes on the tower. One of these (to the north) is in line with the previously submitted scheme. The other two dishes are not in accordance with that scheme. These dishes will be relocated to the south of the tower and the supporting pole removed.

- 9.4 On the north side of the tower an additional dish will be added to the supporting pole. The position of the two dishes to the south is in a similar position to the single dish which was previously agreed. The previous application for prior approval accepted that there could be one dish on the south and one on the north. This application, which is complicated by the need to relocate the existing dishes, is in effect for 2 additional dishes over and above what was accepted in 2006.
- 9.5 The applicant's agent has advised that the direction of the dishes is determined by the location of the sites on which corresponding linking dishes are situated. They are also located so that they do not fire across the roof of the tower which causes issues for the ICNIRP compliance for persons accessing the roof of the tower. It is understood that the least visually intrusive location which enable this connectivity and avoids clutter is as proposed. The fixing of the poles on the inner tower has been queried. The positioning of the apparatus behind or below the railings would cause signal interference.
- 9.6 The agents have also indicated that the system of microwave links will be more reliable than the old dial up modem system which was previously employed.
- 9.7 Telecommunications policy does generally encourage the use of existing structures in order to limit the number of new masts that are otherwise likely to have to be provided. Bearing in mind that agreement has already been accepted for one dish on either side of the tower, and the applicants intention to remove the existing pole on the front (east) of the tower and that all the existing and proposed equipment is to be painted white, it is not considered that an additional dish to each side will have a significant visual impact.
- 9.8 PPG8 states that if the proposal meets the ICNIRP guidelines, it should not be necessary in processing an application to consider further the health aspects of the proposal. The application confirms that the proposal will fully comply with these guidelines.
- 9.9 Having regard to the relevant telecommunications policies, the proposal is considered to be visually acceptable and the application is recommended for approval.

10.0 Background Papers

- 10.1 ARC; PTC: NLR

Recommendation - Prior Approval Required (Approved)



Application No: 090241

Location: Hythe Station Road, Colchester

Scale (approx): 1:1250

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7.7 Case Officer: Bradly Heffer

OTHER

Site: Hythe Station Road, Colchester

Application No: 090241

Date Received: 24 February 2009

Agent: Nps Property Consultants Ltd

Applicant: Fiona Duhamel

Development: Change of use from highway to allow open pedestrian access.

Ward: St Annes

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 Members are advised that this application, submitted on behalf of Colchester Borough Council, coincides with a proposal to improve Hythe Station which is also on this agenda for consideration.

2.0 Site Description

2.1 This application seeks permission for the change of use of an area of land at Hythe Station Road, that currently forms part of the public highway. The change of use is necessary in order that the land could be utilised as station forecourt, as part of the scheme of improvements proposed under planning application 090260.

2.2 The land itself is a small area directly to the south of the entrance to the station and is currently utilised as a turning facility.

3.0 Land Use Allocation

3.1 The site for this proposal lies in the East Colchester Regeneration Area as allocated in the Adopted Review Colchester Borough Local Plan – March 2004. In the Local Development Framework Adopted Core Strategy the site forms part of the East Growth Area.

3.2 The site also falls within a defined Flood Zone.

4.0 Relevant Planning History

4.1 090260 – Refurbishment and improvement to Hythe Station.

5.0 Principal Policies

- 5.1 Adopted Review Colchester Borough Local Plan
DC 1 – General Development Control criteria
UEA 11 – Design
ECH 1 – River Colne Regeneration Area
- 5.2 Local Development Framework – Adopted Core Strategy
CE2 – Mixed Use Centres
UR1 – Regeneration Areas
TA1 – Accessibility and Changing Travel Behaviour
TA3 – Public Transport

6.0 Consultations

- 6.1 The Highway Authority has no objection to the proposals.
- 6.2 The Environment Agency has assessed this application as having a low environmental risk and therefore has no objection to the development proposal.
- 6.3 Environmental Control would require the imposition of the demolition and construction informative on any grant of planning permission.

7.0 Representations

- 7.1 None received

8.0 Report

- 8.1 The change of use of the identified area of land is an essential requirement if the overall package of environmental improvements proposed under 090260 is to be achieved. On this basis a positive recommendation is made to Committee.

9.0 Background Papers

- 9.1 HA; HH; NR; NLR; 090260

Recommendation - Conditional Approval

Conditions

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

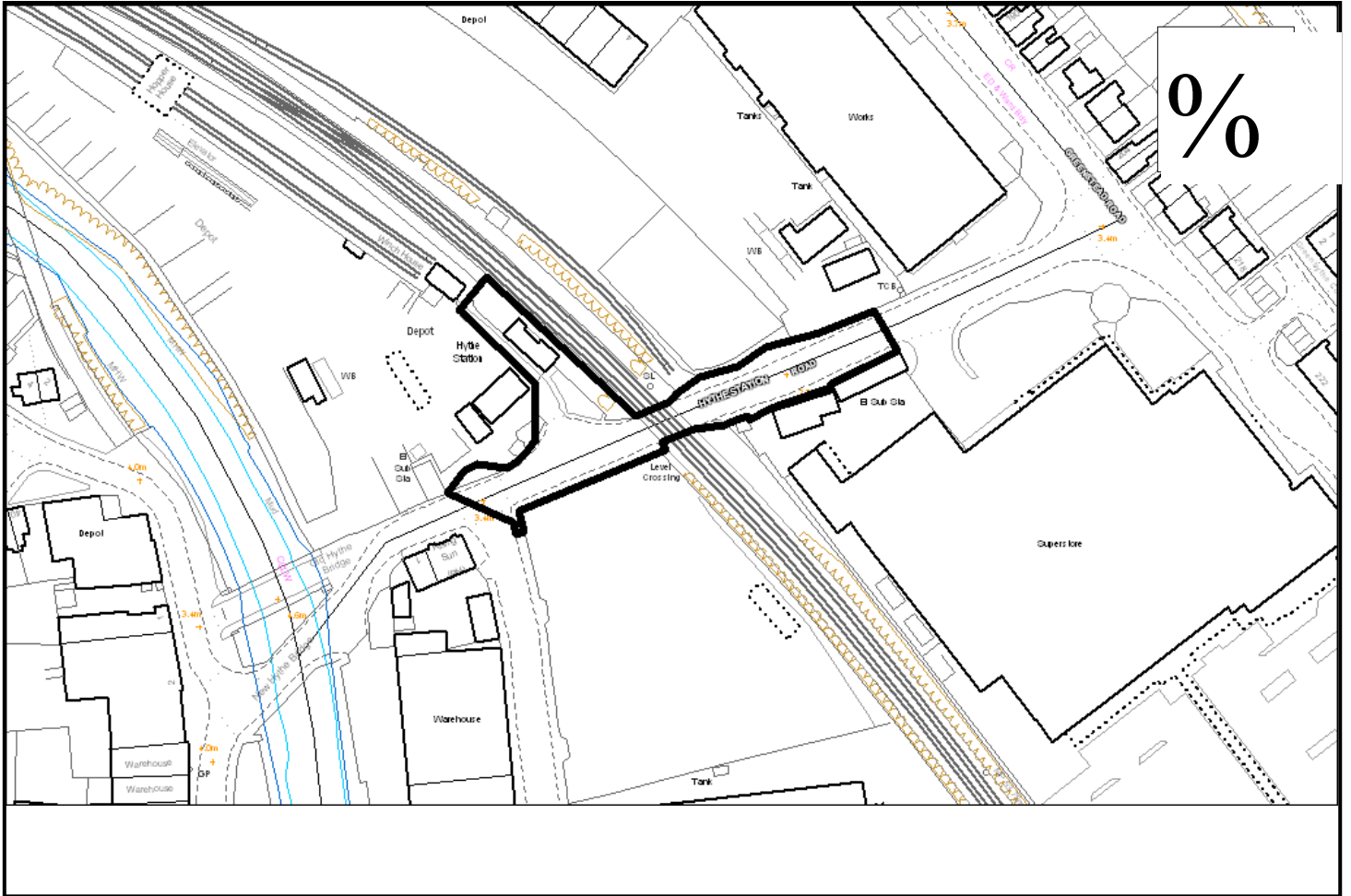
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Informatives

