

Planning Committee

Town Hall, Colchester
15 July 2010 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

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There is wheelchair access to the Town Hall from St Runwald 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.

Equality and Diversity Implications

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

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
15 July 2010 at 6:00pm**

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

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

6. Minutes

The minutes of the meeting held on 1 July 2010 will be submitted to the next meeting.

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. 100610 St Johns C of E Primary School, Clay Lane Grove, Colchester **1 - 8**

Proposed construction of a single storey extension to form an enlarged office suite and reception. Proposed construction of a single storey extension to form an enlarged staff room. Associated internal alterations. Erection of new entrance gates and fencing to improve site security. Associated external works.

Wards:

St Johns

2. 100684 Hall Road, Tiptree **9 - 27**

Increase in the number of mobile homes from 30 to 55 and provision of access to Hall Road, service access roads, bases for 55 mobile homes, outdoor recreation/open space and amenity planting. Permission is also requested for occupancy of the mobile homes between February to November each year in order to meet the needs of the extended growing period.

Wards:

Tiptree

3. 101046 Block E, Cowdray Centre, Mson Road, Colchester **28 - 32**
- Retrospective application to change of use from A1 to D2 (Assembly and Leisure) to run a full time martial arts club
- Wards:**
Castle
4. 101062 Lorkin Daniel Playing Field, Lexden Road, West Bergholt **33 - 38**
- Variation of Condition 09 of Planning Permission F/COL/00/1277 to vary hours of use on a permanent basis
- Wards:**
West Bergholt and Eight Ash Green
5. 101086 Upland Drive, Colchester **39 - 46**
- Installation of one pair of metal framed gates within the existing perimeter fencing to provide access for maintenance vehicles etc. from Chalfont Road on the existing School playing field. Construction of associated crossover and standing area.
- Wards:**
St Johns
6. 091539 Land to rear of 185 Shrub End Road, Colchester **47 - 55**
- Change of use of log cabin (from ancillary residential use) to training room in connection with child care nursery
- Wards:**
Prettygate
7. 100832 61 Empress Avenue, West Mersea **56 - 59**
- Change of use from dwelling house to bed and breakfast House (C1) with 3 letting rooms
- Wards:**
West Mersea
8. **Enforcement Report // The Chicken Shed, Meeting Lane, East** **60 - 64**

Mersea

See report by the Head of Environmental and Protective Services.

9. Enforcement Report // Plant Hire Site, Church Lane, East Mersea

65 - 67

See report from the Head of Environmental and Protective Services.

10. Exclusion of the Public

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



Application No: 100610

Location: St Johns C of E Primary School, Clay Lane Grove, Colchester, CO4 0HH

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **15 July 2010**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Simon Osborn

EXPIRY DATE: 22/07/2010

OTHER

Site: Clay Lane Grove, Colchester, CO4 0HH

Application No: 100610

Date Received: 27 May 2010

Agent: Laurie Wood Architects

Applicant: St Johns C of E Primary School

Development: Proposed construction of a single storey extension to form an enlarged office suite and reception. Proposed construction of a single storey extension to form an enlarged staff room. Associated internal alterations. Erection of new entrance gates and fencing to improve site

Ward: St Johns

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is brought to the attention of Committee as objections have been received to the new entrance gates and fencing. The entrance gates and fencing have already been constructed. The application is recommended for approval.

2.0 Site Description

2.1 The application site comprises an existing school building of predominantly single storey form with a taller central hall and flat roofs. The vehicular entrance to the site is at the head of Clay Lane Grove, a short residential street with a small hammerhead adjacent to the school. There are single yellow lines to either side of this road with restrictions between 8.30-9.30 and 2.45-3.45 pm plus "School Keep Clear" markings within the hammerhead.

3.0 Proposal

3.1 The application proposes the construction of two small single storey extensions: one of these is on the side of the building to form an enlarged staff room; the second is on the front of the building to form an enlarged office suite and reception area. Other works are external to the building and include 2m high wire mesh fencing with a powered vehicular double gate and 2 pedestrian manual gates onto Clay Lane Grove. An associated intercom system allows for communication to the school office. Additional plans have also been received to show a proposed new cycle rack and shelter adjacent to the entrance gates and at the side of the drive into 8 Clay Lane Grove.

3.2 A short Design and Access Statement and a Tree Survey, Arboricultural Implication Assessment and Method Statement were submitted with the application.

4.0 Land Use Allocation

4.1 Predominantly residential

5.0 Relevant Planning History

5.1 090126 – Use of former caretaker's bungalow as a children's nursery and other child education purposes between the hours of 0800 and 1800 on schooldays – approved March 2009.

6.0 Principal Policies

6.1 Adopted Review Borough Local Plan
DC1- Development Control considerations
CO4 – Natural Features
UEA11 - Design
UEA 12 - Backland development
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property

6.2 Adopted LDF Core Strategy- December 2008
SD3 - Community Facilities
UR2 - Built Design and Character

7.0 Consultations

7.1 The Highway Authority stated no objection to this proposal as it is not contrary to the following policies:

- A) Safety Policy 1.1 of Appendix G of the Local Transport Plan 2006/2011
- B) Accessibility Policy 1.1 of Appendix G of the Local Transport Plan 2006/2011
- C) Efficiency/Capacity Policy 1.1 of Appendix G of the Local Transport Plan 2006/2011
- D) Road Hierarchy Policy 1.1 of Appendix G of the Local Transport Plan 2006/2011
- E) Parking Standards Essex Planning officers Association Vehicle Parking Standards - September 2009

7.2 The Council's Tree Officer was in general agreement with the recommendations made within the Tree Report. The loss of T2 will be of minimal impact and as a C category tree cannot constrain development. Root pruning of T1 is likely to have minimal impact and as a C category tree cannot constrain development. A full schedule of implementation and monitoring needs to be submitted as part of the arboricultural report. Landscape conditions recommended.

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

8.0 Representations

8.1 Comments were received from nos. 5 and 7 Clay Lane Grove. These raised the following matters:

1. The main concern is the vehicle gates when closed will result in vehicles blocking drive to adjacent residential property. If the gates were further in this would not happen
Officer Comment: see report below.
2. Pedestrians waiting for pedestrian gate to open will block adjacent drive and will be vulnerable to turning movements
Officer Comment: see report below.
3. How do utilities gain access when school is closed?
Officer Comment: This falls outside planning considerations.
4. Security fence adjacent to No. 8 is compromised by lower wooden existing fence acting as a step-up. Maintenance of this fence will be more difficult.
Officer Comment: This falls outside planning considerations.
5. The fence extends further than the school boundary, following the edge of the Pavement.
Officer Comment: The applicant states this is shown within the County Council ownership on the school property records.
6. Gates and fencing have already been constructed.
Officer Comment: see report below.

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

9.0 Report

9.1 The proposed extensions to the school represent minor additions to the existing building (the staff room extension measures 6m x 3.5m, and the reception/office extension measures 15m x 4m), are well away from the nearest houses and appear in character with the existing building. The works require the removal of one small tree, little more than 4m in height, within the landscaped frontage to the school and the protection of two small ash and two small cherry trees. The application also proposes a new cycle rack and shelter. This is proposed in close proximity to the entrance gates and at the side of the drive into 8 Clay Lane Grove; it is approx 8m wide, 2m deep and 2.15m high. These works are all relatively minor in nature and have raised no particular issues, subject to appropriate conditions to protect trees.

9.2 The application also proposes new vehicular and pedestrian entrance gates adjacent to the small hammerhead at the head of Clay Lane Grove. These latter works have already been undertaken and are the subject of the representations received against the proposal. The agent for the School has responded to some of the points made:

“The Clay Lane Grove frontage to the School was bounded originally with vehicular gates and fencing. We understand from the School these were removed some 4-5 years ago due to their condition. The present vehicular gates are set on the same line as the original gates. We can provide photographs if required showing a gap in the kerb where the original posts have been removed, and the original sockets in the centre of the drive which would have received drop bolts.

We understand concerns have been raised about disruption to neighbouring properties arising from access via the main gates. We confirm that the School intends that the vehicular gates will be opened at the start of the School day until 8.30am. This will allow staff and early morning deliveries uninterrupted access to the site at the time when the greatest numbers of vehicles are entering the site.

The alignment of the proposed fence and pedestrian gate to the west of the vehicular gates was set to enable the intercom points to be integrated within the fencing. The small area of the concrete to the west of the vehicular gates is shown within County Council ownership on the school's property records.

The requirement for the gates and fencing is driven by the School's obligation to safeguard children in their care. As such the School wishes to deter unnecessary vehicle movements to the frontage and anticipate that the gates will result in an overall reduction in traffic volume. The School will seek to ensure that its neighbours are not adversely affected by these proposals and has reassured residents in Clay Lane Grove of this commitment.”

9.3 The Local Planning Authority cannot condone works undertaken in advance of receiving planning permission. Nonetheless, the Authority still has the opportunity to consider if the works are appropriate.

9.4 In visual terms, the wire mesh fencing is not unacceptable, particularly as it enables intervisibility through to and from the site rather than appearing as a solid structure. In highway safety terms, the Highway Authority has stated it has no objection to the proposals.

- 9.5 The representations raise concern that vehicles and pedestrians may obstruct the driveways to the adjacent properties. The School's teaching hours are 8.45am to 3.15pm. The vehicle gates will be left open until 8.30am, by which time members of staff should have arrived for the start of the school day. These gates are then closed so the school can manage vehicle movements, whilst pupils are arriving for school. Parents dropping off children should not be doing this after 8.30am within Clay Lane Grove because of the yellow line restrictions in place. The pedestrian gate to the west of the vehicular gate is to be opened by the school at approx 8.20-8.30am and kept open until the start of school at 8.45am for pupils and parents to access the site. This gate will be reopened again at approx 3.10pm for parents arriving to collect their children when the school closes at 3.15pm.
- 9.6 It is understood that parking within the vicinity of schools is a matter that causes frustration for local residents; however, obstruction on roads is largely beyond the control of the Local Planning Authority and ultimately a matter for the police. Schools have a duty to provide secure premises and it is considered that the proposals submitted are not unreasonable in planning terms. The application is therefore recommended for approval.

10.0 Conclusions

- 10.1 The proposed additions to the school including the proposed cycle shelter are relatively minor in nature and do not adversely affect the character and appearance of either the existing building or the local area. The construction of security fencing with pedestrian and vehicular gates at the front of the site, adjacent to Clay Lane Grove, has resulted in representations being made against the proposal. Nonetheless this aspect of the proposal is considered acceptable in planning terms and has raised no issues of highway safety for the Highway Authority. The application is recommended for approval.

11.0 Background Papers

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

Recommendation - Conditional Approval

Conditions

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

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

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

- 2 - Non-Standard Condition

The development hereby permitted shall be constructed in accordance with drawings 153-05A, 153-07 and 153-25 received on 27th May 2010 and drawings 153-02C and 153-150610 received on 18th June 2010, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt.

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

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

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

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

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

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

5 - C10.18 Tree and Hedgerow Protection: General

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

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

6 - Non-Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other excavation works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

7 -Non-Standard Condition

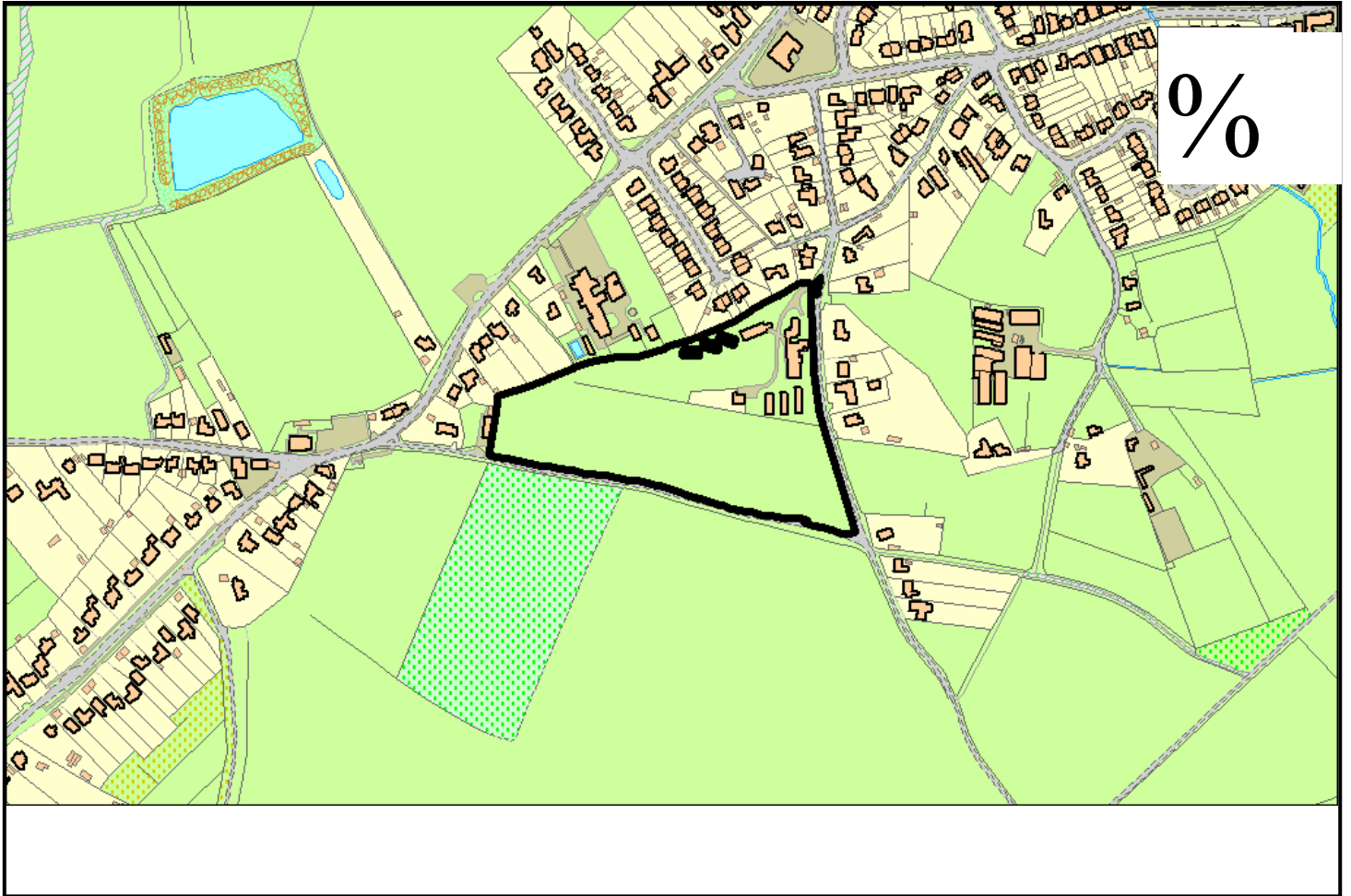
The vehicular access gates will be kept open until 8.30 am on each school day, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To allow staff and early morning deliveries uninterrupted access to the site at the time when the greatest numbers of vehicles are entering the site, in the interest of local 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 the works.

