

Planning Committee

Town Hall, Colchester
18 November 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.

Mobile phones, pagers, cameras, audio recorders

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

Access

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

Pages

1. Welcome and Announcements

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes 1 - 11

To confirm as a correct record the minutes of the meeting held on 21 October 2010. The minutes of the meeting held on 4 November 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. 091559 Former Cook's Shipyard, Phase 3, Walter Radcliffe Way, Wivenhoe (Wivenhoe Quay) **12 - 33**

Erection of thirty-two dwellings, commercial units (within Class A1 - Retail and Class B1 - Business), garages, off street parking, roads and footpaths, public open space, foul and surface water drainage and hard and soft landscaping.

2. 101729 Land at Floral Acres/Tollgate West, London Road, Stanway (Copford and West Stanway) **34 - 40**

Removal of Condition 16 attached to Application 081333 to allow ancillary retail, wholesale sales/trade/business use.

3. 102021 Development Site, 1-3 Kingsland Beach, West Mersea (West Mersea) **41 - 50**

Proposed development of a terrace of three three-bedroom houses and associated car parking.

4. 102032 Paulfreemans, Bromans Lane, East Mersea, CO5 8UE (Pyefleet) **51 - 60**

Replacement dwelling.

5. 102060 Hall Road, Tiptree, CO5 0QS (Tiptree) **61 - 71**

A new communal building with access as approved under application 100684 to contain a recreation area, washing and drying facilities, storage, office, meeting room and toilets with

associated parking spaces for mini buses and visitors, a lay-by for buses and outdoor amenity area.

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|-----|--|------------------|
| 6. | 100275 81 Kingsland Road, West Mersea, CO5 8AH
(West Mersea) | 72 - 79 |
| | Reintroduction of 83 Kingsland Road with the erection of a two-storey three bedroom dwelling. | |
| 7. | 101254 Land adjacent to 1 Firs Road, West Mersea, CO5 8JS
(West Mersea) | 80 - 90 |
| | Erection of new detached three bedroom dwelling and new vehicle access. | |
| 8. | 101770 The Oak Stores, Hardy's Green, Birch, CO2 0NY
(Birch and Winstree) | 91 - 98 |
| | Proposed replacement dwelling and garage. | |
| 9. | 101899 26 Prince Albert Road, West Mersea, CO5 8AZ
(West Mersea) | 99 - 105 |
| | Reserved Matters application for a three bedroom detached house (as approved under planning permission 080299). | |
| 10. | 101539 The Acacias, Bacons Lane, Chappel, CO6 2EB
(Great Tey) | 106 - 110 |
| | Variation of Condition 4 of planning permission 091391 - visibility splays. | |
| 11. | 102062 Ashgrove Cottage, Grove Hill, Langham, CO4 5PJ
(Dedham and Langham) | 111 - 118 |
| | Proposed amendment of roof pitch from 50 degrees to 40 degrees and alterations to chimney of house approved under Planning Permission F/COL/07/0094. | |
| 12. | 101893 16 Enville Way, Highwoods, Colchester, CO4 9UF
(Highwoods) | 119 - 122 |
| | Ground floor conservatory extension. | |
| 13. | 101282 22 Coach Road, Great Horkesley, CO6 4AT
(Fordham and Stour) | 123 - 133 |
| | New single storey pre-school building with new canopy to rear and playground with play equipment. | |

14. 101520 36 Barrack Street, Colchester, CO1 2LJ (New Town) **134 - 143**
- Change of use from A1 shop to A5 takeaway food. New extension at first floor level over existing rear extension to provide new staircase to existing first floor flat. (Resubmission of application 100934).
15. 101743 Park Stables, Berechurch Hall Road, Colchester, CO2 9NW (Berechurch) **144 - 151**
- Change of use of land to site temporary mobile home for use and occupation by manager of riding school and stables.
16. 101920 1 Spring Chase, Wivenhoe, CO7 9QP (Wivenhoe Quay) **152 - 156**
- Proposed extension and alterations.
- 8. Reporting of Planning Application 090342 // 314 Cowdray Avenue, Colchester 157 - 167**
- See report by the Head of Environmental and Protective Services.
- 9. Enforcement Report // Stonefield, Kelvedon Road, Inworth, CO5 9SH 168 - 170**
- See report by the Head of Environmental and Protective Services.
- 10. Enforcement Report // Tudor Cottage, Church Road, Fingringhoe, CO5 7BJ 171 - 173**
- See report by the Head of Environmental and Protective Services.
- 11. Exclusion of the Public**
- In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

**PLANNING COMMITTEE
21 OCTOBER 2010**

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

Substitute Member :- Councillor Barrie Cook for Councillor Ray Gamble*

Also in Attendance :- Councillor Kevin Bentley
Councillor Mike Hardy
Councillor Sonia Lewis

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

99. Minutes

The minutes of the meeting held on 7 October 2010 were confirmed as a correct record, subject to the deletion of the duplicated words "to potential" in the urgency paragraph for minute no 97.