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

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



Application No: 090260

Location: Hythe Station Road, Colchester

Scale (approx): 1:1250

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7.8 Case Officer: Bradly Heffer

OTHER

Site: Hythe Station Road, Colchester

Application No: 090260

Date Received: 17 March 2009

Agent: Nps Group Property Consultants

Applicant: Ms F Duhamel

Development: Alterations and improvement works including resurfacing works, erection of shelters and benches.

Ward: St Annes

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 This planning application, submitted on behalf of Colchester Borough Council, seeks permission for alterations and improvements to Hythe Station, Hythe Station Road Colchester. The proposed works would include:

- Re planning of the space (currently highway land) to the front (south) of the station to create a ramped access to the platform. Improvements to this area would include resurfacing and planting, new lighting facilities, fencing and the provision of new passenger shelters, ticket machines and bicycle parking facilities.

1.2 Members should note that as well as the scheme of works proposed under this application, works are also proposed by Network Rail which include the removal of the existing station building, lengthening of the platforms and re-signalling works. These works in themselves do not require planning permission as Network Rail benefits from permitted development rights as described within the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Indeed, at the time this report was produced some of the work i.e. platform extension had already taken place. It should be also noted that a scheme of environmental improvements along Hythe Station Road is also proposed, although as these are wholly within the highway they do not require planning permission as such.

- 1.3 As part of the planning application submission a Design and Access statement has been produced that explains the context to the development. Extracts of the document are reproduced for Members' information:

'Essential to the establishment of a sustainable community is the installation of new infrastructure and the railway station has been seen as a key point for investment, enabling sustainable access to and from this growing community.

The major part of the investment in the station has been to increase the strategic significance of the station by lengthening the platforms to accept 12 car trains. This will give the through trains to London the ability to stop at the Hythe and provide users of the station with the advantage of express services to London.'

'The design has considered how people can access the platforms in a way that is safe, meeting the standards of Network Rail and allows good movement to access cycle parking. Soft landscape in the form of two rows of trees has been provided together with seating. The arrangement of furniture and trees in the forecourt steers people up the ramped area towards the platform entrance point and cycle parking.'

'The materials used on the forecourt and highway areas have been chosen for their robustness and easy maintenance qualities. The pavement material is a concrete paver which is an affordable and robust product. Used on the pavement it will set a high standard for the rest of the area to follow.'

- 1.4 The entire document is available to view on the Council's website.

2.0 Land Use Allocation

- 2.1 The site for this proposal lies in the East Colchester Regeneration Area as allocated in the Adopted Review Colchester Borough Local Plan – March 2004. In the Local Development Framework Adopted Core Strategy the site forms part of the East Growth Area.

3.0 Relevant Planning History

- 3.1 090241 – Removal of highway rights from the access area of Hythe Station.

4.0 Principal Policies

- 4.1 Adopted Review Colchester Borough Local Plan
DC 1 – General Development Control criteria
UEA 11 – Design
ECH 1 – River Colne Regeneration Area
- 4.2 Local Development Framework – Adopted Core Strategy
CE2 – Mixed Use Centres
UR1 – Regeneration Areas
TA1 – Accessibility and Changing Travel Behaviour
TA3 – Public Transport

5.0 Consultations

- 5.1 The Highway Authority has no objection to the proposals subject to the imposition of a condition and informative on any grant of planning permission.
- 5.2 The Environmental Control Officer has no comment to make.
- 5.3 The Contaminated Land Officer has no objection subject to the imposition of conditions.
- 5.4 Network Rail has no comment to make on the proposal.

6.0 Representations

- 6.1 None received

7.0 Report

- 7.1 As part of the ongoing regeneration and improvement of the Hythe it is an established policy aim of the Council that the railway station at the Hythe should be improved, not least to create a credible public transport node in the area. With the growth of development (particularly residential) and the proximity of Essex University, the use of the station will be a key element in the provision of a sustainable form of development.
- 7.2 Examination of the station at the present time reveals that it is in a visually poor condition. Due to the level of passenger use the station is not manned, and therefore the established building has fallen into decline and disrepair. Given the level of investment required to repair and maintain the building on an unmanned station Network Rail has concluded that it should be demolished. The environs of the station are not attractive and the facility is not particularly easy to access, especially for cyclists and pedestrians. The submitted scheme addresses this issue by, firstly, creating an attractive ramped approach from Hythe Station Road directly to the platform and, secondly, providing sheltered cycle parking facilities and passenger seating. The new approach would incorporate land currently utilised as highway land and which is the subject of a change of use application also on this agenda. A main element of the proposals is the introduction of a range of surfacing materials that would help to define individual spaces and underpin the overall legibility of the scheme. The proposed formal planting and the use of ground level lighting and new street furniture would also assist in this aim. The passenger and cycle shelters would be in the approximate position of the disused station building currently on the site. The provision of secure cycle parking facilities would add as an incentive to a reduction in car trips. Also the following point is made within the Design and Access statement accompanying the application:

‘The cyclist is also well catered for in the vicinity by having access to National Cycle route 1 which provides a car free, riverside route into the centre of Colchester to the north and to the south, after following Hawkins Road the cycle route continues to Wivenhoe along the tidal river bank.’

- 7.3 As well as the improvements to the station area itself, the submitted plans also indicate the use of identical surfacing material within the area of the public highway directly to the south of the station. This would create a clear visual link between the two areas which, again, would be an improvement to visual amenity in the area. Other alterations in the highway would include the provision of new bus shelters that would improve travellers' facilities at this point.
- 7.4 In summary, it is felt that the package of alterations proposed under this application would ensure that the attractiveness and, importantly, the profile of the station were improved and its role as a key element in the regeneration of the Hythe area was secured.

8.0 Background Papers

- 8.1 HA; HH; Contaminated Land Officer, Network Rail, NLR

Recommendation - Conditional Approval

Conditions

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

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

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

- 2 – Non-Standard Condition

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 3 to 7 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 6 has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P 4 of the adopted Review Borough Local Plan.

- 3 – Non-Standard Condition

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

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

- (ii) an assessment of the potential risks to:
- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P 4 of the adopted Review Borough Local Plan.

4 – Non-Standard Condition

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P 4 of the adopted Review Borough Local Plan.

5 – Non-Standard Condition

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in Planning Policy Statement 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P 4 of the adopted Review Borough Local Plan.