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



Application No: 100684

Location: International Farm Camp, Hall Road, Tiptree, Colchester, CO5 0QS

Scale (approx): 1:1250

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Site: Hall Road, Tiptree, Colchester, CO5 0QS**Application No:** 100684**Date Received:** 29 April 2010**Agent:** Melville Dunbar Associates**Applicant:** Wilkin & Sons**Development:** Increase in the number of mobile homes from 30 to 55 and provision of access to Hall Road, service access roads, bases for 55 mobile homes, outdoor recreation/open space and amenity planting. Permission is also requested for occupancy of the mobile homes between February to November each year in order to meet the needs of the extended growing period.**Ward:** Tiptree**Summary of Recommendation:** Conditional Approval

1.0 Planning Report Introduction

1.1 This application is brought before the Planning Committee as a result of objections received from local residents.

2.0 Site Description

2.1 The Wilkin family has farmed land within the Tiptree area for almost 300 years and is now a major land owner with almost 1000 acres of agricultural land in and around the Tiptree area.

2.2 In the 1950's Wilkin & Sons established the site known as the International Farm Camp, (hereafter referred to as the IFC), on a 1.25ha triangular shaped parcel of land forming part of its agricultural holding on the west side of Hall Road, Tiptree. This site has been, and continues to be used to accommodate seasonal workers employed during the fruit picking season. The accommodation included a building providing recreational facilities/assembly hall, together with "nissen" huts. Tents were also erected within this parcel of land. The site includes a Warden's house.

2.3 The site, where it relates to the existing and the proposed, is a triangular shaped parcel of land of approximately 3.5 ha. It is located to the west side of Hall Road on the south western fringe of Tiptree. It lies approximately 1.3km from the central area of Tiptree and its main facilities. The site is contained by established trees and hedgerows.

- 2.4 The northern boundary of the site adjoins residential properties (Birkin Close) and the Tiptree Heath Primary School. To the west the site adjoins an existing builder's yard. On the eastern side of Hall Road are other existing residential properties. To the south is other agricultural land forming part of the Wilkin & Sons holding.
- 2.5 The access to this site was, and remains, off Hall Road at the northern extremity of the site.
- 2.6 Immediately adjoining the southern boundary of this 1.25 ha parcel of land, but separated from it by an existing hedgerow, lies another 2.2ha parcel of agricultural land owned by Wilkin & Sons Ltd. These two parcels of land form the application site.
- 2.7 Both the existing IFC site and this adjoining parcel of land have the benefit of a Certificate of Lawfulness granted by Colchester Borough Council under reference K/COL/04/1848. This Certificate relates to the siting of 30 mobile homes for occupation by seasonal workers employed on the Wilkin & Sons holding for the period from March to September each year. Some of these mobile homes are currently located within the existing IFC site.

3.0 Description of Proposal

- 3.1 Wilkin & Sons propose the re-organisation of the existing IFC site and the improvement of the accommodation/facilities provided for the seasonal agricultural workers. This entails:-
- The expansion of the IFC onto the 2.2ha parcel of land.
 - An increase in the number of mobile homes from 30 – 55. The mobile homes are to be laid out in an informal pattern on concrete bases with associated landscaping.
 - Provision of a new informal recreation area within the existing IFC site.
 - Provision of a community facilities building located adjacent to the southern boundary of the 2.2 ha land. This is to replace the existing building.
 - The formation of a new vehicular access along the southern boundary of the site.
 - To increase the existing boundary hedgerows and trees with a 5 metre wide planting area.
- 3.2 The application is accompanied by a Design and Access Statement, which provides details of the existing use, the proposed use, a brief history and justification for the proposed re-organisation and expansion of the site. The application also includes an Arboricultural Impact Assessment. Full details of these documents can be viewed on the Council website.

4.0 Land Use Allocation

- 4.1 No notation

5.0 Relevant Planning History

- 5.1 F/COL/03/0364 – Kitchen extension to existing dining room/social hall – Approved 29 April 2003

- 5.2 K/COL/04/1848 – Siting of 30 mobile homes situated within land currently used for the International Camp. Occupancy would be restricted to agricultural students for the duration of their temporary contracts with the company. Normally this involves periods extending from March to September annually – Approved 26 November 2004
- 5.3 LEX/17/59 – Additional hostel accommodation – Approved 1 June 1959
- 5.4 LEX/236/65 – Recreation hall for students – Approved 7 May 1965
- 5.5 LEX/57/52 – Established of agricultural students camp and erection of hostel and canteen in connection with establishment of students camp. – Multi decision 21 April 1952

6.0 Principal Policies

- 6.1 Adopted Review Borough Local Plan
Development Control Considerations - DC1
Design – UEA11
Impact upon existing dwellings – UEA13
Landscape Features – CO4
Agriculture – CO8
- 6.2 Core Strategy
ENV1 - Environment
ENV2 - Rural Communities

7.0 Consultations

- 7.1 The Environment Agency comments that they have received a Flood Risk Assessment (FRA) and associated comments on ground conditions at the site. They are satisfied with the conclusions of this FRA and are able to withdraw a previously stated objection on flood risk grounds.
- 7.2 Anglian Water has made site specific comments in their document ‘Planning Applications – Suggested Informative Statements and Conditions Report’. Whilst this document can be viewed in full on the Council website, a copy is reproduced for Members information as Appendix 1.
- 7.3 Environmental Control Team has no comment
- 7.4 Transportation Policy Team comment as follows:-

“There appears to be only very limited provision for travel to/from the site in the form of car parking spaces at the west end. If temporary workers are brought to the site from outside the area for extended periods this could well negate the need for travel provision for commuting for these staff. However if a smaller number of permanent, local staff are based on site provision needs to be made for them.

Cycle parking and cycling

- Secure, covered cycle parking should be provided at convenient locations across the site near to the mobile homes given that temporary workers will have periods of free time when they may wish to go off site. Linked to this provision of cycles for hire by workers should be considered.

Public transport

- The site is approximately 400 m from bus stops on Station Rd served by service 75 which connects to Colchester. This serves Tiptree from 6.45 am – 11.20pm at approximately hourly frequency and could therefore be used both by a limited number of permanent workers at the site as well as for leisure purposes by temporary workers. Up to date route and timetable information should therefore be provided on site for these workers e.g. via paper timetables and/or access to the ECC public transport website. “

7.5 The Landscape Officer is satisfied with the landscape content of the proposals lodged on 12 April 2009 with the proviso that if any frontage hedge (assessed as ‘unimportant’ under the Hedgerows Regulations 1997) needs to be removed in order to facilitate sight lines then a replacement hedge be proposed immediately behind same. The Landscape Officer has been re-consulted on the amended access and his comments are expected to be available for presentation at the Committee Meeting.

7.6 Spatial Policy comment as follows:-

“The existing farm camp and the land the applicant is seeking to extend into are outside of the Tiptree Settlement Boundary as shown on the Submission Proposals Map for Tiptree. As a result the site is considered to be countryside and normally inappropriate for further development or intensification. However as the site currently benefits from a certificate of lawfulness and the proposed use is to serve the agricultural industry the Planning Policy Team do not have any objections to the principle of the application.

However after looking carefully at the information provided by the applicant and a on-site meeting with the applicant and their representative the Planning Policy Team do have a number of concerns and issues with regards to the site and the current proposals – these are detailed in turn below.

- The proposed site layout does not promote an efficient use of land and appears to leave an area (roughly the location of the existing camp) vacant and with the potential for redevelopment in the future. Wilkin & Sons submitted a land representation to the Site Allocations document which proposed residential development on the land which is to be set aside for amenity land (northern part of application site). The Planning Policy Team did not support the Site Allocations representation as residential development on this site is considered inappropriate and sufficient deliverable and developable housing land has been identified in Tiptree on alternative sites. The relocation of the International Farm Camp as shown on the proposed site layout will not change the current Planning Policy position with regards to residential development on part of this site. The Planning Policy Team consider that there may some merit in the applicant revisiting the proposed site layout in conjunction with design and landscape colleagues to ensure that the site is designed efficiently and makes the best use of the available land.

- The proposed site layout shows an area “reserved for indoor communal buildings”. The existing communal buildings are in need of updating and therefore it is clear that the applicant intends (at some point in the future) to relocate these communal buildings to the reserved area. The Planning Policy Team support the need for the communal buildings but question what will happen to the northern part of the site once the existing buildings are relocated. The site layout shows this as amenity area but the Planning Policy Team suggests that this could be incorporated better into the design if it was integrated centrally to the proposed camp instead of being positioned all in one part of the site.
- The Planning Policy Team has concerns over the relocation of the amenity area to land which borders the existing residential properties to the north and east of the application site. The applicant has indicated that in the past there have been some noise issues with regards to the occupants of the site enjoying the amenity areas provided. The current application proposes to extend the dedicated amenity areas on the site but places these directly adjacent to the neighbouring residential properties. Core Strategy Policy PR1 outlines that new development must provide for the recreational needs of new communities and mitigate impacts on existing communities. The Planning Policy Team suggest the need for sufficient planting to be incorporated into the scheme to ensure that the impact on the neighbouring properties is reduced, or alternatively that the amenity land set aside on the current site plan is relocated to an another part of the site further away from the neighbouring properties thus reducing the noise impact.
- The existing camp has a fairly low impact on the landscape and is relatively well screened when viewed from the south. The increase in number and relocation of the existing caravans to sit alongside the southern boundary of the site is likely to change the character of the site so it is important that there is sufficient planting and landscaping to reduce the impact of the proposed site layout and intensification of use.
- The application proposes the construction of a new access onto Hall Road. Planning Policy question the need for this new access considering the existing access is retained onto the site. Essex County Council as Highways Authority will be able to provide further guidance with regards to this issue.
- The increase in number of mobile homes as well as increase in numbers of seasonal workers (expected to be 280 in the summer months) will result in more traffic movements and journeys both to work and also for leisure as the seasonal workers use the facilities in Tiptree. The site is on the edge of Tiptree so it is important to encourage alternative modes of transport as outlined in Core Strategy Policy TA1 and TA2. In order to further encourage alternative modes of transport Planning Policy encourages the provision of cycle parking in line with the Essex County Council Adopted Parking Standards on the site as part of this application. Such provision is currently not shown on the proposed site layout.

- The application seeks to extend the period of site occupancy between February and November each year. The Planning Policy Team do not have any issue with this aspect of the proposal because the applicant has clearly demonstrated that the growing methods they currently use extend the growing period on the site and it is important to ensure that agricultural workers are available at the required times during the growing season.

In principle the Planning Policy Team support the increase and expansion of the International Farm Camp as the applicant has clearly demonstrated the need that exists for increasing the level of accommodation on the camp as they have outgrown their current site and therefore need more accommodation to serve the ever increasing numbers of agricultural workers that are employed. Although this site is outside of the Tiptree Settlement Boundary the need for agricultural workers accommodation is justified and therefore the Planning Policy Team supports this application.”

- 7.7 As outlined in the bullet points above the Planning Policy Team does have various issues and concerns with regards to this application, broadly based on the site layout, access, impact on the landscape and the impact on the neighbouring properties. Many of these can be satisfactorily addressed through redesign or introduction of further planting as part of the scheme.
- 7.8 The Council’s Arboricultural Officer is in agreement with a majority of the recommendations made and is satisfied subject to the following points:-
- The proposed structures should all be positioned outside of the Root Protection Areas (RPAs) of the trees to be retained. This is viable given the space available on the site.
 - The fencing specification should be that specified as Type 1 in the report. Type 2 is not acceptable.
 - It would be inadvisable to retain an Ash tree with Innonotus Hispidus given that this type of tree regularly fails as a result of this decay fungus. This tree should be re-categorised as R.
 - The designation of important hedgerows does not lie with the consultant. It is the responsibility of the local authority to decide whether the hedgerows on the site are of importance under the Hedgerows Regulation 1997 – the report should be passed to the landscape planning officer to take a view on.
 - A full schedule of implementation and monitoring needs to be submitted as part of the arboricultural report.

8.0 Parish Council's Views

- 8.1 Tiptree Parish Council has no objection to this application, however Anglian Water has stipulated to the Parish Council that no additional connections can be made to the existing sewage system and therefore the applicant will need to be advised to make alternative arrangements for sewage disposal until this situation is resolved.

9.0 Representations

9.1 9 letters of objection have been received. The objections are summarised as follows:-

- Significant traffic impact to residents and all users of Hall Road, including ramblers, families and dog walkers. Hall Road is a narrow road with no street lighting, footways and vehicle passing places. Residents in the camp have a significant number of their own cars.
- Noise and disturbance caused by the residents in the camp. Residents living in the mobile homes are likely to spend much of their time outdoors. The increase in the numbers, and for an extended period of time, together with the new outdoor facilities, is likely to increase the potential noise and disturbance. Residents of the Camp leave for work between 4 – 5 a.m. Will the Council and the Police have the resources to implement and enforce the Home Office Minimum Standards for Anti-Social Behaviour.
- A separate community being developed within a current stable community. What measures will be taken to address and build upon the Governments policies facilitating social inclusion and community cohesion within this community.
- Encroachment into the open countryside and adverse impact upon this rural setting.
- Anglian Water has stated that Tiptree cannot sustain any more development for the time being, the water pressure within Hall Road is poor and the system is dated. If the mobile homes are not to be connected to the main sewer, then large vehicles would be required to service the site.

10.0 Report

Rural Setting and Visual Impact

10.1 Planning policy at the national, regional and the local level seeks to recognise the importance of the countryside in terms of its natural environment, biodiversity, landscape character, archaeology and cultural heritage. In this context Planning Policy Statement 7: Sustainable Development in Rural Areas, and the Borough's adopted Core Strategy policies ENV1 and ENV2, all seek to control unnecessary or inappropriate development outside of defined settlement boundaries in order to protect the open countryside.