100. 101713 and 101716 Former Sergeants Mess, Le Cateau Road, Colchester

The Committee considered a planning application 101713 and a companion listed building application 101716 for a change of use from a Ministry of Defence building to a mixed use development. Part of the building would be used as the Colchester Archaeological Trust's head office, an interpretation centre, a shop and a tearoom, and part of the building will be converted to residential units. The application also included temporary car parking, access, refuse collection, internal and external demolition and alterations to provide a new single storey toilet block and a temporary boundary fence. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Bill Hayton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was the co-ordinator of the appeal for which there had been a shared vision of what could be achieved with the building and the garden but he believed that this proposal would be an embarrassment for the town. He considered the Sergeants Mess to be the finest of the garrison buildings and it should be a setting for the roman circus and a

wonderful building for the centre. As the most important site in eastern England, school children, visitors and local people should benefit from the investment. However he did not believe that this application would achieve what had been planned. There would be no space for education and the tea room takes visitors through to the back of the building. He asked the Trust to re-engage with the town and make this a jewel in the crown of Colchester.

Members of the Committee considered that this proposal was a major step towards the Trust's goal but they had expected this building to provide a centre of education for young people. The Committee did not want the town to miss this opportunity but wanted to convey to the applicant that they were disappointed and considered that there could be much more achieved with the building. Members speculated whether the Trust's offices could occupy the first floor only and the entire east end of the ground floor could be a mini museum with educational facilities. In an effort to assist the Trust it was proposed that the Committee give permission for the office area on the ground floor at the eastern end to be given a mixed use permission for offices and for interpretation centre.

The planning officer explained that the Committee was requested to determine whether this application was acceptable in planning terms. This proposal was considered to be entirely appropriate for the building and had support in principle from English Heritage. The scheme would secure the retention of the building together with the removal of a number of modern rear additions. Parts of the building would be open to the public including an interpretation area and the garden area. In view of the comments made by the Committee they could consider giving the ground floor office area permission for a mixed use office/interpretation area and a note could be added to the applicant to express the Committee's desire that the ground floor at the eastern end be used for a larger interpretation area. Also in order to allay their concerns that the residential use would be provided without a guarantee of the interpretation area being provided, a mechanism could be included to the effect that there was an expectation that some of the funding resulting from the residential element would be used to provide the other uses.

RESOLVED (ONE ABSTAINED from voting) that in respect of planning application 101713 –

(a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to provide for the following matters:

- to link the development to the terms of the outline garrison planning permissions and 299a legal agreement;
- to secure public access to the site of the Roman circus starting gates; and
- a mechanism for ensuring that the residential element contributes towards the delivery of the interpretation facilities.

(b) Upon receipt of a satisfactory Section 106 Legal Agreement, the Head of Environmental and Protective Services be authorised to grant planning permission with conditions relating the extent and nature of uses approved which must define the minimum area to be available for interpretation purposes and must provide flexibility

for interpretation floor space to increase without the need for a further planning permission (in terms of the use of existing floor space, not in terms of new building).

RESOLVED (ONE ABSTAINED from voting) that listed building application 101716 be approved with conditions and informatives as set out in the report.

101. 101080 Moler Works (Buildings 5 and 5A) Colne View, Colchester

The Committee considered an application for forty-eight dwellings within building 5 and the elevation of 'The Noodle Bar' building 5A by two metres (revised scheme). The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. This application was to erect a previously approved building, but to vary the tenure of the residential accommodation and incorporate a raised walkway to provide a safe means of access in the event of flooding. The parking provision was slightly increased over the previously approved scheme which it was noted was at variance with the new parking standards. He referred to a Parking Management Strategy which would apply to all existing residents as well as those in building 5.