6 – Non-Standard Condition

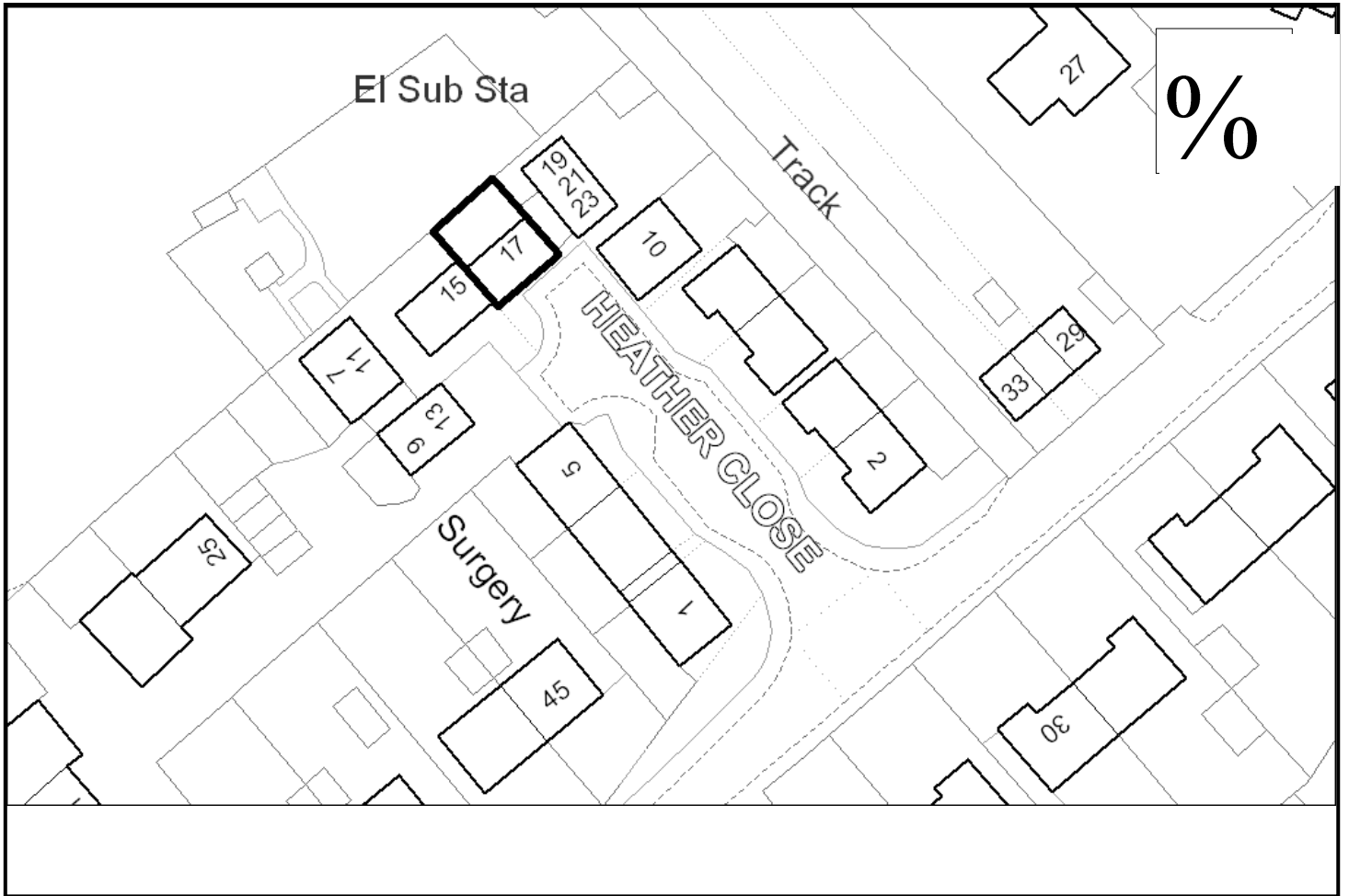
In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 3 , and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 4 , which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P 4 of the adopted Review Borough Local Plan.

7 –Non-Standard Condition

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P 4 of the adopted Review Borough Local Plan.



Application No: 090366

Location: 17 Heather Close, Layer-De-La-Haye, Colchester, CO2 0EQ

Scale (approx): 1:1250

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7.9 Case Officer: Corine Walsh**OTHER**

Site: 17 Heather Close, Layer-De-La-Haye, Colchester, CO2 0EQ

Application No: 090366

Date Received: 18 March 2009

Agent: Stour Valley Design

Applicant: Mr A Ford & Ms C Atkins

Development: Single storey rear extension to ground floor flat.

Ward: Birch & Winstree

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is presented to the Planning Committee as the property is a flat and objections have been received. The scheme of delegation does not include flats.

2.0 Site Description

2.1 The application property is a ground floor flat situated within Heather Close. The proposal is to erect a single storey extension to the rear of the property.

2.2 The proposed extension would project 2.45m in depth and approximately 4m in width and would have a mono-pitched roof profile.

3.0 Land Use Allocation

3.1 The site falls within the village envelope settlement boundary of Layer de la Haye.

4.0 Relevant Planning History

4.1 None

5.0 Principal Policies

5.1 Adopted Borough Local Plan
DC1 - Development Control considerations
UEA13 - Development, including extensions, adjoining existing or proposed residential property

5.2 Core Strategy
UR2 - Built Design and Character

6.0 Consultations

6.1 None

7.0 Parish Council's Views

7.1 Layer de la Haye Parish Council have no objection in principle but notes the concerns of local residents regarding loss of light and advises that as there is no exterior access to the site all necessary materials would have to be transported via the communal corridor of the flats and requests that conditions be imposed to ensure that there is no disruption caused to neighbours.

8.0 Representations

8.1 The application has attracted two letters of representations setting out objections to the proposal which are summarised as follows:-

1. Concern over the close proximity of the proposal to the exterior wall of neighbouring first floor flat.
2. Potential increase in noise nuisance as a consequence of the associated building works and upon completion when the extension is occupied.
3. Loss of light to a kitchen window.
4. Position of the extension would prevent neighbours providing reassuring surveillance over the property of an elderly resident.
5. Potential associated nuisance with construction works - i.e. increased levels of dust and dirt and workmen activity.
6. Implications upon existing refuse storage facilities.

9.0 Report

9.1 The proposal is a modest single storey extension with a lean-to roof. Concerns raised by neighbouring residents are, to a certain extent, the result of the fact that the application property is a ground floor flat in what is a high density development. However, the scale of the proposal is not considered to result in any significant loss of amenity to any of the adjoining properties either to the site or to the flat above. The objections raised are in the main related to ownership matters, construction logistics and noise. The majority of these concerns are not material planning considerations and in the case of noise it is not anticipated that the concerns expressed would materialise to a level that would cause a noise nuisance. However, the flat is owned by Colchester Borough Homes and the appropriate notice has been served. The applicant's agent is also aware of neighbours' concern and has written to the Parish Council and the both neighbours. Colchester Borough Homes as owners will also have to give consent for these works.

9.2 Whilst the neighbouring residents' objections are understood they do not raise matters that would justify a planning refusal and therefore planning permission is recommended.

10.0 Background Papers

10.1 ARC; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

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 harmonises with the appearance of the existing building and the character of the area.

Informatives

The applicant is advised to satisfy herself that all necessary permissions in relation to the Party Wall Act are obtained prior to and during construction. In addition, the applicant is advised to consider construction of this proposal in accordance with the considerate construction scheme on any such similar scheme.