10.2 In the context of this rural conservation policy it must be recognised, however, that the land that is the subject of this current application is currently used for agricultural purposes. The existing IFC is an agricultural use in that it is used to accommodate seasonal workers as an essential part of the 1000 acres of agricultural land owned and farmed by Wilkin & Sons in and around the Tiptree area. The expansion of this existing accommodation into the 2.2ha field adjoining the existing IFC site is also part of this agricultural enterprise.

- 10.3 In this context it is also acknowledged that his total site has the benefit of a Certificate of Lawfulness for the use of 30 mobile homes during the period from March – September. Under these circumstances it is considered that no objection can be raised, in terms of the land use, to the siting of the mobile homes for occupation by agricultural workers employed on the agricultural land in and around the Tiptree area owned by Wilkin & Sons Ltd. In essence it is an agricultural use on agricultural land.
- 10.4 The location of the mobile homes within the new part of the site will clearly have a visual impact. It is acknowledged, however, that the site is enclosed to a greater or lesser degree by the existing hedgerows and trees. The exception is the south-eastern extremity of the site, although a new hedgerow has been planted to screen the otherwise open aspect. In this respect it is clearly important that the proposal to increase this screening to a 5 metre thick belt is implemented. This will not only mitigate the visual impact but will also help protect the amenity of the residential properties that lie adjacent to the northern boundary of the existing IFC site.
- 10.5 It is noted that the Landscape Officer has not raised any objection to the proposed development as originally submitted.
- 10.6 The issue of the possible use of the land currently occupied by the community building, site electricity sub-station, calor gas storage facility and the existing ‘nissen’ huts is acknowledged. It is noted that the existing community building will need to be retained until such time as details of a replacement building have been submitted or approved. It will then have to be built. Whilst it is understood that the development of the enlarged site will be undertaken in phases, and that the timescale will be dependant upon the availability of funds, the application does not provide any details of the likely time scale for this work or. Whilst the Applicant has been asked for further clarification of the possible future uses of the part of the site occupied by the aforementioned buildings, Members will appreciate that this application will need to be considered upon its own particular merits.

Noise Related Issues

- 10.7 The objections from local residents make reference to noise and disturbance from the seasonal workers during the period when they occupy the existing accommodation. Environmental Control has confirmed that they have on record only one complaint made to them and that this complaint was subsequently withdrawn.
- 10.8 With regard to noise and disturbance, it is noted that the scheme proposes the relocation of the existing area within the site used for informal recreation (i.e. the area immediately adjacent to the existing ‘nissen’ huts and the community building) to the area of the site immediately adjacent to the grounds of the Tiptree Heath Primary School. This will in effect move this area further away from the rear gardens of the dwellings in Birkin Close adjacent to part of the northern boundary of the site. The relocation of the majority of the existing and additional mobile homes further to the south and adjacent to the neighbouring builder’s yard will also help mitigate this particular problem.
- 10.9 In a response to the objections raised by local residents, the Applicant has confirmed that the new planting along the noise sensitive boundary will be increased over and above the 5 metre wide belt that has been proposed along all the site boundaries.

10.10 The Applicant has provided written confirmation that the Warden, who lives within the existing Warden's house on the site, will supervise the activities of the workers living on the site and thereby ensure that noise within the site is not excessive.

Highway Issues

10.11 The application as submitted proposed the formation of a new vehicular access to the extended site, located approximately 150 metres to the south of the existing access in Hall Road. The scheme has since been amended to provide an alternative access along the southern boundary and, therefore, away from the dwellings along Hall Road.

10.12 This amended plan is the subject of a further consultation. Whilst it is understood that this alternative arrangement was the subject of negotiations with the Highway Authority, no formal comments from them have yet been received.

10.13 Following discussions with the Highway Authority, the Applicant has advised that it is intended that, with the exception of certain vehicles serving the communal/recreation block, sub-station, gas storage facility and refuse vehicles (in the short term), access to the site will be via Maldon Road and the new access and not via Hall Road. All the residents of the IFC, together with visitors, are to be instructed to use this alternative route.

10.14 With regard to traffic movement and generation, the following comment has been provided:-

"The new location will have the following benefits: -

- Much of the traffic going to and from the enlarged Camp site will avoid Hall Road thereby assuaging the concerns of the residents about traffic generation and safety.
- Any localised road widening on the lane (between Maldon and Hall Roads) can be achieved because the applicant owns the land on either side.

In addition, the applicant has indicated that traffic approaching the enlarged Camp site can do so using the access to the factory on Factory Hill and the private roads and tracks within the applicant's land holding to reach the site. This will also reduce the traffic on the northern end of Hall Road and the junction to Station Road."

10.15 With regard to traffic generation, the applicant has provided the following information: -

Fruit picking occurs either in Tiptree or at Goldhanger:-

1. Tiptree

Fruit pickers walk to work in Tiptree.

2. Goldhanger

To get from the International Farm Camp to Goldhanger, the company uses a double decker bus and 2 mini-buses. The period for picking in Goldhanger is from mid June to mid-July (about 3-4 weeks).

The details set out are for a typical day 15 June 2010 (peak period).

Journeys OUT approximately 04.30 and 05.30 - destination Goldhanger fruit farms.
2 X 1 double-decker bus - up to 100 passengers
2 X 2 minibuses - up to 30 passengers each

Journey IN approximately 14.00 and 15.00 - destination International Farm Camp
2 X 1 double-decker bus - up to 100 passengers
2 X 2 minibuses - up to 30 passengers each

Other mini-bus movements may occur as necessary.

It is anticipated that the bus/mini-buses will travel to and from Goldhanger via the Maldon Road. This will involve a left turn out and a right turn into the lane on the south side of the site.

Other Traffic

- 10.16 Other traffic generated by the site comprises: deliveries, service vehicles and refuse collection (by the company). There are some visitors.
- 10.17 There are about 10 vehicles on the site owned by students but these are used mainly at the weekend and after work.
- 10.18 There is a site manager living in a house at the camp. About 6-8 movements a day will be generated.

Delivery of mobile homes and vans

- 10.19 Approximately 5 mobile homes/vans will be replaced every year generating 5 trips to and from the camp site. The applicant has agreed to the use of a route through the existing factory site to avoid as much of the local road network as possible".
- 10.20 On the basis of the amended plan and the aforementioned information, the Highway Authority has provided advice to the Applicant that, having regard to the traffic figures, the temporary nature of the trip generation, the time of day when the vehicles will be moving students and the fact that they have agreed to bring the caravans in through the factory site, they will not be raising any objections to the proposal. Conditions to secure visibility splays and geometry/construction of the new access will be required.
- 10.21 It is hoped to have the formal comments of the Highway Authority, together with any recommended conditions, available prior to the Committee Meeting
- 10.22 The comments made by Transportation Policy in respect of alternative methods of transport are acknowledged. The Applicant has been made aware of this issue. The response is that the site is occupied by seasonal workers and not by permanent or local staff. In addition most of these workers travel on foot to the local facilities, or by bus if they are travelling further afield. On this basis there is no need for covered cycle parking.

- 10.23 Under these circumstances it is considered that it is not essential that covered cycle parking facilities should be provided. It is apparent from the drawings that any cycle parking can readily be accommodated even if this is on an ad-hoc basis where the cycles are parked outside of the mobile homes.
- 10.24 With regard to the use of public transport, the Applicant has stated that bus timetables are displayed on notice boards and that this practice will continue.

11.0 Conclusion

- 11.1 The Applicant has demonstrated that there is justification for the proposed additional accommodation to cater for the increased numbers of seasonal workers on the agricultural land owned by Wilkin & Sons Ltd in and around Tiptree. This company is a long established Tiptree based firm and a major employer, and tourist attraction, within the Borough. In this context the continued prosperity and expansion of the agricultural business is supported in terms of the Council's adopted policies.
- 11.2 The IFC site is an essential part of the agricultural use and the provision within this extended site of the accommodation for the seasonal workers employed on the land is an agricultural use. It is, therefore, acceptable in terms of the land use within this parcel of land outside of the defined development area of Tiptree.
- 11.3 The proposal does, however, represent a significant increase in the use of the IFC and in this respect the justification and the need for the increased accommodation has to be balanced against visual and residential amenity.
- 11.4 The siting of the mobile homes, together with the possible community facilities building indicated on the drawings, outside of the limits of the authorised site will clearly have an impact upon the visual amenity of this rural setting. However, the application proposes the provision of a 5m wide belt of trees and hedges along all of the site boundaries, or a wider area along the noise sensitive northern boundary. This, together, with the proposed informal layout of the mobile homes together with additional planting, will serve to mitigate the impact. Any new building [i.e. community facilities] will need to be of a scale, design and external appearance sympathetic to this rural setting.
- 11.5 The increase in the number of seasonal workers accommodated within the extended site will undoubtedly increase the level of activity both in and around the site. The scheme as proposed includes a number of measures designed to reduce this impact. The existing informal outside recreation area is to be relocated away from the back gardens of the adjoining dwellings to a position adjacent to the school grounds. The existing recreational/community hall is eventually to be relocated adjacent to the southern boundary of the site and therefore the furthest point way from the neighbouring dwellings. The application does not provide any details of the likely timetable for the provision of this replacement building.
- 11.6 In addition the site access is also to be relocated from a position opposite the neighbouring dwellings along Hall Road to a position along the southern boundary. This, together with the use of the alternative routes to the site, will reduce any vehicle manoeuvring at the site access where it will have the most impact upon residential amenity.

12.0 Background Papers

12.1 ARC; Core Strategy; NR; AW; HH; Transportation Policy; Spatial Policy; PTC; NRL

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 - C11.14 Tree / Shrub Planting

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

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

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

4 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

5 - C11.12 Landscape Works Implementation

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

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

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

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

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

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

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

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

8 - C10.18 Tree and Hedgerow Protection: General

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

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

9 - Non-Standard Condition

None of the mobile homes to be located on any part of the site as shown edged in red shall be occupied other than between the months of February and November of any year.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of the amenity of this area.

10 – Non Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved drawings nos. 1377-LOC, 1377-P002A, 137-P001B and 1377-P003.

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

11 - Non-Standard Condition

Any conditions as may be recommended by the Highway Authority and which, in the opinion of the Local Planning Authority, are necessary and reasonable in the interests of highway safety.

anglianwater

Mr Nick McKeever
Colchester Borough Council
PO Box 889
Town Hall
Colchester
Essex
CO1 1ZE

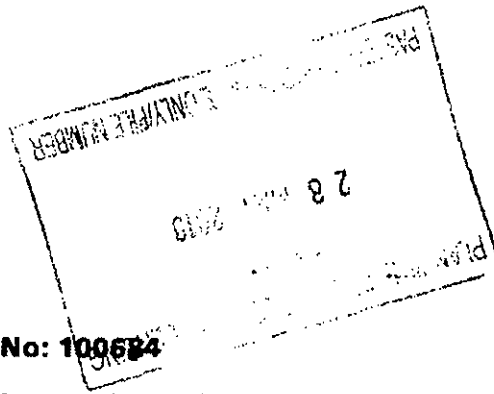
**Anglian Water
Services Limited**
PO Box 1067
PETERBOROUGH
PE1 9JG

Tel 01733 414690
Fax 01223 201001
Email: planningliaison@anglianwater.co.uk

Our ref 0406/SP103(001)

Your ref 100684

21 May 2010



Dear Mr McKeever,

Planning Application No: 100684

Applicant: Wilkin and Sons Limited

Site: International Farm Camp, Hall Road, TIPTREE

Proposals: 25 mobile homes

Thank you for your correspondence seeking our comments on the above planning application.

We are keen to support the spatial planning process across the region we serve and have made site specific comments in the attached *Planning Applications – Suggested Informative Statements and Conditions Report*.

We are obliged under the Water Industry Act 1991 to provide water and wastewater infrastructure for domestic purposes for new housing and employment developments within our area when requested to do so. To effect this the applicant will have to make a request to us under the appropriate section of the Water Industry Act. Advice on these mechanisms is provided in the attached report.

If any further information or assistance is required concerning this matter please contact me on 01733 414619.

Yours sincerely

Carly Summers
Planning & Equivalence Team
Enc.

Registered Office
Anglian House,
Ambury Road,
Huntingdon,
Cambridgeshire, PE29
3NZ
Registered in England
No. 2366656

anglianwater

Planning Applications – Suggested Informative Statements and Conditions Report

AW Reference:	0406/SP103(001)
Local Planning Authority:	Colchester Borough Council
Site:	International Farm Camp, Hall Road, TIPTREE
Proposal:	25 mobile homes
Planning Application:	100684

Prepared by Carly Summers

Date 21 May 2010

If you would like to discuss any of the points in this document please contact me on 01733 414619 or email planningliaison@anglianwater.co.uk

ASSETS

Section 1 – Assets Affected

- 1.1 *Informative statement:* Our records show that there are no assets owned by Anglian Water or those subject to an adoption agreement within the development site boundary.

WATER SERVICE

Section 2 – Water Resource Zone

- 2.1 *Informative statement:* There is sufficient water resource capacity to supply this development. However, in line with national and regional government policy Anglian Water would wish to see measures taken by the developer to ensure that buildings are constructed to high water efficiency standards. This can be achieved through the design of efficient plumbing systems and the installation of water efficient fixtures and appliances in line with the Code for Sustainable Homes. This will minimise the growth in demand for water from the new development and help to ensure the sustainable use of our regions water resources.

Section 3 – Water Supply Network

- 3.1 *Informative statement:* The development can be supplied from the network system that at present has adequate capacity. The developer may submit a formal requisition for a water supply main under Section 41 of the Water Industry Act 1991 or enter into an agreement to lay the water main ready for adoption by us under section 51A of the Act.

WASTEWATER SERVICE

Section 4 – Foul Sewerage System

- 4.1 *Informative statement:* The foul flows from the development can be accommodated within the foul sewerage network system that at present has adequate capacity. If the developer wishes to connect to our sewerage network they should serve notice under Section 106 of the Water Industry Act 1991. We will then advise them of the most suitable point of connection.