Trevor Dodkins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. This was a highly sustainable location being within walking and cycling distance of retail and employment facilities and schools, as well as rail and bus services. He referred to the provision for flexibility in parking requirements in accessible locations such as this. He had discussed the revised parking standards with Essex County Council in respect of whether or not they could be applied retrospectively, or were only applicable to new developments. They had monitored the site at various times of the day as well as during and outside of school term times which had established that there were no problems with parking. An increase in parking spaces would not enable his clients to build the development.

Some members of the Committee remained very concerned regarding about the parking space provision which was significantly below the recently adopted standards. They noted that the development may be near to shops and the railway, and within walking distance into town, but that may only mean that people park their car longer at the house or flat because they still need a car for shopping, school trips and on Sundays when public transport is limited. There would also be a need for visitor parking and for users of the restaurant.

The planning officer explained that the new parking standards had been adopted in the intervening period, and they were a material consideration but so was the extant permission on the site, albeit without the plinth detail, with a different tenure mix and with slightly fewer parking spaces than is provided in this application. It was also confirmed that the new standards recognised that a lower provision may be applicable in view of the good accessibility of the site. In response to queries regarding the

implications of the outcome of the appeal, it was explained that the outcome of the appeal was not relevant and this application should be considered on its own merits. However, the main difference between this and the subject of the appeal was that there were ten more units in the application the subject of the appeal.

Other members were minded to support the proposal as submitted on the grounds that the scheme complied with the masterplan for the Hythe, the principles of which had been approved by the council. There was recognition that this was a key area of regeneration and this scheme would achieve the completion of the complex. Whilst the development was not of the quality hoped for it was close to facilities and there was one parking space provided for each dwelling. There was a request that during construction the cycle routes should not be obstructed.

RESOLVED (FOUR voted AGAINST) that –

(a) Consideration of the application be deferred for completion of a Unilateral Undertaking to ensure the terms of the Section 106 Legal Agreement attached to the grant of planning permission F/COL/04/0947 are linked to this development.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet, subject to an amendment to the proposed Travel Plan to restrict parking permits to one permit for each dwelling.

102. 101428 and 101430 Wivenhoe House Hotel, Wivenhoe Park, Colchester, CO4 3SQ

The Committee considered planning application 101428 and a companion listed building application 101430 for the demolition of a 1980s wing to the Grade II* listed Wivenhoe House and its replacement with a new rear extension, together with internal and minor external alterations to the listed building and landscaping works within Grade II registered park and garden. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

RESOLVED (UNANIMOUSLY) that, in respect of planning application 101428, the application be approved with conditions and informatives as set out in the report.

RESOLVED (UNANIMOUSLY) that, in respect of listed building application 101430, the application be approved with conditions and informatives as set out in the report.

103. 101972 Colchester Academy, Hawthorn Avenue, Colchester, CO4 3JL

The Committee considered an application for the replacement of three existing O2 antennas for three sharable O2/Vodafone antennas and installation of ancillary equipment, comprising remote radio heads on the existing antenna support poles and the installation of an equipment cabinet within the existing O2 cabinet at ground level. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Subject to no objections being received before the expiry date of the consultation period on 22 October 2010 which raise material planning issues not covered by the report, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

(b) If material planning objections are received before the expiry date of the consultation period on 22 October 2010 which are not covered by the report, the application to be considered at a future meeting of the Planning Committee.

104. 101564 3 Highfield Drive, Colchester, CO3 3QA

The Committee considered an outline application for a detached four bedroom house and the replacement of an existing garage. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Louise Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She referred to backland and infill policies and to the loss of amenity and space and overshadowing. She was concerned that her outlook would be a solid brick wall 18 metres away from her front windows with a loss of space between the buildings and an intrusion on her amenity. Although two parking spaces were proposed, she believed the garage would not be used for a car. She referred to a recent application in the lane refused on the grounds of potential parking in the lane. The lane has a country feel which she compared to another, much larger proposal with similar circumstances which had been refused and upheld on appeal.

Councillor Hardy, attended and, with the consent of the Chairman, addressed the Committee. He had three concerns: the garden size, the plot width and the loss of a corner plot. The ultimate garden size of this proposal and no. 3 would be smaller than those at nos. 1 and 2 and contrary to the SPG which states that garden sizes should be larger than the minimum to reflect those in the area. In similar vein, the plot widths for the new proposal and no. 3 were much narrower than those at nos. 1 and 2 because those properties had garages alongside each dwelling. Finally, the loss of the corner plot could result in a loss of green space leading to an adverse impact on

the visual amenity in the locality.