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



Application No: 090375

Location: 4 Bargate Lane Cottages, Bargate Lane, Dedham, Colchester, CO7 6BN

Scale (approx): 1:1250

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7.10 Case Officer: Corine Walsh

OTHER

Site: 4 Bargate Lane Cottages, Bargate Lane, Dedham, Colchester, CO7 6BN

Application No: 090375

Date Received: 20 March 2009

Agent: Complete Construction

Applicant: Mr R Clarke

Development: First floor side extension over existing single storey side extension

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This report was deferred from Committee on 21st May to enable Members to visit the site.

1.2 The original report is produced below and is unchanged.

2.0 Planning Report Introduction

2.1 This application is referred to the Planning Committee as a result of objections received, despite these objections the case officer recommends approval.

3.0 Site Description

3.1 The property, 4 Bargate Lane Cottages, is one half of pair of semi-detached properties at the junction of Bargate Lane and Long Road East. The property is two storey and has been extended to the south east by means of a single storey extension. The proposal is to build over the existing extension to create a two storey side extension providing two additional ensuite bedrooms. The application site has a substantial curtilage, relative to its neighbours and there is as much garden land to the side of the property as there is to the rear.

4.0 Land Use Allocation

4.1 The site falls within a Village Envelope.

5.0 Relevant Planning History

5.1 890772 – Single storey side extension – Approved

5.2 02/1562 – Garage - Approved

6.0 Principal Policies

6.1 The relevant core strategy policies are as listed below:-

UR2 - Building design and character.

6.2 The Local Planning Policies which are considered relevant are:-

DC1 - Development Control considerations

UEA11 - Design

UEA13 - Development, including extensions, adjoining existing or proposed residential property

7.0 Consultations

7.1 None

8.0 Parish Council's Views

8.1 Dedham Parish Council have no objection to the proposal, however, they point out that neighbouring residents have raised objection.

9.0 Representations

9.1 The application has attracted two letters of representation setting out objections to the proposal which are summarised as follows:-

1. Loss of privacy due to overlooking.
2. Overbearing effect.
3. Design, lack of articulation.

10.0 Report

10.1 The principal objection to this proposal raised by two residents concerns overlooking from the proposal resulting in loss of privacy. As a result of the proposal, two first floor windows will be provided on the property's rear elevation and one provided in the end gable wall. The two rear windows will have an outlook to the south across the objector's garden and neighbouring gardens. Such a scenario is of course commonplace in residential situations and for this reason it is not possible to protect entire gardens from being overlooked by neighbouring property. However, the Council operates a policy, set out in the Essex Design Guide to protect the area of the garden immediately to the rear of the property This can be considered as the "outside room" of the property to the south. Some views will be possible from the proposed windows to the rear of the neighbour's garden, indeed this situation already exists where views from an existing bedroom window of the end of the neighbours garden are possible. As No. 4 is a corner property the degree of overlooking is increased. However, it is the

view of officers that the proposal will not worsen this situation. A similar concern has been raised by the occupiers of a property on the other side of Bargate Lane relating to a small window proposed on the first floor of the end gable of the extension. This window lights an ensuite bathroom and can be conditioned to be obscure glazed, however, there is a significant degree of separation between the two properties and the situation proposed would be very similar to that which presently exists in Bargate Lane where properties face each other across the street.

- 10.2 The second issue concerns an overbearing effect to the property to the south. Officers consider that the plot has ample room to successfully accommodate the proposal and that there is a reasonable distance between the extension and the neighbouring property. This adjacent property has no side windows and consequently there can be no loss of outlook and accordingly the proposal could not be considered overbearing.
- 10.3 Finally, concerns have been raised in relation to a lack of articulation between the existing house and the proposed extension. Whilst it would be appropriate to articulate extensions where possible, in this case it not considered necessary. The original pair of semis meet at two halves of a central gablet. This gablet does not project forward of the front well of the dwellings to form a bay and is flush. The proposed extension repeats this feature and by doing so maintains the design characterised by its host. In any event the existing single storey extension to which the proposed is to be built above is not articulated from the original dwelling and therefore to articulate the extension would require the part demolition of the existing extension, which officers consider to be unnecessary and unlikely to be viable.
- 10.4 Whilst the views of the neighbouring residents are understood and raise matters which cause concern, the degree of overlooking and design issues are not considered to be at a level that would warrant refusal of planning permission, or would be contrary to Development Plan policy. For these reasons permission is recommended.

11.0 Background Papers

11.1 ARC; 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 - B4.3 Windows to be Obscure Glazed (2)

The window to be provided above ground floor level in the south east facing elevation shall be glazed in obscure glass of a type agreed in writing by the Local Planning Authority prior to its installation and shall be retained as such at all times thereafter.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

3 - C3.5 Materials to Match Existing

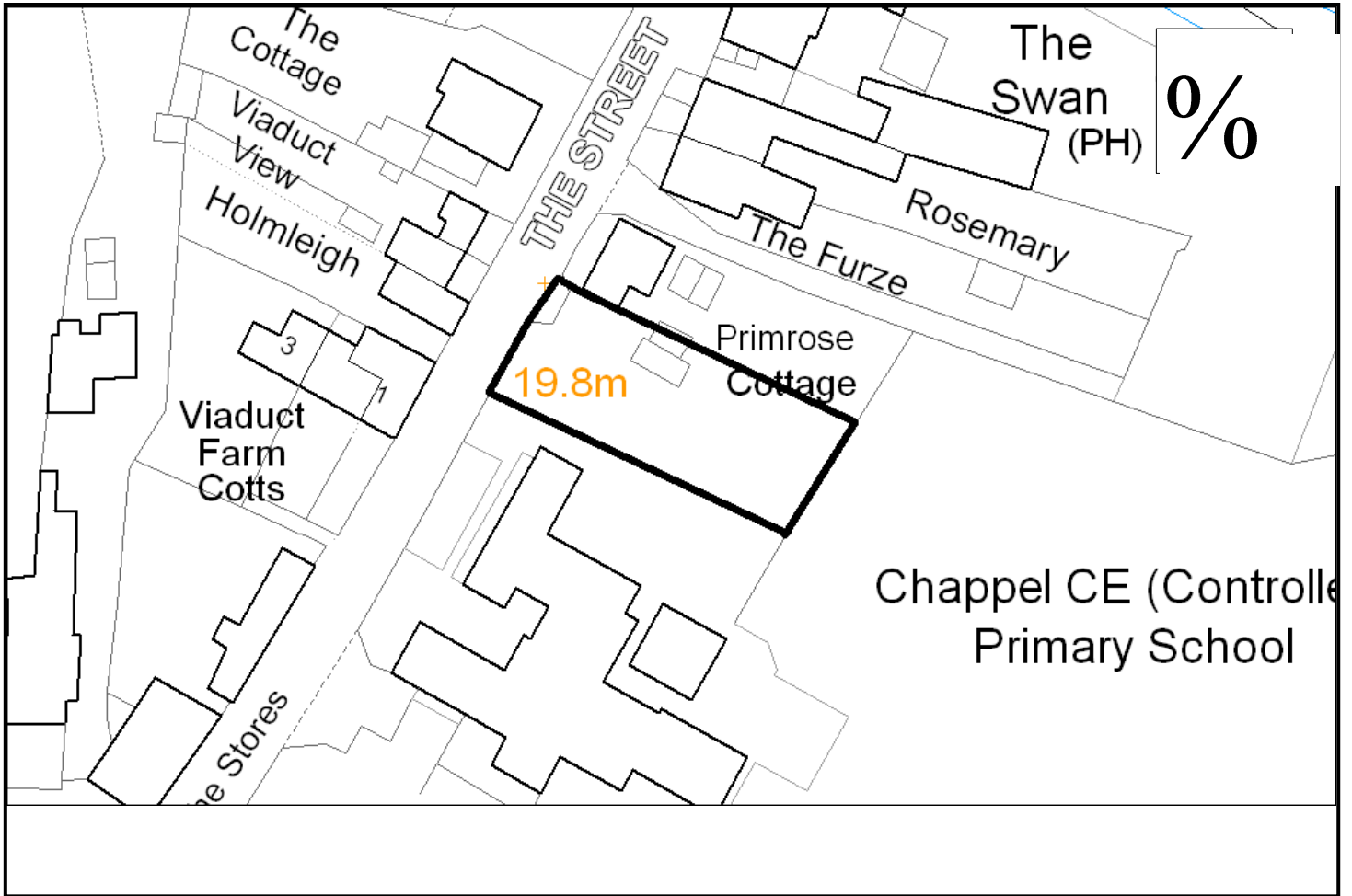
The external materials and finishes to be used for the approved development, shall be of the same type and colour as those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the fascia sign does not appear unduly prominent or obtrusive in the street scene in the interests of visual amenity.