Section 5 – Surface Water System

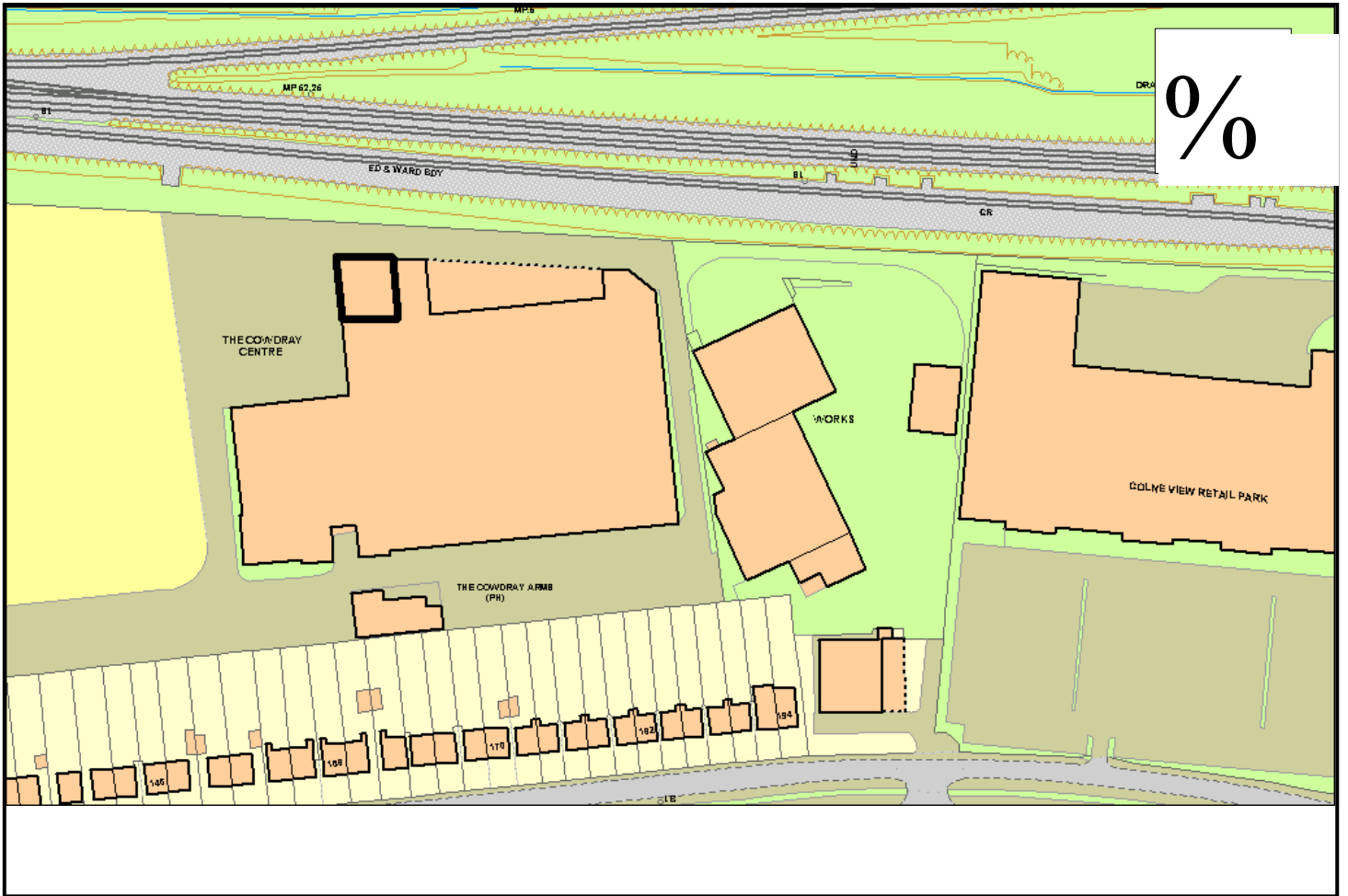
- 5.1 *Informative statement:* The applicant has indicated on their application that their method of surface water drainage is not to a public sewer. Therefore, this is outside our jurisdiction for comment and the Planning Authority will need to seek the views of the Environment Agency to gauge whether the solutions identified are acceptable from their perspective.

Section 6 – Wastewater Treatment

- 6.1 *Informative statement:* The foul drainage from this development will be treated at Tiptree Sewage Treatment Works that at present has available capacity for these flows.

Section 7 – Trade Effluent

- 7.1 Not applicable



Application No: 101046

Location: Block E 2, Cowdray Centre, Mason Road, Colchester, CO1 1BP

Scale (approx): 1:1250

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7.3 Case Officer: Mark Russell

EXPIRY DATE: 21/07/2010

OTHER

Site: Block E 2, Cowdray Centre, Mason Road, Colchester, CO1 1BP

Application No: 101046

Date Received: 26 May 2010

Applicant: Miss Lande Fourie

Development: Retrospective application to change of use from A1 to D2 (Assembly + Leisure) to run a full time martial arts club.

Ward: Castle

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This Planning application is before Members as it is a non-householder application. Objections have been received, and the Officer recommendation is for approval.

2.0 Report Summary

2.1 The following report outlines the proposal to regularise the use of an industrial unit as a full-time martial arts club.

2.2 The report details consultation replies and objections from two parties who do not live near the site. Responses are given to these objections, which are held to be non-planning-based. Finally, conditional approval is recommended.

3.0 Site Description

3.1 The site is set amongst a series of industrial units known as the Cowdray Centre, accessed off of the main distributor road Cowdray Avenue. This particular unit is to the far rear of the Cowdray Centre and is adjacent to the Colchester-Norwich railway line. There are no residential properties in the vicinity.

4.0 Proposal

4.1 The proposal is to retain the current unauthorised use of this 231.5m² unit as a martial arts facility (specifically for karate). The classes are offered at all times of the week – but generally at evenings and weekends, and to all ages of student.

4.2 Six existing parking and two existing cycle-parking spaces form part of the application. Only one full-time member of staff (the owner) is employed.

5.0 Land Use Allocation

5.1 Adopted Review Borough Local Plan
Employment Land

5.2 Core Strategy
Mixed Use Area

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations;
P1 – Pollution
EMP1 - Employment

7.2 Core Strategy:
CE1 – Centres and Employment

8.0 Consultations

8.1 Environmental Policy have replied as follows:

“The Cowdray Centre has a complex planning history and contains a number of retail uses which do not have the benefit of planning permission. The description of development is accordingly questioned as the unit may not have retail permission. Its use might be considered B1, but given the confusion surrounding the Centre’s planning status it might be more appropriate to avoid mentioning the existing use at all in the description of development and just refer to the D2 use.

The Centre is designated as a Regeneration Area on the Local Plan Proposals Map and the Local Development Framework includes it as a Mixed Use Centre within the wider North Station Regeneration Area. The building housing the proposal is not in a good condition and accordingly is expected to be demolished in the future as part of the overall redevelopment of the site. The proposed use is considered acceptable for the short-medium term anticipated life of the building. Table CE1b Appropriate Land Uses) in the Core Strategy lists D2 uses as acceptable for Mixed Use Centres.”

8.2 Highway Authority did not object as the proposal does not contravene any of its policies.

8.3 Environmental Control offered no comments on the proposal.

9.0 Representations

9.1 Two emails of objection have been received:

The first, from a resident of Stanway was as follows: "I object to this proposal on the grounds that the said person has been running this school for the past three years without permission, the building is totally unsuitable for that type of use as it is full of asbestos, the roof leaks like a sieve and there is no access for disabled. A totally unsuitable area for this type of use."

9.2 This objector then sent a second email claiming that an additional company was being run from this unit.

9.3 The second objection, from a resident of Harwich, related to the general running of the centre.

10.0 Report

10.1 The issues that this application raises relate to the broad principle of use, and to highways/parking matters.

10.2 Planning Policy have replied that they do not oppose the use, as this site has a chequered Planning history which is covered by the North Station Regeneration Area, and has indicated that the building itself will ultimately be removed.

10.3 The Highway Authority has not opposed the application as it does not contravene any of its policies.

10.4 There are no issues of residential amenity given the distance to the nearest residential property (80 metres, "as the crow flies" and that through an existing building) and Environmental Control has not objected.

10.5 The comments of the objectors are noted, but these are not valid Planning considerations.

11.0 Conclusion

11.1 The proposal is seen as being acceptable in principle, and raises no concerns in terms of highway safety, residential or visual amenity. For this reason it is seen as acceptable.

12.0 Background Papers

12.1 ARC; Core Strategy; PP; HA; HH; NLR

Recommendation - Conditional Approval

Conditions

1 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order (or any order revoking and re-enacting that Order with or without modification), the use hereby permitted is for a martial arts centre only, and for no other use within the D2 (assembly and leisure) use.

Reason: For the avoidance of doubt as to the scope of this permission, as Colchester Borough Council would wish to avoid unrestricted D2 use in this location.

2 - Non-Standard Condition

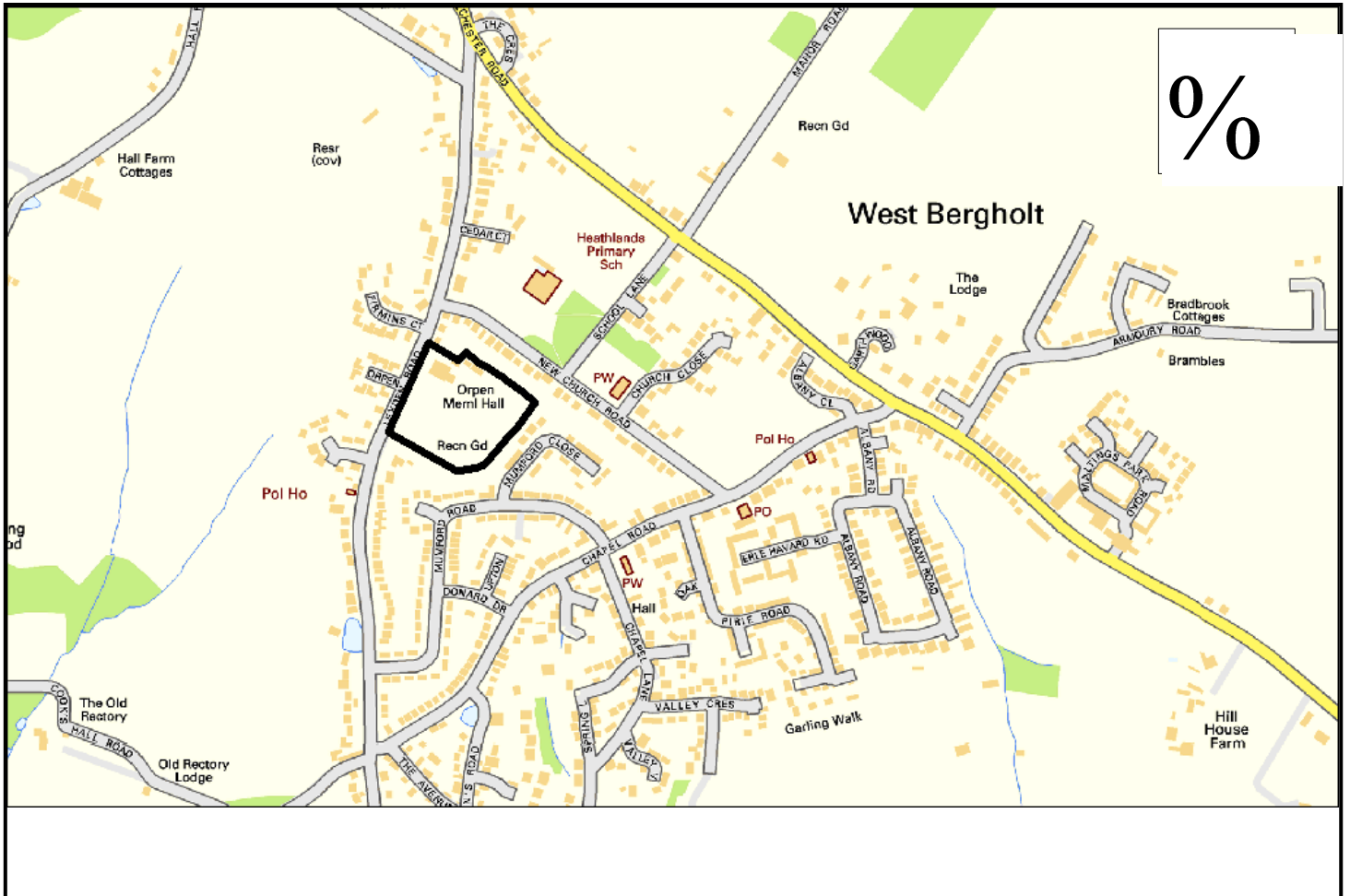
The permission hereby granted is personal to Lande Fourie only.

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

3 - Non-Standard Condition

Parking for six motor vehicles and cycle parking for two bicycles shall be retained at all times.

Reason: To ensure adequate vehicular and cycle parking for users of the site.



Application No: 101062

Location: Lorkin Daniel Playing Field, Lexden Road, West Bergholt, Colchester

Scale (approx): 1:1250

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7.4 Case Officer: Jane Seeley

EXPIRY DATE: 23/07/2010

OTHER

Site: Lorkin Daniel Playing Field, Lexden Road, West Bergholt, Colchester

Application No: 101062

Date Received: 28 May 2010

Applicant: Mrs Val Walsom

Development: Variation of condition 09 of planning permission F/COL/00/1277 to vary hours of use on a permanent basis.

Ward: W. Bergholt & Eight Ash Green

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received from 2 local residents

2.0 Synopsis

2.1 Permission is sought for the permanent variation of Condition 9 of planning permission F/COL/00/1277 to allow the Parish Council to control the use of a MUGA (Condition 09 specifies times when a variety of uses can be undertaken) Temporary permission was granted for 1 year in 2009 to assess the impact of the change. Two objections have been received to the permanent variation. Officer recommendation is that the application should be supported.

3.0 Site Description and Context

3.1 The MUGA (Multi Use Games Area) is located on Lorkin Daniel Playing Field adjacent to the Orpen Memorial Hall and children's play area/equipment. It is close to the boundary of the playing field with Lexden Road. This boundary is treed and hedged, in the vicinity of the MUGA the hedge is being allowed to grow up. On the opposite side of Lexden Road is housing both directly fronting the road and in culs de sac accessed off Lexden Road The MUGA is a black surfaced court/pitch surrounded by black fencing and has floodlights.