The Mayor, Councillor Lewis, attended and, with the consent of the Chairman, addressed the Committee. If given permission, she was concerned that this outline application could come back with minor amendments in a reserved matters application. She did not consider there was sufficient information for a decision to be made and considered the proposal was not in keeping with the surroundings or the road.

In response the planning officer confirmed that the smaller gardens did comply with the approved standards and the separation between nos. 3 and the new dwelling was adequate. Furthermore, it was not unusual to have adjacent houses without a garage between and this was insufficient reason to reject the application in principle. He explained that this application was not a backland development because there was a road frontage which continued around the side and an indicative layout drawing had been submitted which showed a means of access. The view was that there was sufficient information to determine the application.

Members of the Committee were concerned about parking provision in terms of whether the garage complied with the minimum size, whether the plot could provide the three spaces required under the new parking standards, and the applicant not having ownership of the space in front of the garage. The lane was unsuitable for parking because it was only wide enough for one vehicle with no passing places. In respect of the impact of the new dwelling on the host dwelling, there appeared to be windows on the side of the existing dwelling which would be affected by the close proximity of the new dwelling leading to lack of amenity for the existing dwelling. In respect of the impact on the area, there were concerns that not only would the proposal not enhance the area, it would alter the area substantially from an open cul de sac to an area with an obstructed view.

RESOLVED (UNANIMOUSLY) that the application be refused on the following grounds -

- the proposal is contrary to parking standards and is likely to cause congestion/haphazard parking at the end of the road contrary to the interests of highway safety;
- the applicant has failed to demonstrate that they own or control sufficient land to provide parking facilities of the type and number required by the Council's adopted parking standards;
- the loss of this open area and its replacement with an additional prominent dwelling will harm the character of this part of the street in that it will detract from the current open airiness which characterises the vicinity;
- the proposed dwelling, albeit shown in illustrative form, will adversely affect the amenity enjoyed by no. 3 Highfield Drive as a result of its close proximity, staggered juxtaposition, scale and bulk.

105. 100928 Land off Messing Road, Tiptree

The Committee considered an application for a proposed stable block and a new access. The application is a resubmission of 091253. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Rebecca Harry addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that this scheme complied with policy guidance, and county council highway officers had confirmed it achieved acceptable site splays without the existing hedgerow being lost or damaged. A landscaping scheme had been designed to improve the entrance to the site and the dilapidated buildings would be replaced. She considered this type of application was perfectly suited to the countryside and would enhance the area. She confirmed that there was no intention to use the buildings for commercial activity.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee to represent the views of his constituents in Messing. Whilst he recognised that this was an appropriate proposal for the countryside he was anxious that it should not lead to a joining up of the two communities of Tiptree and Messing. Residents in Messing were concerned about the visual impact, any impact on the hedgerow and the time it would take for the hedge to re-establish. He referred to the planning history of the site and whilst he noted the comments from the Highway Authority he remained concerned about cars speeding. He asked that the barn should conform to the Essex standard.

Members of the Committee had noted a number of access points along that stretch of road, and although some of the hedgerow would be lost for the new access it would be for safety reasons. These buildings were substantially larger than the existing, deteriorating sheds and may have a more substantial impact on the surrounding countryside. However, some of the Committee did not consider them to be overly large. Reference was made to the last winter as evidence that there was a need for some stabling to be provided. The siting of the replacement buildings towards the centre of the field was an issue for some members of the Committee who considered a position adjacent to the hedgerow would reduce the visual impact. However, there was an alternative view that the planting screen was so good that the buildings would not be seen from the road. Whilst the materials were acceptable for a countryside location black boarding was preferred by some members who requested that materials be investigated with the applicant to make the buildings less obtrusive. Another issue was whether there would be a need for some lighting during the winter.

The planning officer described the proposed materials and in view of the Committee's comments suggested that it would be possible to impose a condition to require approval of materials prior to development to achieve those which most reduced the visual impact. In response to a query regarding a turning area, it was suggested that Condition 11 could be expanded to include the prior agreement of surface materials.

The siting of the buildings had been determined by the access and it was considered preferable for the buildings to be further from the frontage than in a more prominent position close to the hedge, although it was accepted that it would take time for the new planting to establish.

RESOLVED (ONE voted AGAINST and ONE ABSTAINED from voting) that the application be approved with conditions and informatives as set out in the report and on the Amendment Sheet with Condition 11 expanded to include the need to agree surface material and treatment of the access road and parking area and provision of suitable turning area.