4 – A7.11 No New Windows

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 windows, dormer windows, roof lights or any other form of opening other than those expressly authorised by this permission shall be constructed in any wall/roof slope of the extension of the building hereby approved.

Reason: To protect the amenities and privacy of adjoining residents.



Application No: 090399

Location: Land Adjacent To, Primrose Cottage, The Street, Chappel, Colchester, CO6 2DD

Scale (approx): 1:1250

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7.11 Case Officer: John Davies

OTHER

Site: Primrose Cottage, The Street, Chappel, Colchester, CO6 2DD

Application No: 090399

Date Received: 25 March 2009

Agent: Mr Kevin Smith

Applicant: W Wendon

Development: Renewal of planning permission F/COL/03/2172 for proposed new dwelling and garage

Ward: Great Tey

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The application site comprises the side garden to Primrose Cottage. The dimensions of the application site are approximately 9m wide and 35m deep. The site falls within the Chappel Conservation Area.

2.0 Description of Proposal

2.1 The proposal is for a two-storey detached two bedroom cottage-style dwelling, with a double garage at the rear of the site to provide 1 garage space each to the existing dwelling and 1 space for the proposed dwelling. The access to the site is to be widened to provide vehicle entry and exit for both dwellings.

2.2 This application is the fourth renewal of planning permission following an original approval in 1989. The proposed scheme is substantially the same as that originally approved. The design comprises a two storey building with accommodation on the first floor within the roof space lit by two dormer windows to the front. Materials comprise a white rendered frontage, clay tiled roof, with areas of brick work and weatherboarding to the rear.

3.0 Land Use Allocation

3.1 The application site lies within the village envelope of Chappel, a Conservation Area and an Environment Agency Fluvial Flooding Area.

4.0 Relevant Planning History

4.1 COL/89/0727 - Proposed cottage and garage - approved 18 July 1989.

- 4.2 COL/94/0227 - Proposed cottage and garage (renewal of COL/89/0727) - approved 21 April 1994.
- 4.3 COL/99/0142 - Proposed cottage and garage (renewal of COL/94/0227) - approved 25 March 1999.
- 4.4 COL/03/2172- Proposed cottage and garage- Approved 26 March 2003

5.0 Principal Policies

- 5.1 Adopted Review Colchester Borough Local Plan-March 2004
DC1- Development Control considerations
UEA1- Conservation Areas
UEA2-Building within Conservation Areas
UEA11- Design
UEA12- Backland development/infill
UEA13- Residential development
P3- Development in Floodplains
- 5.2 LDF Core Strategy- December 2008
UR2- Built Design and Character
ENV1- Environment

6.0 Consultations

- 6.1 Environment Agency comments to be reported.

7.0 Parish Council's Views

- 7.1 Any comments to be reported.

8.0 Representations

- 8.1 One response received from neighbour raising the following objections:
- New building inappropriate in a unique narrow street of old buildings
 - Narrow plot unsuitable for development
 - Insufficient off street car parking is provided
 - The Street has become much busier with traffic since planning permission was first granted due to increase in businesses and increased pupils at the school. Road lacks footway and additional dwelling will add to current problems when school starts and finishes.

9.0 Report

- 9.1 This application is a renewal of previous planning permissions for an infill dwelling on this site granted in 1989, 1994, 1999 and 2003. The last of these permissions expired on the 26 March this year. The observations raised concerning the position of the site within the conservation area were raised and considered during the processing of the previous applications. The position has not changed since. The comments of the objector are not considered to raise issues that would warrant refusal of the proposals.

- 9.2 The comments of the Environment Agency are awaited. The site is within a Fluvial Flood Risk Area. However, it is not expected that objection will be raised to the proposals on flood risk grounds as the Agency has given its approval to detailed plans submitted under the last application, which are no different in this application.
- 9.3 The proposed plans show that the height of the building is marginally greater than Primrose Cottage, which is as a result of flood mitigation measures and the need to ensure the floor level is above the 1: 100 year flood risk level. In addition, the proposals include the provision of a walled defence to the front door with flood gates. The increased height is not considered to be significant particularly as ground levels rise from north to south.
- 9.4 With regard to ecology issues under the consideration of the previous application the applicants submitted an ecological assessment with regard to the impact of the development on great crested newts. The Village Pond, where great crested newts are known to be present, lies approximately 100m away to the south east. The applicants have previously carried out a survey and report on this issue, which was agreed by English Nature. A condition is therefore recommended requiring that the recommendations of the report be fully implemented.

10.0 Background Papers

10.1 ARC; NR; PTC: NLR

Recommendation

That subject to no objections being raised by the Environment Agency, the Head of Environmental and Protective Services be authorised to approve the development 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

A 5m x 2.5m hardstanding for vehicles shall be provided within the site, convenient to the front door of the dwelling.

Reason: In the interest of highway safety.

3 – Non-Standard Condition

Any garage erected, with its doors facing the highway, shall be sited a minimum of 6m from the highway boundary.

Reason: In the interest of highway safety.

4 – Non-Standard Condition

Parking facilities, in accordance with this Council's standards, shall be provided and maintained within the site.

Reason: In the interest of highway safety.

5 – Non-Standard Condition

The existing access shall be widened to a minimum of 5.3m as shown on the approved plan and any gates erected shall be sited a minimum of 4.5m from the nearside edge of carriageway of The Street.

Reason: In the interest of highway safety.

6 – Non-Standard Condition

The widened access shall be provided with 1.5m x 1.5m visibility splays on both sides, relative to the highway boundary and containing no obstruction exceeding a height of 0.6m.

Reason: In the interest of highway safety.

7 – Non-Standard Condition

No obstruction exceeding a height of 0.9m shall be permitted along the frontage of both the application site and Primrose Cottage, within 2.4m of the nearside edge of carriageway of The Street.

Reason: In the interest of highway safety.

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

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 development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

9 – Non-Standard Condition

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

Reason: To ensure the use of an appropriate choice of materials having regard to the importance of this scheme in the Conservation Area and to ensure that the choice of materials will harmonise with the character and appearance of other buildings and development in the area.