4.0 Description of the Proposal

- 4.1 Planning permission was granted for the MUGA in 2001; in 2003 the Planning Committee agreed a minor amendment to its position. Use commenced in 2004. Condition 9 attached to the planning permission restricts the type of use and the hours of operation:

Football, netball and hockey are permitted:

Monday – Friday – 9.00am – 6 pm, apart from one evening until 9.00pm

Saturday – 10.00am – 4pm

Sunday - 10.00am – 1.00pm

Tennis is permitted:

8.00am – 10pm during the months of May, June, July and August

9.00am – 8pm during the months of September – April inclusive

- 4.2 In 2010 the Parish Council applied to vary Condition 9 to allow greater use of the MUGA to in effect give the Parish Council full control over the users and hours of operation. In order to assess the impact of this variation a 12 month temporary permission was granted. This permission expired in March 2010. The current application seeks to vary the condition on a permanent basis. In support of the application a letter prepared for the previous submission and additional letters have been submitted. These are summarised below:

- The MUGA is owned by the Trustees of the Lorkin Daniel Playing Field and the management is vested in the Parish Council as the Trustees and sole managing authority.
- Currently the main use of the MUGA is the Tennis Club.
- Since its construction the Trustees have been approached to allow use of the MUGA by other organisations. Use has been permitted providing it complies with the planning conditions.
- Use is only permitted if it is in the best interest of the community and that local residents are not unduly disturbed or inconvenienced.
- There have been few, if any complaints regarding the use
- Currently the Tennis Club and the Football Club operates under a licence with the Trustees; if variation of the condition is permitted the use of the facility will operate in a broadly similar manner. For example, the Bergholt Youth Group wish to become a main use to, the Trustees will look to implement a license with the management committee to enforce agreed hours, management discipline, supervision and type of activities.
- The Trustees have a demonstrable record of successfully managing and controlling village facilities/proper.
- The current restrictions for the MUGA are no longer conducive to effective management of the facility. Clubs and organisations are constantly altering their operations to reflect modern village recreation needs.
- The Parish Plan indicates that more facilities and younger members of the community seek recreational activities. There is a wish to extend the use of facilities to accommodate property supervised youth activities. The Parish Council wishes to control the use in order to prevent the need for continuing applications and to alter conditions to accommodate changing village needs.

- The Parish Council will decide the type of recreational function that can be carried out and ensure hours of use are reasonable. It will permit casual and one-off-uses as well as regular supervised club use.
- Between April 2009 and February 2010 the Bergholt Youth Group have used the MUGA on 12 times; on each occasion the activities were well supervised and there were no incident of noisy or unruly behaviour.
- The Management Committee are unaware of any problems caused by the change in condition and no complaints have been received.

5.0 Land Use Allocation

- 5.1 Open Space
Village Envelope

6.0 Relevant Planning History

- 6.1 F/COL/00/1277 Formation of all weather court and associated lighting on part of playing field (resubmission of COL/99/1216) approved July 2001

7.0 Principal Policies

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

DC1- Development Control considerations
P1 - Pollution
P2 - Light pollution

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

SD3 - Community Facilities
ENV2 - Rural Communities

8.0 Consultations

- 8.1 In addition to the details reported below, the full text of all consultations responses are available to view on the Council's website.

ECC Highways – No objection

Environmental Control – No complaints received

9.0 Parish Council's Views

- 9.1 No comments

10.0 Representations

- 10.1 In addition to the details reported below, the full text of all consultations responses are available to view on the Council's website.

10.2 2 letters received:

- Many of the activities that occur on the MUGA can be very clearly heard, particularly those involving bouncing or kicking a ball; this is worse in summer months when windows are open.
- Didn't expect a year of temporary permission to produce any major reason for complaint and this has been the case. There have been a few occasions when the court was used for football after 10 (until nearly 11pm in one instance). It was probably unofficial and there is no point in complaining after the event. The parish council wish to control activities and hours of use; this is totally alarming and could be any activity.
- All the parish councillors live some distance from the MUGA - unhappy that the usage could occur outside the hours of 8am to 10pm.
- Ostensibly the change is proposed to accommodate the activities of the village youth to which there is no objection but the sweeping powers requested are not necessary.
- Parish Council were unwilling or unable to identify envisaged additional activities at a village meeting.
- The Parish Council should have some restriction on its powers in order to protect residential amenity.

11.0 Report

Impact on the Surrounding Area

- 11.1 The location of the MUGA adjacent to the Village Hall and children's play area on a sports field does not have any significant impact in the street scene. Hedging and trees on the boundary give a degree of screening.
- 11.2 Attached to the 2009 temporary permission, at the Planning Committee's direction, was a landscaping condition for the roadside boundary. The Parish Council proposed additional planting to close gaps in the hedge and a commitment to maintain the hedging adjacent to the MUGA at a minimum height of 1.8m. These proposals were assessed by the Council's Landscape Officer who considered that these were appropriate. Accordingly the condition was discharged.

Impacts on Neighbouring Properties

- 11.3 Comments from a local resident are similar to concerns raised at the time of the last application. Whilst it is stated that there has been some use in the late evening neither this Council or the Parish Council have been made aware of these activities and therefore have been unable to investigate these matters. Information provided by the Parish Council indicates that activities on the MUGA have been carried out under the control of the appropriate village organisations. Your officers are aware that there is occasional ad hoc use which appears to occur when the fence has been vandalised. The Parish Council have advised that they seek to repair any damage when they are aware that it has occurred.

- 11.4 It is not considered that the variation of the Condition has lead to any significant change in the activity or nuisance from the MUGA. The Parish Council has indicated that they have mechanisms in place to control users of the facilities and that they would exercise control to ensure that neighbours are not unduly inconvenienced. If residents are aware of any problems they will need to make the Parish Council aware so that they can investigate and take any appropriate action.
- 11.5 The Parish Council is elected and accountable and it is considered they are an appropriate body to control a recreational facility.
- 11.6 Environmental Control is not objecting to the application.
- 11.7 The temporary permission was granted last year in order to allow this Council to assess the impact of the variation of the condition. The comments/information received does not suggest that there is any justification for not accepting the variation of the condition on a permanent basis.
- 11.8 When the previous application was considered last years the Planning Committee also required that an Environmental Control Officer visit the site to assess the floodlighting. A visit has taken place and the Officer's comments will be reported on the Amendment sheet.

12.0 Conclusion

- 12.1 It is considered that this application can be supported subject to a condition that the use should be operated/controlled as set out in the Parish Council's supporting documentation.

13.0 Background Papers

- 13.1 ARC; Core Strategy; HA; HH; NLR

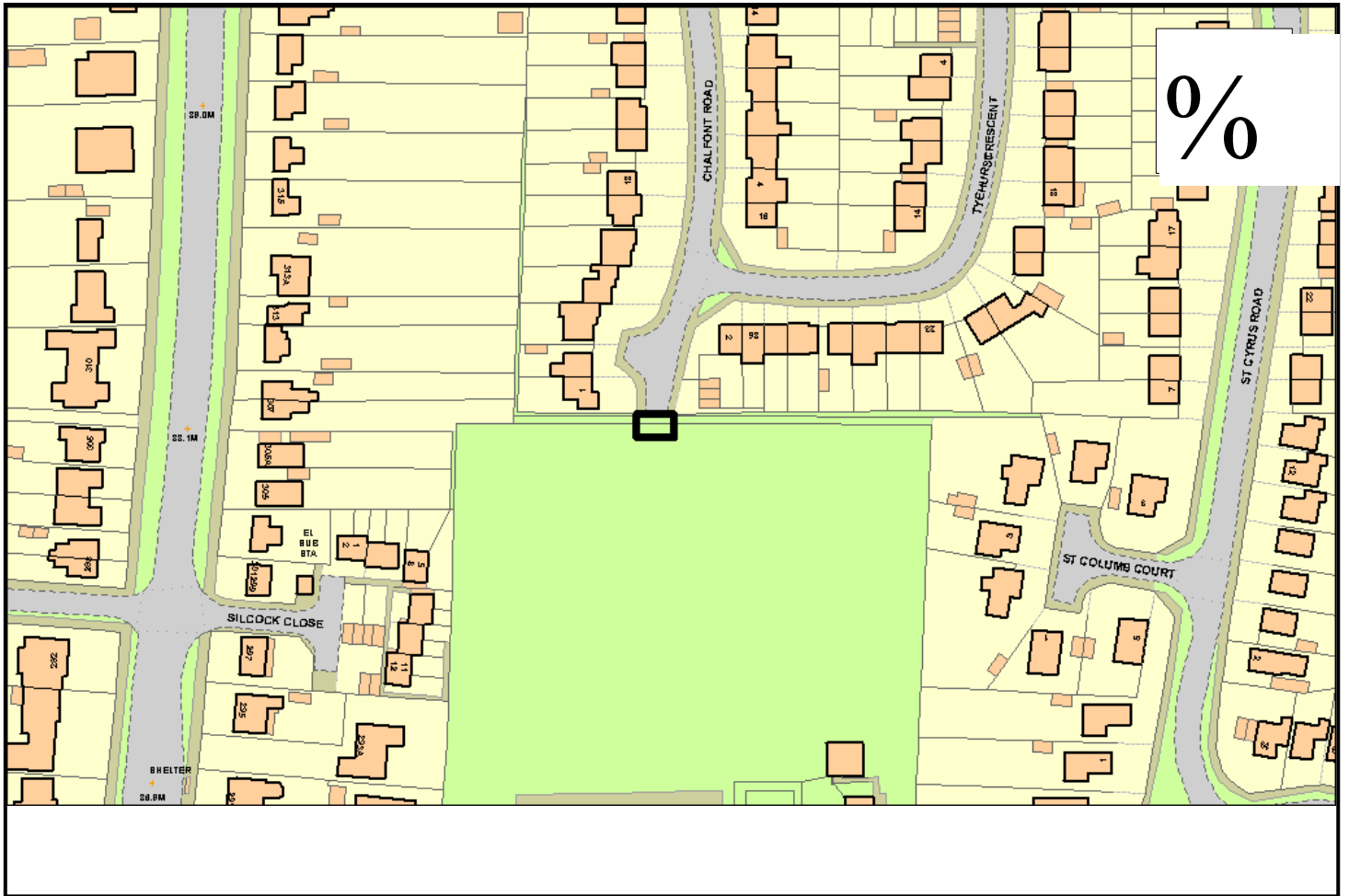
Recommendation - Conditional Approval

Conditions

1 - Non-Standard Condition

The management/use of the MUGA shall be controlled by West Bergholt Parish Council as set out in their letter of 29 January 2009.

Reason: For the avoidance of doubt and in the interests of residential amenity.



Application No: 101086

Location: Friars Grove Junior & Infant School, Upland Drive, Colchester, CO4 0PZ

Scale (approx): 1:1250

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7.5 Case Officer: Nick McKeever

EXPIRY DATE: 28/07/2010

OTHER

Site: Upland Drive, Colchester, CO4 0PZ

Application No: 101086

Date Received: 2 June 2010

Agent: Mr Jonathan Green

Applicant: Mrs H Dudley-Smith

Development: Installation of one pair of metal framed gates within the existing perimeter fencing to provide access for maintenance vehicles etc. from Chalfont Road on the existing School playing field. Construction of associated crossover and standing area.

Ward: St Johns

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is brought to the Planning Committee in view of the objections received from local residents.

2.0 Site Description

2.1 Friars Grove Junior and Infants School is located within an established residential area. The school buildings front onto Upland Drive and the existing main access to the school is via Upland Drive.

2.2 The school playing fields are located to the north of the main school buildings and adjoin the dwelling houses in Chalfont Road and Tyehurst Crescent. The northern boundary is marked by a 1.5 metre (nominal) wire mesh fence and established hedges.

3.0 Description of Proposal

3.1 The application proposes the formation of a vehicular access from the school playing field onto the existing turning head at the end of Chalfont Road and the erection of metal framed gates at this access. The access, and associated concrete hardstanding, together with the proposed gates will entail the removal of existing trees and part of the existing hawthorn hedge.

- 3.2 The following is an extract from the supporting Design and Access Statement and explains the reason for the proposal:-

"The purpose of this project is to enable the future physical connection of the existing Friars Grove Infant and Junior Schools.

The existing Infant and Junior schools will formally amalgamate in Summer 2010. They operate from two independent buildings to the southern half of their shared area. They are served by a shared vehicular entrance and separate pedestrian entrances, all accessed from Upland Drive. The Infant school is provided with attractive, landscaped outdoor play and sitting areas. The existing, shared hard play area is bounded by the two buildings with the existing playing field to the northern half of the site.

Access to the playing field for grounds maintenance equipment is via an existing gate between the two buildings. The access would severely compromise the School's long term objection and this application is for enabling works to provide an alternative means of access.

It is the School's ultimate objective to link the two buildings with an enclosed link. This would improve pupil security and provide the new main entrance and reception. These works would enable the School to combine existing facilities such as the School offices and staff rooms and would be subject to a separate planning application.

To facilitate construction of the link, it is necessary to provide an alternative means of access to the playing field. The proposed access would be formed from the existing turning head at the southern end of Chalfont Road. The access would cross a narrow verge owned by Essex County Council and provide a safe means of access to the playing field. Proposed dropped kerbs and a crossover would be provided to facilitate the access and a proposed gateway would be formed within the existing boundary fencing."

4.0 Land Use Allocation

- 4.1 Residential

5.0 Relevant Planning History

- 5.1 The site has a planning history dating back to the 1960's with the Infant's school dating back to the early 1970's. There is no planning history that relates specifically to the proposed gated access.

6.0 Principal Policies

- 6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004
DC1- Development Control considerations
CO4 – Natural Features
UEA11 – Design
- 6.2 Adopted LDF Core Strategy- December 2008
SD1 - Sustainable Development Locations
ENV1 - Environment

7.0 Consultations

7.1 The Highway Authority note that the new access will be used by maintenance vehicles only and not as a pupil or visitor access to the school complex. In this regard no objections are raised.

8.0 Representations

8.1 Representations from 9 residents have been received. These objections are summarised as follows:-

- Chalfont Road is a quiet residential area with no through traffic. Once the gates are in place there is no assurance that they will not become a regular access point for parents dropping off children, as well staff and visitors to the school. The additional traffic would cause congestion.
- Unrestricted use will introduce traffic causing noise and presenting a hazard to residents and residents ability to park outside of their homes.
- There is a lack of information and detail e.g What is meant by the statement “to provide access for maintenance vehicles”? How much traffic will it generate? Is the access to be permanent or temporary? Are the gates to be locked?
- The standing area should be located within the school grounds.
- No maintenance workers vehicles should be parked in Chalfont Road.
- Disruption of hedgerow and loss of hawthorn tree. This has been there since the area was built approx 40 years ago. Hawthorn trees are important to wildlife, especially Waxwings and Thrushes.
- Who owns the strip of land in front of the hedge?

The full text of all representations that have been received are available to view on the Council’s web-site.