10 - Non-Standard Condition

The development shall be carried out fully in accordance with the recommendations contained within the Preliminary Wildlife Assessment dated February 2009 prepared by Essex Ecological Services Limited.

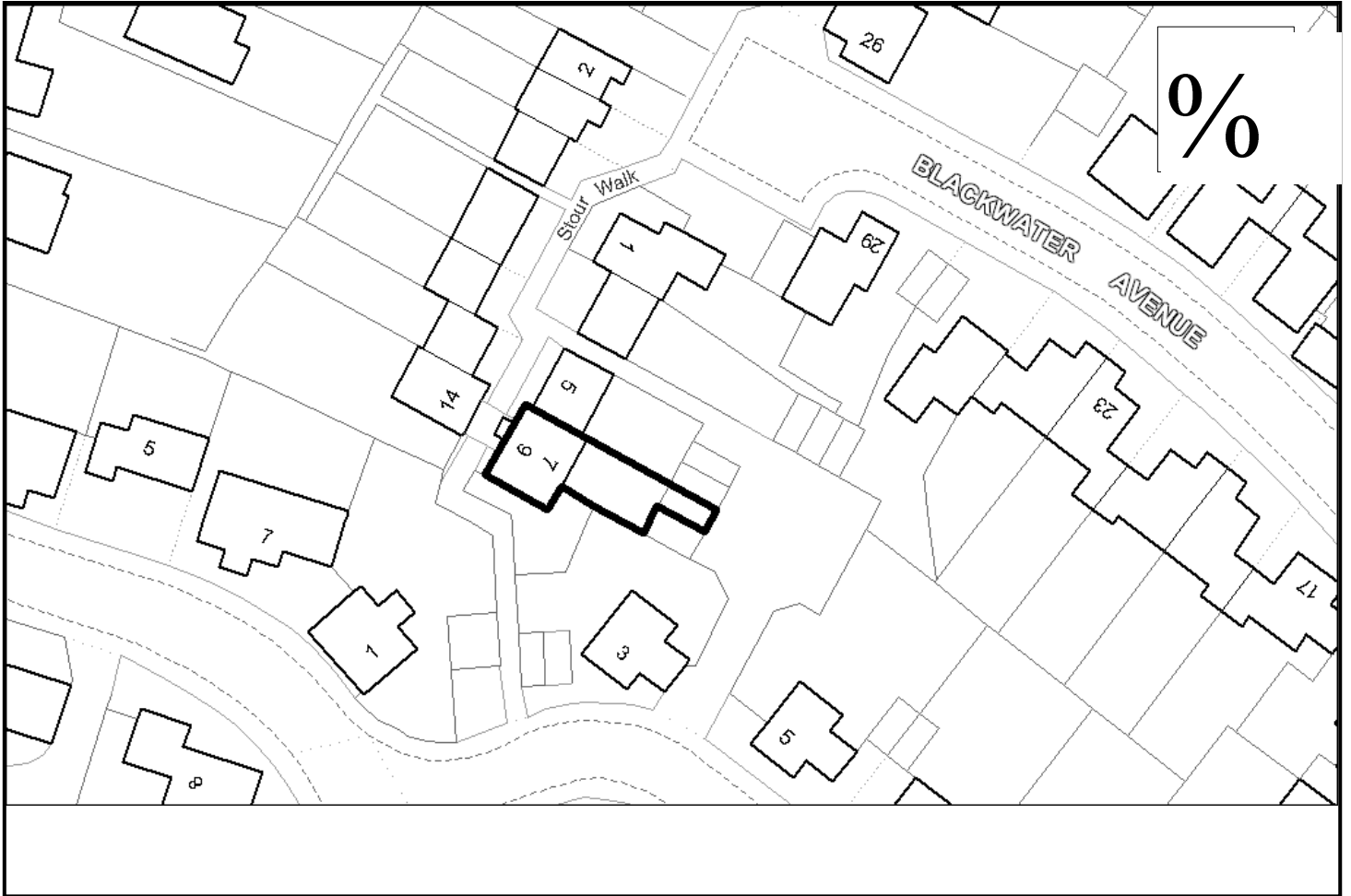
Reason: In the interest of nature conservation as the site lies in close proximity to a site known to support a colony of great crested newts, which are a protected species.

Informatives

The attention of the applicant and developer is drawn to the requirements of condition 10. Great crested newts and their habitats are protected under the Wildlife and Countryside Act 1981 and it is an offence not to comply with the relevant provisions. The comments of English Nature are copied and attached for information purposes.

All works affecting the highway to be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority and application for the necessary works should be made initially by telephoning 01206 282747.

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



Application No: 090420

Location: 7 Stour Walk, Colchester, CO4 3UX

Scale (approx): 1:1250

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7.12 Case Officer: Corine Walsh

OTHER

Site: 7 Stour Walk, Colchester, CO4 3UX

Application No: 090420

Date Received: 27 March 2009

Agent: Mr Steve Norman

Applicant: Mr & Mrs Campling

Development: Conservatory.

Ward: St Johns

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is presented to the Planning Committee as the property is a flat and objections have been received.

2.0 Site Description

2.1 The application property consists of a ground floor flat within Stour Walk, Colchester.

2.2 The application seeks approval for a modest conservatory projecting 1.830m in depth and 3m in depth and would be predominantly glazed.

3.0 Land Use Allocation

3.1 Residential

4.0 Relevant Planning History

4.1 None

5.0 Principal Policies

5.1 Adopted Review Borough Local Plan
DC1 - Development Control considerations
UEA13 - Development, including extensions, adjoining existing or proposed residential property

5.2 Core Strategy
UR2 - Built design and character

6.0 Consultations

6.1 None

7.0 Representations

7.1 As a consequence of consultation the application has attracted a letter of objection from the first floor flat. Concerns expressed are summarised as follows:-

1. A leasehold agreement specifically excludes the construction of any habitable extension within the curtilage of the property.
2. The siting of the proposed conservatory would render the maintenance of the external aspects of the first floor flat difficult.

8.0 Report

8.1 The proposal relates to a modest light weight structure and as such would not have any undue impact upon the existing amenities of the adjoining property or to the flat above.

8.2 The objections raised by the neighbouring occupier are largely due to the fact that the application property is a ground floor flat. The objections raised relate to a restrictive Covenant and the logistics for maintenance. Neither of these concerns are material planning considerations. Whilst the neighbour residents objections are noted, they do not in themselves raise matters that would warrant the refusal of this application. Under the circumstances planning permission is recommended.