8.2 Councillor Ray Gamble has written to advise that the access should only be used for maintenance of the school grounds and in connection with the annual fete (e.g. emergency vehicles). Conditions should be in place to restrict the access and to ensure that the gates are kept locked during and after access. It should not be used as a ‘back entrance’ to the school (i.e. for parents, children and staff).

9.0 Report

9.1 The application as submitted provides the justification for the provision of the proposed gates and the access onto Chalfont Road. Whilst no application has yet been submitted in respect of the proposed alterations to the two existing schools within this site, the reason for these proposed changes are appreciated. It is acknowledged that, if these changes are approved, there will clearly be a need for an alternative access to maintain the playing field.

9.2 The main issue appears to be the extent to which this gated access will need to be used and the need to regulate its use.

9.3 The concerns expressed by local residents as to the impact of the use of this access should it be used as an alternative access by pupils, parents and staff are appreciated. An unrestricted use could potentially introduce significant levels of activity, both vehicular and pedestrian, into a residential area, which does not currently experience such activity. On this basis it would be likely to have a detrimental impact upon the level of amenity currently enjoyed by local residents.

9.4 It is in response to these concerns that the Applicant has provided details of the proposed use of the new gated access. These details are set out in a letter, the contents of which are reproduced as follows:-

“Our design statement refers to use of the proposed access by the grounds maintenance contractor. For this purpose, the likely frequency of use is one visit per week. The School advises that the grounds maintenance contractor operates with a van drawing a small trailer on which he transports the gang mower and line marking equipment.

The annual fete takes place on a single day, once a year. The use of the proposed gate would be limited to users such as the St. John’s ambulance, ice cream or other food sellers and those providing displays. Those providing displays would vary from year to year but could include the Fire Brigade, first aiders, road safety and other local charities. The School would maintain strict control of the proposed gate for these specific uses and lock the gate between users.

Visitors to the fete would be granted access via the existing entrances on Upland Drive only.

We confirm on behalf of the School that it is not their intention, now or in the future, that the proposed gate be used by parents, pupils or visitors. Current Government policy places considerable importance on the safeguarding of children, and this responsibility would be greatly compromised if direct access were possible by routes other than via Upland Drive. We reiterate the undertaking made in our design statement that the proposed gate would be lockable with access controlled by the School.

Subsequent to your email mention has been made of access via the proposed gate for construction traffic, for example, in relation to the amalgamation of the Infant and Junior schools.

There is no intention for any such construction traffic to use the proposed gate as this route would damage the playing field and place such traffic in conflict with pupils using the playgrounds and playing field”.

9.5 It is considered that the provision and use of this gated access on the restricted basis that has been described in the aforementioned letter would not be likely to give rise to a level of activity that would have a significant impact upon the amenity of the nearby dwellings in Chalfont Road or Tyehurst Crescent.

- 9.6 The provision of the gated access will entail the removal of part of the existing boundary hedge and trees. In this respect the application is supported by an arboricultural report. The conclusions set out in this report are reproduced as follows:-

"The site is the Friars School, Uplands Lane, Colchester, Essex. Within what is considered to be the influencing area of the site (i.e. the school grounds and immediately adjacent land) a total of 44 individual trees, 3 groups of trees, and 6 hedges have been surveyed. These were found to be of mixed condition and age providing a variety of amenity benefits. It is proposed to construct improved school facilities within the curtilage of this plot.

In addition to trees which require felling irrespective of development, it is necessary to fell 11 low quality/poor longevity trees, 3 low quality/poor longevity landscape features, and sections of 3 low quality/poor longevity landscape features (all hedges) in order to achieve the proposed layout. Additionally, 1 group of trees requires minor crown lifting to permit the installation of new security fencing.

Any perceived short term landscape loss will be mitigated by the proposed landscaping scheme - an enhancement that cannot be required or controlled by the Local Planning Authority without the benefit of conditions associated with any planning approval.

The alignments of the new structures do not encroach within the Root Protection Area (RPA) of any trees that are to be retained. In view of this, and as assessed in accordance with BS5837:2005, no specialist foundation designs or construction techniques will be required to prevent damage to tree roots. Specialist foundations may still be required for other reasons, including the influencing distance of tree roots, subject to expert advice from a structural engineer.

7 trees have been identified for removal irrespective of any development proposals. The removal of 2 of these items coincides with the requirements of the proposed layout.

The alignment of new parking areas and footpaths and accesses encroach within the RPA of 1 tree that is to be retained by given the use of modern "no dig" construction techniques, this is not considered to be a substantial issue.

All trees and landscape feature that are to remain as part of the development should suffer no structural damage provided that fencing is erected as detailed."

- 9.7 On the basis of this arboricultural report it is considered that the development will not have a significant impact upon the amenity of this area, subject to conditions relating to the protection of the existing trees /hedge that are to be retained.

10.0 Conclusions

- 10.1 It is considered that the limited use of the gated access as set out above would not prejudice the amenity of the residential properties in Chalfont Road or Tyehurst Crescent to an extent that would justify a refusal of planning permission. It is recommended, therefore, that permission should be granted subject to a condition restricting the use to the activities set out in the Applicant's letter dated 24th June 2010, or other exceptions which would need to be agreed in writing by the Local Planning Authority, but this should not include unrestricted access by pupils, parents, staff employed at the school or general visitors to the school.

11.0 Background Papers

11.1 ARC; ACS; Core Strategy; HA; Highway Agency; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The gates and associated access hereby approved shall only be used in accordance with the details set out in the letter from Laurie Wood Architects dated 24th June. Any proposed exceptions to these authorised uses would need to be agreed in writing by the Local Planning Authority but should not be related to use by pupils, parents, staff or visitors to the school in connection with the normal daily use of the school.

Reason: For the avoidance of doubt as to the scope of this permission and in order to safeguard the amenity of the residential properties within the immediate vicinity of the gated access.

3 - Non-Standard Condition

The gates shall remain locked at all times other than to permit access and egress for the authorised uses of the gated access. The gates shall be locked immediately following each individual use of access or egress.

Reason: In the interests of residential amenity.

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

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

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

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

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

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

6 - C10.18 Tree and Hedgerow Protection: General

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

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

7 – Non Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved drawings No. 154-06.

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



Application No: 091539

Location: Land rear of 185 Shrub End Road, Colchester, CO3 4RG

Scale (approx): 1:1250

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7.6 Case Officer: Andrew Huntley

OTHER

Site: Land rear of 185 Shrub End Road, Colchester, CO3 4RG

Application No: 091539

Date Received: 27 November 2009

Agent: Mr Raymond Stemp

Applicant: Miss Catherine House

Development: Change of use of log cabin (from ancillary residential use) to training room in connection with child care nursery.

Ward: Prettygate

Summary of Recommendation: Temporary Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because there have been a number of objections to the proposal. This application was deferred prior to a previous Committee meeting in order to seek clarification on the precise nature of how the log cabin was to be used. This is because it had become apparent that the cabin would be more heavily used than the impressions given within the original submission. The applicant's agent has since submitted further information into how the training room would be used and by whom.

2.0 Synopsis

2.1 The main planning issues relating to this case are the proposal's impact on neighbouring residential amenity and how the additional information has altered the previous recommendation of approval. Consideration is also given to the history of this site to clarify the planning position in regard to the cabin itself. After these considerations the report will conclude that, while an approval is warranted in this instance, it should only be for a temporary period of time in order that the impact of the proposal can be fully assessed.

3.0 Site Description and Context

3.1 The application site is located on the northern side of Shrub End Road. The area is residential in character with a mix of property types and styles. The application site covers the end of the garden of 185 Shrub End Road, which is a detached bungalow. Immediately to the north of the site lies a detached two-storey dwelling close to the boundary. To the west lies a chalet bungalow, which is used as a children's nursery.

4.0 Description of the Proposal

- 4.1 Change of use of log cabin (from ancillary residential use) to training room in connection with child care nursery. A copy of the letter from the agent in regard to the precise use of the log cabin is attached as Appendix 1.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 C/COL/00/1304 - Change of use to provide children's nursery. Approved 21st November 2000.
- 6.2 072169 - Change of use of premises as a training room for Springlands Nursery. Withdrawn.

7.0 Principal Policies

- 7.1 The following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:
DC1- Development Control considerations
UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:
SD1 - Sustainable Development Locations
UR2 - Built Design and Character

8.0 Consultations

- 8.1 The original response from the Environmental Control Team was as follows:

'I have read the plans and the log cabin will be used for training of adults only so there will be no children in the cabin. This was my main concern, that children will be playing inside the cabin and the noise associated with this as I doubt the cabin is sound proof. As the cabin will be used for training staff I very much doubt this will cause a noise nuisance. I think the main problem is the 'look' of the cabin which neighbours have a problem with and how close it is to their fence'.

- 8.2 Following the additional information received by the agent, a subsequent response stated that:

'It is a difficult call to make to say whether the use of the log cabin will cause a noise nuisance to nearby residents. The noise levels would depend on the number of students in the cabin at any one time and how staff control them and the noise. This will not be able to be judged until the classes in the cabin are up and running. The maximum of 20 pupils may be too many (too noisy), however this will not be known until the building is in use.

The level of noise heard by the residents will also depend on if windows and doors are open. In hot weather is there an alternative system to cooling the cabin other than opening the windows? Human noise is very difficult to control and put a limit on, I can only suggest temporary permission to see if there are any noise issues, then we can try to find solutions'.

- 8.3 The Highway Authority have been consulted but at the time of writing this report their comments were unavailable.

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

9.0 Representations

- 9.1 The number of people who have expressed their support for this application is zero and the number of objections received is four. The summary of the objections received are as follows:

- Residential area so business use not appropriate.
- Health and Safety risk, including fire risk.
- Cabin's design, size and its impact on the character of the area.
- Impact on sunlight/daylight, privacy and views.
- Increase in noise and disturbance.
- Impact on property value.

10.0 Report

- 10.1 The main issues in this application are considered to be as follows:

- *Design, Layout and Impact on the Surrounding Area*
- *Impacts on Neighbouring Properties*
- *Highway Matters*
- *Other Matters*

Design, Layout and Impact on the Surrounding Area

- 10.2 The log cabin was erected within the application site in 2008. The agent has stated that this was built under residential permitted development rights. It is a matter of fact that the size and location of the log cabin did fall within residential permitted development limits. While there may have been issues regarding whether the log cabin was built for ancillary residential purposes (i.e. permitted development) or whether planning permission was required as it was used for a training room for the adjacent nursery, is not a matter for consideration within this change of use application.

- 10.3 It is clear that while the cabin has been used for nursery purposes at some stage and the use of the cabin reverted back to ancillary residential use as indicated by the email from one of the Council's enforcement officers included within the application documents. While the history of the erection and subsequent use of the cabin is less than satisfactory, the matters for consideration within this application relate solely to the appropriateness of its proposed use and not its physical being.

- 10.4 Therefore, the main consideration that needs to be addressed within this application is the proposal's impact on residential amenity and not its design.

Impact on Neighbouring Properties

- 10.5 As Environmental Control has stated, it is difficult to say whether or not the proposal will cause a noise nuisance to nearby residents. The noise levels would depend on the number of students in the cabin at any one time and how staff control them and the noise, and whether windows and doors are open. As such, the full impact of the proposal cannot be known, unless the use is up and running.
- 10.6 Refusing this application, without a definitive answer on whether or not the use would cause a nuisance would not be ideal and would quite possibly fail if an appeal were lodged. As such, it is considered that the right course of action would be to grant a temporary consent, which would give all concerned, the opportunity to assess its impact when in operation. A further application would therefore be required at a future date and the Local Planning Authority can then re-assess the proposal. In the meantime if noise nuisance occurred this could be addressed by Environmental Health legislation.
- 10.7 It is however, considered necessary, in light of concerns over noise, that a condition be attached to ensure the hours of use of the cabin and ensuring that it is not used as a classroom/playroom for the children attending the nursery.

Highway Issues

- 10.8 Further to the submission of the additional information, we are seeking advice from ECC Highways. It is anticipated that a response will be provided by the time of the Committee meeting and reported via the Amendment Sheet.

Other Matters

- 10.9 The proposals impact on residential amenity has already been considered earlier in the report in regard to its change of use. The cabin's design and impact on the character of the area or physical impact on amenity are not issues that can be considered within this change of use application. As such, they are not reasons to refuse the application. The issues raised in regard to health and safety (fire) are issues for building regulations and other safety bodies. These are not planning considerations that would warrant the refusal of planning permission. Nor is the building's impact or the impact of its potential use on property values a reason to refuse planning permission. The use, in conjunction with the adjacent established childcare nursery, is not considered to be inappropriate.
- 10.10 An additional letter has been received from the agent in regard to the issues raised by local residents. This letter points out that the proposal is for a change of use and not for the building itself. It also states that the use of the building is for training purposes only and will be used within nursery hours.
- 10.11 Therefore, in this instance, the objections raised by the neighbours do not warrant the refusal of this application.

12.0 Conclusion

12.1 The only matters than can reasonably be considered within this change of use application relate to the proposed use of the cabin. The proposed use for staff and nursery training purposes are unlikely to cause undue disturbance and noise to neighbouring properties. Therefore, it is considered that there is no planning reason to refuse this application but it is reasonable and necessary to only allow a temporary permission in order to be able to fully consider its impact on residential amenity.

Recommendation – Temporary Approval

1 – Non Standard Condition

The use hereby permitted shall be discontinued on or before 31st July 2011.

Reason: To enable the local planning authority to judge the effect of the use of the log cabin for nursery training purposes on the amenities of neighbouring properties in relation to noise and disturbance.

Raymond Stemp Associates

Planning and Development Consultants

Andrew Huntley
Planning Services
Colchester Borough Council
PO Box 884
Town Hall
Colchester
Essex
CO1 1FR

17 June 2010

Dear Mr Huntley

Application for the change of use of log cabin (from ancillary residential) to training room in connection with child care nursery at land rear of 185 Shrub End Road, Colchester

Application Number: 091539

As per your request for additional information for the proposed use of the log cabin, please find below the relevant information provided under the specific headings stated in your letter.

Precisely who will use the cabin? i.e. age, groupings etc.

Springlands is a recognised Training Provider for CACHE qualifications in childcare and early education and this is what the cabin will primarily be used for.

Springlands has responded to Government Agendas regarding:-

Provision for opportunities in facilitating good foundations in 'parenting skills'.
Opportunities for alternative vocational education within mainstream schooling.

Meeting a skills gap in Early Years qualifications for the sector.

Providing Apprenticeship Frameworks for young and mature adults who wish to learn vocationally.

Maintaining high standards of child care and early education for Colchester children.

Extending employment and career opportunities within Springlands Nursery structure.

- Selected 14-16 year olds from surrounding secondary schools
- Employed trainees 16+
- NVQ Level Two and Three candidates
- Early Years and Education Professionals
- Adults involved/linked with the Springlands business

Please reply to
Colchester
Crawley
Derby

Westwood Park
London Road
Little Horkeley
Colchester
Essex
CO6 4BS

Tel: 01206 274190
Fax: 01206 274191

Shaw House
Pegler Way,
Crawley
RH11 7AF
Tel: 01293 763114
Fax: 01293 763200

Regus House
Herald Way
Pegasus Business Park
Castle Donington
Derbyshire
DE74 2TZ
Tel: 01332 638107
Fax: 01332 638001

Email: raystemp@rsa-planning.co.uk
www.rsa-planning.co.uk



How many people would attend and how often?

The training room will facilitate approximately 16 people (space a premium) at any one time including the tutor however the use will not exceed more than 20 People.

The training room will be used Monday to Friday – 8.30am to 6.00pm.

This September

Monday & Tuesday (school day) term time only – expecting 11 students from secondary schools - Philip Morant School, St Benedicts College, Maningtree High School, Stanway School, Alderman Blaxill School and Sir Charles Lucas

Thursday & Friday (school day) term time only– expecting 13 students from the following schools – Honywood School, Thomas Lord Audley School, Philip Morant School, Manningtree High School and Stanway School

Students may leave the premises strictly only when given permission. The tutors are on Springlands premises at all times including break times. Breaks are usually 20 minutes up to an hour. We have a Behaviour Code of Conduct which is strictly enforced – students are made aware it is a privilege to be ‘out of school’ and on the rare occasion (as we select students carefully) we have and would exclude anyone not willing to conform. There is an emphasis on personal development throughout these courses, e.g. being good citizens and role models to children.

Wednesday - The facilities will be used by Early Years Practitioners undertaking their NVQ qualifications or other training; for individual study or small group work with a tutor.

Should the room not be used for training purposes, the area will be available for formal meetings.

Springlands Nursery closes down for five weeks per year during school holidays. The cabin will not be used in the evenings or at weekends.

Precisely what sort of classes would operate and how?

Meetings as one would expect.

Classes would reflect the level of training being undertaken. All the training is around childcare and early education.

Each class is carefully planned and led by mature, qualified and experienced member of staff.

Teaching and learning is delivered through; instruction, worksheets, quizzes, short DVD/Video Clips, Power Point presentations, organised practical exercises as scenarios (such as, making babies bottles, planning craft projects [without children]) and having guest speakers. Students enjoy practical work with the children in the main nursery buildings.

Please reply to
Colchester
Crawley
Derby

Westwood Park
London Road
Little Horkeley
Colchester
Essex
CO6 4BS
Tel: 01206 274190
Fax: 01206 274191

Shaw House
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RH11 7AF
Tel: 01293 763114
Fax: 01293 763200

Regus House
Herald Way
Pegasus Business Park
Castle Donington
Derbyshire
DE74 2TZ
Tel: 01332 638107
Fax: 01332 638001

Email: raystemp@rsa-planning.co.uk
www.rsa-planning.co.uk



The room would be resourced for individual/small group study for mature students (i.e. those not at school) carrying out assignments for their qualification and/or group work with a tutor.

I hope this information clarifies the proposed use of the log cabin however if you should need any more information please do not hesitate to contact me. I trust the application will now be considered at the next committee meeting on 1st July 2010. Please could you clarify this as soon as possible.

Yours sincerely,



Raymond Stemp FRICS FRTPI

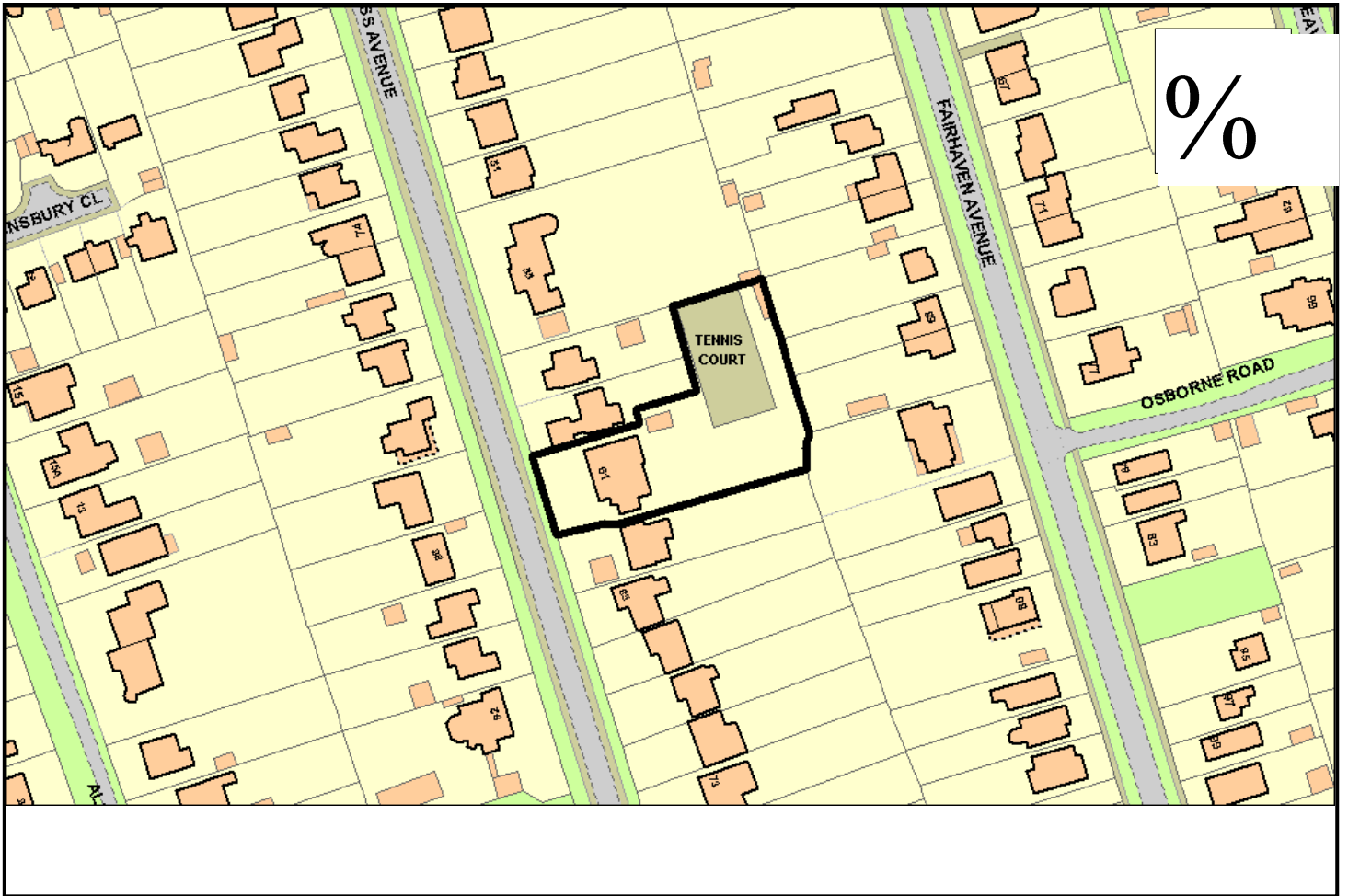
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Tel: 01332 638107
Fax: 01332 638001

Email: raystemp@rsa-planning.co.uk
www.rsa-planning.co.uk



Application No: 100832

Location: 61 Empress Avenue, West Mersea, Colchester, CO5 8BL

Scale (approx): 1:1250

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7.7 Case Officer: Nick McKeever

OTHER

Site: 61 Empress Avenue, West Mersea, Colchester, CO5 8BL

Application No: 100832

Date Received: 12 May 2010

Applicant: Mr Kevin Wood

Development: Change of use from dwelling house to bed and breakfast house (C1) with 3 letting rooms.

Ward: West Mersea

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is brought to the Planning Committee as the Applicant is employed by Colchester Borough Council.

2.0 Site Description

2.1 Extended, two storey, 5 bedroom dwelling located within this established residential area. It is set back from the road, with a large front garden area currently used for car parking & vehicular turning facility. The property has a large private garden area.

2.2 The properties immediately adjacent are both two storey dwellings. The site backs onto dwellings in Fairhaven Avenue.

3.0 Description of Proposal

3.1 The application proposes the use of three bedrooms, together with the conversion of the fourth bedroom into two en-suites, as B & B accommodation. The existing ground floor dining room is to be used as a guest breakfast room.

3.2 The submitted plans show the provision of 5 parking spaces, together with space for a turning area, within the front garden area.

4.0 Land Use Allocation

4.1 Residential/Bradwell Safeguarding Area

5.0 Relevant Planning History

5.1 072552 – Proposed 4 bedroom detached house with double detached garage – Approved 18 December 2007

- 5.2 072863 – Removal of existing flat roof and provision of new hipped roof. New first floor window to side elevation for new ensuite bathroom – Approved 15 January 2008
- 5.3 75/1040 – Two storey extension – Approved 22 September 1975
- 5.4 84/1017 – Erection of private residence with garage but with initial use of garage/boathouse only
- 5.5 F/COL/04/0816 – Proposed erection of 2 no. detached houses with double garages – Approved 16 July 2004

6.0 Principal Policies

- 6.1 Adopted Review Colchester Borough Local Plan Saved Policies-March 2004
 - DC1- Development Control considerations
 - CE1 – The Open Undeveloped Coastline
 - CE10 – West Mersea
 - L19 – Tourist and Visitor Facilities
- 6.2 Adopted LDF Core Strategy- December 2008
 - SD1 - Sustainable Development Locations
 - ENV1 - Environment

7.0 Consultations

- 7.1 The Highway Authority has no objection.
- 7.2 Environmental Control has no comment to make

8.0 Town Council's Views

- 8.1 West Mersea Town Council recommends consent.

9.0 Representations

- 9.1 None received

10.0 Report

- 10.1 This application does not involve any extensions or alterations to the exterior of the existing building. As such the proposal does not raise any issues in terms of the Local Plan Policy UEA13.
- 10.2 The proposal, in that it proposes the use of three bedrooms for B & B accommodation, will involve additional activity in terms of the arrival and departure of guests. However, this has to be balanced against the possible activity that could be generated by the domestic use of this five bedroom dwelling. On this basis it is considered that any additional activity over and above the domestic use is likely to be marginal, with minimal effect on local amenity.

10.3 The use can be supported on the basis that it will provide additional tourist facilities within West Mersea. The site lies within the predominantly residential area of West Mersea and does not directly affect the more sensitive areas which are afforded special protection under the Local Plan Policy CE10.

11.0 Conclusions

11.1 It is considered that the proposed use provides additional tourist facilities without any significant impact upon the amenity of this residential area.

12.0 Background Papers

12.1 ARC; Core Strategy; HA; HH: PTC

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The permission hereby granted is for the use of three bedrooms, and related en-suite and guest breakfast room facilities, for B & B accommodation and not for any other bedrooms within this dwellinghouse.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of residential amenity.

3 - A2.1 Development to Accord With Approved Plans

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

Reason: To ensure satisfactory provision is made for the storage and disposal of manure.



Planning Committee

Item
8

15 July 2010

Report of	Head of Environmental & Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	The Chicken Shed, Meeting Lane, East Mersea		
Wards affected	Pyefleet		

This report concerns the unauthorised use of part of an agricultural building for residential purposes and the installation of a septic tank

1.0 Decision(s) Required

- 1.1 Members are requested to authorise the service of an enforcement notice requiring the unauthorised residential use of part of an agricultural building should cease and the kitchen, bathroom fittings and all domestic belongings, together with the septic tank should be removed. A period of six months is considered to be reasonable for compliance.

2.0 Reasons for Decision(s)

- 2.1 The site is in a Countryside Conservation Area and outside the East Mersea Village Envelope. In this area policies seek to safeguard and enhance rural resources and safeguard the historic character of the countryside and to resist non-essential development, particularly proposals for new residential use.
- 2.2 Specifically, saved policies DC1, CE1 and CO1 of the Adopted Review Colchester Borough Local Plan - March 2004 require that the countryside is protected from inappropriate forms of development, as an important amenity resource. Additionally, saved policy CO3 emphasises the importance attached to the overall value of the Borough's Countryside Conservation Areas. Leading on from this, policies SD1, H1 and ENV1 of the Local Development Framework Core Strategy emphasise protection of the Borough's rural areas from inappropriate forms of development and also, importantly, the issue of achieving sustainable forms of development. The site for this proposal lies remote from the development limit for East Mersea as allocated in the Adopted Review Colchester Borough Local Plan - March 2004. It is an established aim of the Council to resist sporadic, ad-hoc residential development in such areas in order to protect the character and amenity of the countryside and to avoid unsustainable development. The provision of a dwelling on the identified site would be contrary to this aim and would result in the provision of a non-essential dwelling, remote from the settlement of East Mersea. Furthermore, the development, if permitted, would in terms of equity undermine the Council's ongoing control of similar development proposals in the area.

3.0 Alternative Options

- 3.1 If no action is taken after a period of four years the residential use of the site of the site will become lawful and no enforcement could be taken.

4.0 Supporting Information

4.1 History of the site

1980s and 1990s – Planning permission was granted in 1986 to erect a building for chicken rearing. This use had ceased by 1989 and various unauthorised uses commenced. Enforcement action was taken in 1991 against the use of the building for paint spraying and as a workshop and these uses ceased, but a planning application to retain the building for mushroom cultivation (COL/92/0152) was approved.

4.2 Since 2000 - In November 2003 a complaint was received that a mobile home had been moved onto the site and was being used for residential purposes. The current occupiers of the Chicken Shed, were discovered to be living on the site in a mobile home. They explained that they had financial problems and had moved onto the site as they had no alternative accommodation. As a result of intervention, the family finally moved out of the mobile home after about a year. By February 2006, the mobile home had been removed from the site.

4.3 Current Breach - In February 2009 a complaint was received that a septic tank was being installed and the building was being used for the storage of building materials.

4.4 A site visit showed a septic tank had been installed and that part of the building had been modified to provide residential accommodation. This was now being lived in by the owner of the site, his wife and two children. They explained that they had financial problems and had had to sell their house as it was about to be repossessed. Because of their previous history, they were aware that they needed planning permission for a residential use of the site and that this was unlikely to be granted. They explained that they would be homeless if not allowed to remain at the site and were concerned their children may be taken into care. They said they needed a period of around two years to get back on their feet.