9.0 Background Papers

9.1 ARC; 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.

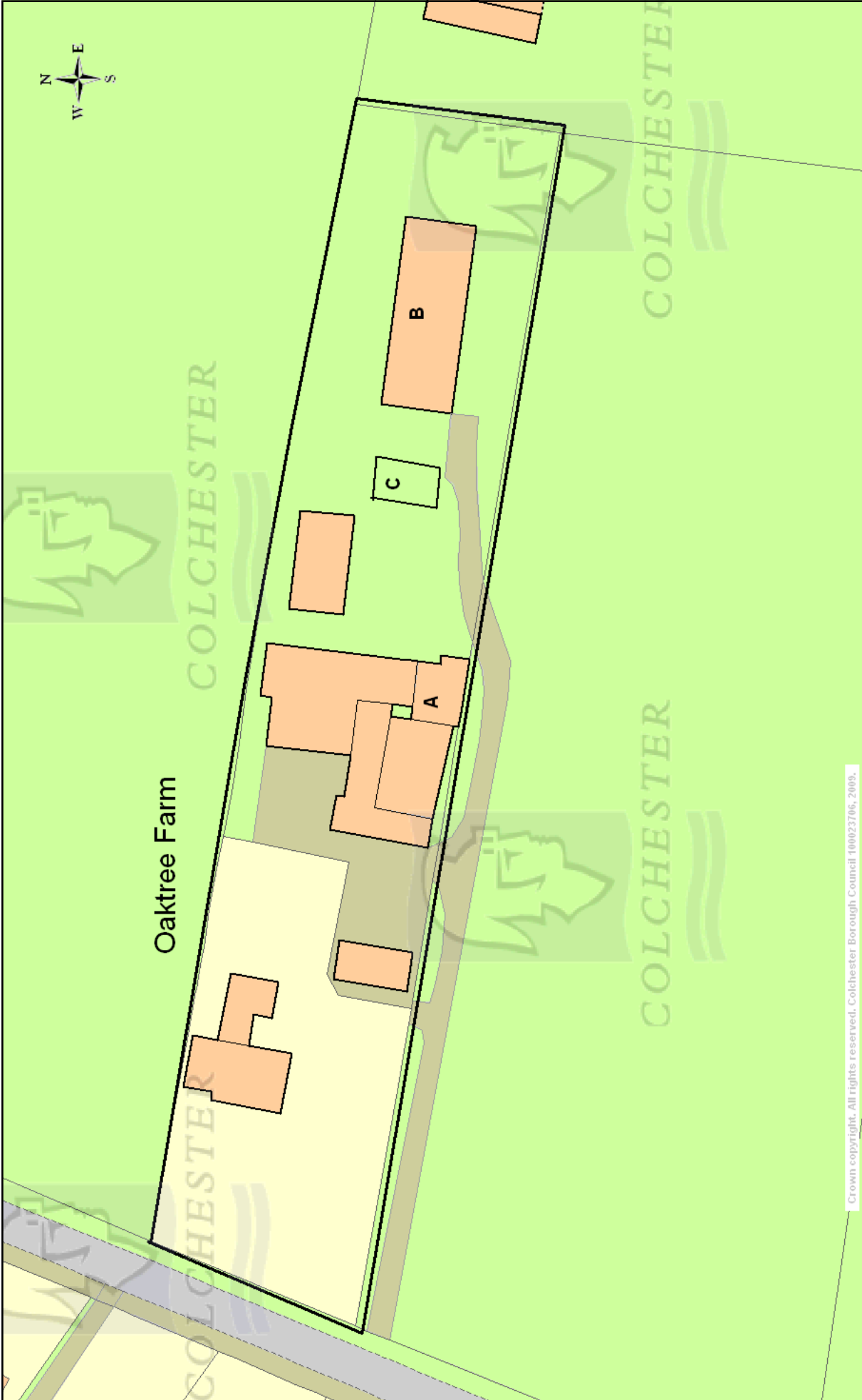
Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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 harmonises with the appearance of the existing building and the character of the area.

Oaktree Farm, Straight Road, Boxted - PCN 002270



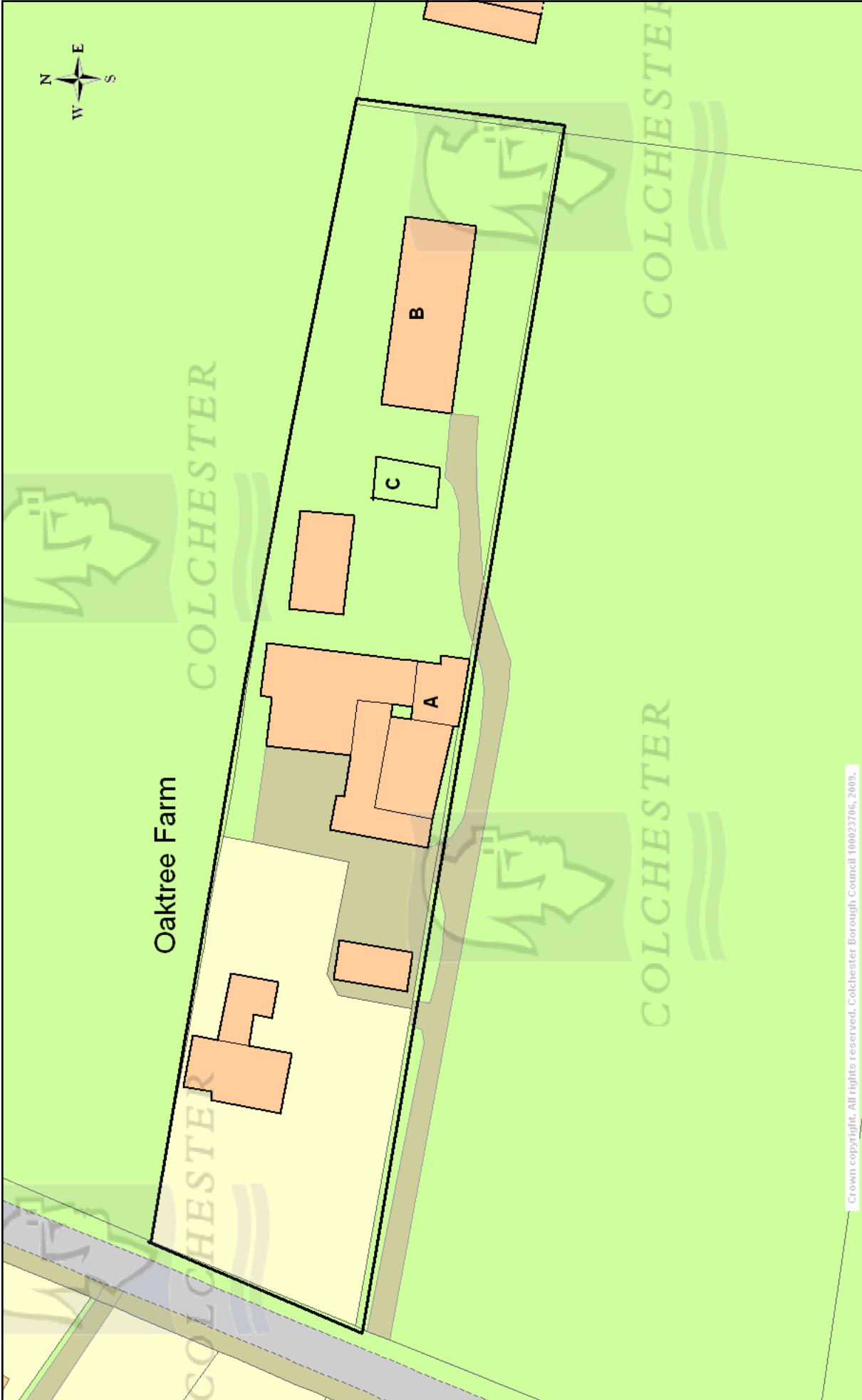
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Scale 1/700

Centre = 600136 E 231555 N

Date 5/3/2009

Oaktree Farm, Straight Road, Boxted - PCN 002270



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Scale 1/700

Centre = 600136 E 231555 N

Date 5/3/2009

Planning Committee

Item
8

11 June 2009

Report of	Head of Environmental & Protective Services	Author	Jo Lloyd ☎ 01206 282448
Title	Land to the rear of Oaktree Farm, Straight Road, Boxted		
Wards affected	Fordham & Stour		

This report concerns the unauthorised change of use of the land and buildings from agriculture to industrial and storage use.