4.5 The remaining part of the building was being used for storage, some relating to a business use and the rest of a more domestic or personal nature.

4.6 The occupiers were advised of their options, which were

- (i) moving off the site - they said they had nowhere else to go and no prospect of finding anywhere else.
- (ii) being served with an enforcement notice with a long compliance period. A period of six to nine months would probably be appropriate, with a year at the outside. Two years would not be realistic. The occupiers were not happy with the idea of being served with an enforcement notice. They hoped one day to gain planning permission to build a house on the site.
- (iii) submitting a planning application for the residential use of the site. It was explained that as the use was contrary to planning policies it was unlikely to be approved.

4.7 An application for a certificate of lawful use in respect of the business storage in part of the building, reference 090864, was submitted in July 09. This was approved in February 2010.

- 4.8 An application for planning permission for the use of the whole of the building as a live/work unit was submitted in June 2009, but could not be validated as the Land Registry did not show the applicant to be the owner of the site. This meant that the applicant could not enter into the unilateral undertaking which was required before the application could be accepted. The application was therefore returned on 10 September 2009. Although the agent stated that this matter was in the process of being resolved, at the time this report was written the application with the necessary unilateral undertaking had not been submitted.
- 4.9 A Planning Contravention Notice was served, requiring the occupiers of the site to provide information. The response stated that the family had been using the site for some form of residential use for many years, camping since 1998, and stays in the chicken shed since 2003.

5.0 Proposals

- 5.1 Members authorise the service of an enforcement notice in respect of the residential use of part of the building known as The Chicken Shed.
- 5.2 A period of six months is considered to be reasonable. Both the adult occupiers of the site are believed to be either employed or self employed. Having lived on the site for over a year without having outgoings such as mortgage or rent payments, it is reasonable to assume they should have been able to improve their financial position and should be able to rent accommodation, even if not in a position to take on a mortgage. In addition they have family living locally.

6.0 Equality and Diversity Implications

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

7.0 Human Rights Implications

- 7.1 A Human Rights questionnaire has been issued and returned. This is to ensure that there are not any specific HR issues which have not been considered and that any action taken is proportionate.
- 7.2 In the consideration of the proposed action's impact on Human Rights, particularly, but not exclusively, to:

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

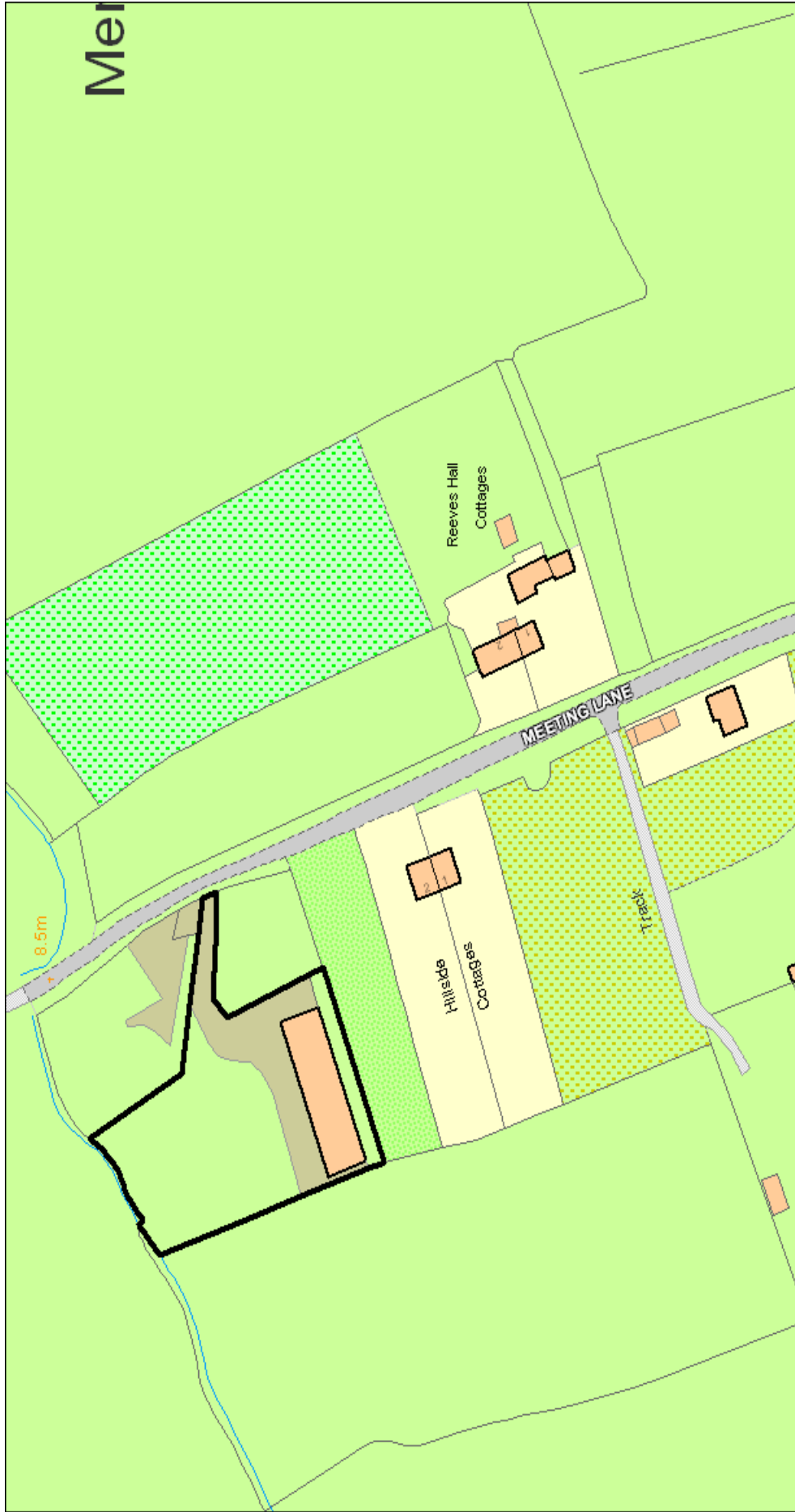
In respect of Article 8, it is legitimate for the Council to pursue planning aims provided that this is not disproportionate to the human rights of any individual. As an appropriate compliance time has been proposed, it is considered that the enforcement action, is not disproportionate.

In respect of Article 1, it is accepted that planning law controls property in the general public interest. The exercise of the enforcement powers contained in the legislation, does not amount to deprivation, provided the action is proportionate.

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

8.0 Standard References

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



Site Location Plan

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Complaint Reference: 203389
Site Location Address: Meeting Lane, East Mersea, Colchester
Date Produced: 6 July 2010

(MAP NOT TO SCALE)



Planning Committee

Item
9

15 July 2010

Report of	Head of Environmental & Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	Plant Hire Site, Church Lane, East Mersea		
Wards affected	Pyefleet		

This report concerns an unauthorised material change of use from storage of plant and machinery to a mixed use for the storage and repair/servicing of plant and machinery.

1.0 Decision Required

- 1.1 Members are requested to authorise the issue of a enforcement notice in respect of a material change from storage of plant and machinery to a mixed use for storage and repair of plant and machinery. A period of six months is considered reasonable for compliance.

2.0 Reasons for Decision

- 2.1 The carrying out of repair and servicing to the heavy plant and machinery stored at the site results in an unacceptable loss of amenity to adjacent residents in particular the occupiers of Blackbird Cottage, due to noise, which is contrary to policy P1 in the Adopted Review Colchester Borough Local Plan.

3.0 Alternative Options

- 3.1 If no action is taken, the use of the land for the mixed use of storage and the repair and servicing of plant and machinery will become lawful ten years after the material change of use occurred.

4.0 Supporting Information

- 4.1 Planning permission was originally granted in 1998 for the storage of plant and machinery in a redundant farm building. This was for a temporary period of one year only. A second permission, reference COL/02/1898 for storage of plant and materials in connection with a ground work firm, was granted on 27 June 2003. This was a permanent permission. A condition was imposed on this permission which stated: "This consent relates to the storage of plant and materials only and does not include repair of plant or any industrial process." The reason given for the condition is: "For the avoidance of doubt as to the scope of this permission and to ensure that the use does not cause harm to the amenity of the surrounding area."

- 2.2 In October 2008, a complaint was received that noisy repairs to plant and machinery was being carried out on the site. A Breach of Condition Notice (BCN) was served to stop the repair of plant on the site in the interests of the amenity of the surrounding area. This notice was not complied with and steps were taken to gather evidence to mount a prosecution of the occupier of the site. However, a challenge was made to the legality of the condition, which led to the notice being withdrawn.
- 2.3 Even if the wording of the condition means that a BCN cannot be used to stop the repairs and servicing taking place at the site, it is clear what the intention of the condition was to safeguard amenity. A storage use in this location was considered acceptable, but repairs and industrial processes, which were likely to generate noise and disturbance, was not.
- 2.4 The occupier of the site has submitted two planning applications to continue the storage use and to include the use of one of the buildings for maintenance. Both of these applications were withdrawn before determination.
- 2.5 Members will be aware that after a period of ten years a use will become immune from enforcement action. The period commences when a material change of use occurs. In this case, a material change of use would not occur when the first minor repairs or maintenance started. The test is whether the new use has become so apparent that it has changed the character of what is occurring at the site. Information from the previous occupant is that when they left the property in August 2000 there was no indication that any repairs or maintenance was being carried out. This is credible evidence that a material change of use has not yet continued for a period of ten years and enforcement action is still an option.
- 2.6 It is accepted that if enforcement action is taken this business may have to cease operation at this site. The alternatives are that it could continue to store plant and machinery here while carrying out repairs and maintenance elsewhere. However, it is more probable that the business would relocate to a more appropriate site. One suggestion for a more suitable location has been proposed to the owner of the site.

5.0 Proposals

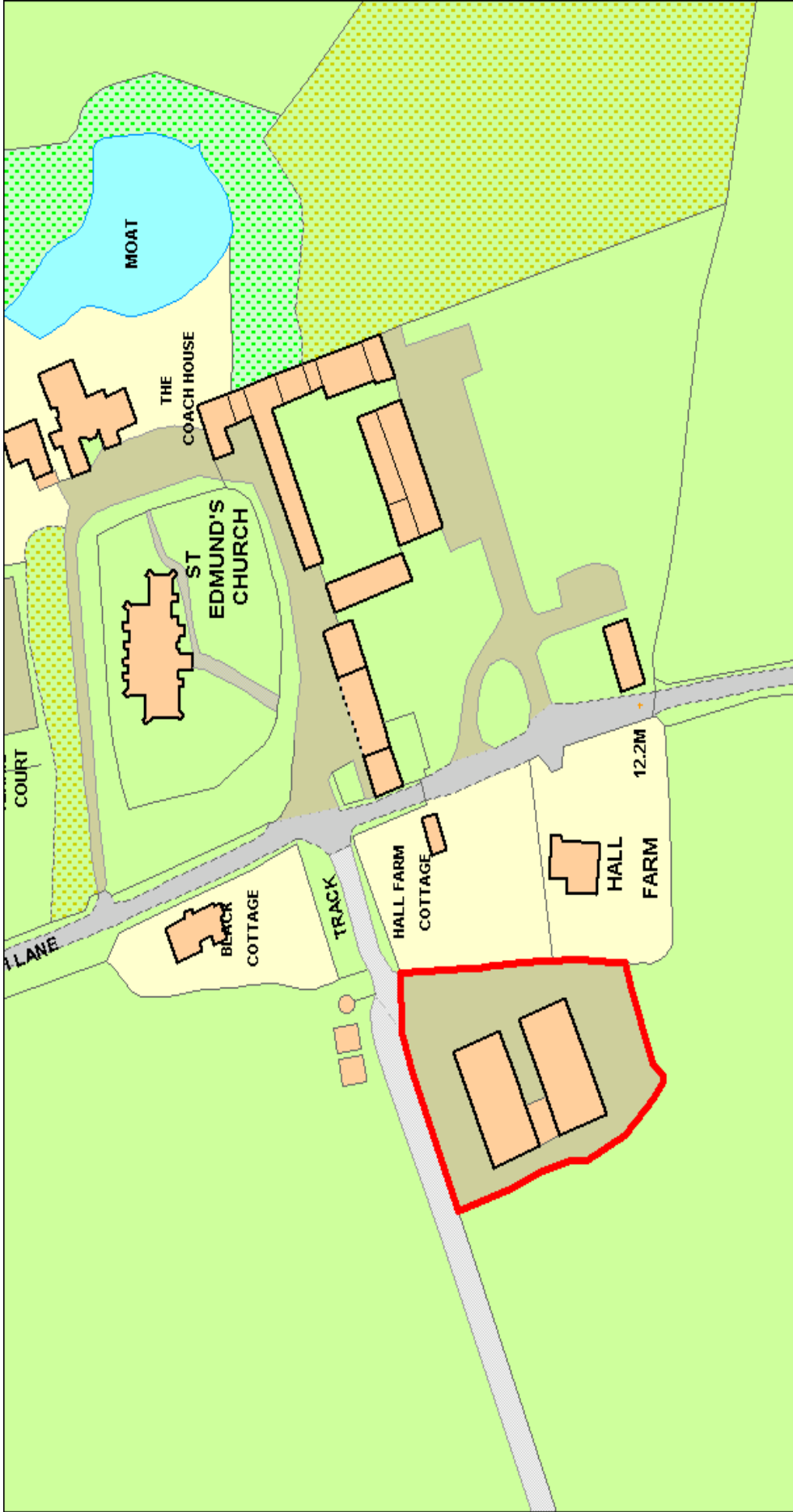
- 5.1 An enforcement notice is issued requiring that repairs and maintenance of plant and machinery at the site should cease. The business may need to relocate and sufficient time for this must be allowed. It is considered that a period of six months is reasonable.

6.0 Equality and Diversity Implications

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

7.0 Standard References

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



Site Location Plan

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Application Reference: 223116

Site Location Address: Church Lane, East Mersea, Colchester

Date Produced: 6 July 2010

(Map Not to Scale)

INDEX TO PLANNING APPLICATIONS CODES

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

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

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

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

INTERNAL CONSULTEES

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

REPRESENTATIONS ETC

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

EXTERNAL CONSULTEES (2 character codes)

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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