1.0 Decision(s) Required

1.1 Members are requested to consider the information contained in this report and to authorise the service of a Planning Enforcement Notice to require that the land and buildings cease being used for B2 industrial and storage uses and any other unauthorised use.

2.0 Reasons for Decision(s)

2.1 The land and the buildings to the rear of Oaktree Farm have an agricultural use. An application was submitted in 2006 for a change of use of the land and the buildings from agriculture to rural business site with a limitation of use to Class B1. This was refused on 29th January 2008 with reference to policies DC1, CO4, UEA15 and EMP6 (See Appendix 1). No appeal was submitted against this refusal.

2.2 The site is currently being used for the formation of large wooden structures, which are used in civil engineering; this employs the use of loud machinery and, being a place where building materials are being manufactured, is considered to be a B2 use. It is the Officers opinion that the current unauthorised use is harmful to the open countryside and is contrary to the Borough Plan Polices listed above.

3.0 Alternative Options

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

4.0 Supporting Information

4.1 A complaint regarding the use of the site was first received in August 2008 at which time a site visit was made but there was no evidence of any business use except for an amount of scaffolding stacked down the side of a barn.

- 4.2 Following a further complaint at the end of August it became apparent that the use was occurring in the barn furthest from the entrance (marked B on Appendix 2) which the officer had not inspected so another site visit was made on 19 November 2008. On site were three men making wooden structures using a circular saw and hammers. The Officer spoke to one of the men, shouting over the sound of the saw and was informed that they worked for a civil engineering company and were on site on odd days totalling approximately one week in four and could be there from 7.30am to 5pm but would not necessarily be there all day.
- 4.3 A letter was sent to the owners of the land on 19 September 2009 stating that the use was unlawful but as the company would have to find new premises 3 months was given to cease the use.
- 4.4 An email was received from the owner of the site stating that there was no civil engineering use but the owner of the company was allowed to park his transit on the site. In a further email the land owner re-iterated that the site was not being used for business purposes.
- 4.5 On 17 November a further complaint was received citing 6 incidents of very loud noise as a result of working on the site over a 3 week period including work on one Sunday.
- 4.6 A further site visit on 29 January 2009 revealed that more wood and scaffolding was now being stored on site and a number of pre formed wooden structures were piled up on the eastern part of the site. A green shipping container was visible to the west end of the barn at first floor height (marked C on Appendix 2).
- 4.7 On 5 March 2009 Planning Contravention Notices ('PCN') were served on the owners of the land and on the owner of the company using the land by Special Delivery. The owners failed to pick up the letter from the sorting office so a further PCN was served by hand on 17 March 2009 at the property.
- 4.8 On 17 March 2009 photographs were received showing a forklift truck working on site with a van and a lorry parked on the site and an increased amount of wood on the site.
- 4.9 A response to the PCN was received on 24 March 2009 from the owner of the company using the site. This stated that the land was being used Monday to Friday each week for the storage of materials and had been in use since 2005. Rent is paid to the owner of the site. The wood is for use off the site but no construction happens on the site. Some of the wood is used for the up keep of the buildings at Oaktree Farm. A green shipping container, at first floor level, has had electricity fitted and is used by the van driver for making drinks (marked C on Appendix 2).
- 4.10 On 1 April 2009 a response to the PCN was received from the owner of the land. The scaffolding was identified as being owned by the company occupying the site and would be used in the maintenance of the buildings. The wood is to be used for the maintenance of the buildings. It was admitted that the site was being used for storage by the company occupying the site for which they pay rent and use from Monday to Friday. Another barn on the site was identified as being used for the storage of a Land Rover for a third party (marked A on Appendix 2).

- 4.11 1 April 2009 an email was received by Environmental Health, with reference to an ongoing noise problem at Oaktree Farm. The email was from the owner of Oaktree Farm and stated that he had asked his tenant to be considerate when sawing and drilling.
- 4.12 22 May 2009 a telephone call was received in Planning complaining about the construction noise coming from the site again and alleging that the workers on site had been abusive and threatening.
- 4.13 The company which rents the farm buildings is an established business which describes itself as 'formwork & shuttering'. Investigations have failed to establish any other suitable address for this company where the pre-forming of items could be carried out.
- 4.14 As a refusal has been issued in the past for a change of use of the site to a B1 rural business site its current industrial use would be unlikely to gain permission, therefore, it is considered expedient to pursue enforcement action for the return of this land and buildings to agricultural use.

5.0 Proposals

- 5.1 For Members to authorise the service of an Enforcement Notice requiring the cessation of the unauthorised storage and industrial uses on site. A compliance period of 3 months is recommended.

6.0 Strategic Plan References

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

7.0 Background Papers

Appendix 1

Decision Notice for C/COL/06/1981 - refusal

Appendix 2

Plan of site



Colchester Borough Council

Planning and Protection

PO Box 889
Town Hall
Colchester
Essex
CO1 1FL

Notice of Planning Decision

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

In pursuance of the powers exercised by it as District Planning Authority this Council, DOES HEREBY GIVE NOTICE of its decision to REFUSE PERMISSION for the development detailed below.

APPLICATION NO: C/COL/06/1981

APPLICATION DATE: 23rd November 2006

PROPOSAL: Change of use of land and buildings from agriculture to rural business site with a limitation of use to Class B1. Resubmission of C/COL/05/2001

LOCATION: Oaktree Farm, Straight Road, Boxted, Colchester, Essex

APPLICANT: Little Oak Properties C/o Agent

1. Policy EMP4 of the Adopted Review Colchester Borough Local Plan: - March 2004 permits reuse of buildings in the countryside provided they are of permanent and substantial construction and facilitate local employment. Policy CO1 of the same Local Plan protects the countryside from development that does not require a rural location.

The Structure Engineers Report submitted as part of the application suggests that these buildings require either replacing or major repairs before they are suitable for the proposed use. Accordingly the buildings cannot be considered to be of permanent or substantial construction. In addition no information has been provided to demonstrate how the change of use would facilitate local employment or that there is a need for this type of use in this rural location. The application is therefore contrary to the above mentioned policies.

2. The application site is located within the Boxted Straight Road Special Policy Area. Policy EMP6 of the Adopted Review Colchester Borough Local Plan resists new commercial development in the Special Policy Area. There is no justification as to why this Policy should be set aside.

3. Policies DC16, CO4 and UEA15 of the Adopted Review Colchester Borough Local Plan seek to ensure that any development shall be based upon a proper assessment of the natural environment and that existing landscape features are protected. In order to comply with Essex County Council Highways requirements to improve visibility a major part of the protected hedgerow to the south of the existing access point on Boxted Straight Road would be removed. This hedge is classified as important under the Hedgerow Regulations 1997 and its removal is unacceptable. In addition inadequate information has been provided to assess the impact of the development on retained trees and hedgerows on the site. Accordingly the application is

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED



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Notice of Planning Decision

contrary to above mentioned policies.

Date: 29th January 2007 Signed:

Nicola George, Head of Planning, Protection and Licensing

In determining this application the Council has taken into account the following policies:

Adopted Review Colchester Borough Local Plan – March 2004: - DC1, UEA15, CO4, EMP4,
CO1, EMP6

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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	Cmssn 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.