Councillor Andrew Ellis (in respect of having used the services of the agent) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

106. 101510 Chicken Shed, Meeting Lane, East Mersea, CO5 8TE

The Committee considered an application for a change of use of a former chicken shed to a live-work unit comprising storage and residential. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Tom Richardson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to the farmland on two sides of the site. He considered ownership of the site to be relevant and there were conflicting claims about when the applicant first owned the site; Mr Richardson considered the applicant should be asked to provide evidence of purchase. This proposal would constitute development outside the village envelope and Spatial Policy had confirmed that it was within the Coastal Protection Belt. In any case, this was a retrospective application.

Ted Gittins addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that the report dealt with this matter as if it was a new dwelling but the proposal was the conversion of an existing building. Apart from the residential end, the major part of the building was in business use which benefited from a lawful use certificate. He acknowledged that this application was contrary to relevant local and national policy. He referred to the policy, determination of planning applications for economic development in rural areas, which states that the re-use of a building in the countryside for economic purposes will be preferable to residential purposes. He stated that the owner of a business was permitted to live on his own premises and if this proposal was refused a family with two teenagers would be made homeless. A Section 106 could be accepted which could tie these country people which would ensure removal of the existing business but allow them to live with their business but not to intensify.

Members of the Committee were aware that Essex County Council was keen on live/work units. They were also aware of particular circumstances which would enable this use to be acceptable, for example: if these were important buildings in the countryside and there was no other use for them and this was the only way of saving them; if they were within a mixed development; or if the use was connected with animals. None of these circumstances applied to this case and therefore the proposal was not acceptable. The issue was a humanitarian one because this was a decision which could have a dramatic impact on a family's life and the Committee were concerned for the family. However, the Committee did not consider the use to be acceptable and an enforcement notice had been served on the occupant with a time limit.

The planning officer acknowledged that whilst there was a degree of support for the applicant, the advice was that there was a conflict with land use policies sufficient to justify a refusal. It was noted that the Committee had authorised the service of an enforcement notice in July which had not yet been served, pending the outcome of this application. At that time in the authorisation of the service of an enforcement notice, the Committee had put aside the personal circumstances of the applicant.

RESOLVED (ONE ABSTAINED from voting) that the application be refused on the grounds set out in the report.

107. 101766 St Pauls Hospital, Boxted Road, Colchester, CO4 5HE

The Committee considered an application for the erection of a new activity centre with extensions and a replacement gatehouse, acoustic fencing and replacement septic tank with pumping chamber. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Malcolm Nicholson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was an immediate neighbour of the Hospital and whilst he did not object to the application and he welcomed the acoustic fencing he did have an issue regarding on street parking. There had been parking problems ongoing at this site since 2000 and he had discussed the issue with the hospital's management on a number of occasions. He referred to signs being erected to remind staff that they should park within the site but this required policing which had only occurred within the last six weeks. He regarded conditions as important and he supported the development of an approved Travel Plan which included measures to ensure that residents were not inconvenienced by indiscriminate parking in Boxted Road. However, he stressed the need for staff parking to be monitored and the hospital's policy to be enforced.

Members of the Committee were concerned at the parking situation and suggested that the internal roadway could be widened to accommodate more spaces within the site. It was also observed that there was no cycle shelter. A further concern was the possibility of fire on land adjacent to the site which might endanger buildings close to that boundary.

It was explained that the applicant had offered to formulate a Travel Plan which could be secured by condition. The Travel Plan could address the question of providing further parking spaces within the site with reference to the extant parking along northern boundary with the A12 which could be extended. A requirement for a cycle shelter could also be included. In terms of materials use, it was understood that buildings within proximity to a boundary had to be constructed in non-combustible material in order to accord with Building Regulations, and a requirement for the boarding to be non-combustible could be imposed.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for the following matters: -
- receipt of any comments from the Environment Agency and the Environmental Control Team,
 - improvements to the Travel Plan to secure an increase in on-site parking spaces, possibly by increasing the width of the internal roadway alongside the boundary with the A12.
- (b) Subject to observations from the Environment Agency and the Environmental Control Team which do not raise any objections to the scheme, and upon receipt of a satisfactory revised Travel Plan, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and any conditions that the Environment Agency and the Environmental Control Team require together with a condition to require the provision of a cycle shelter on site.
- (c) In the event that the matters above are not achieved, the application to be referred back to the Planning Committee for determination.

108. Revised Scheme of Delegation

The Head of Environmental and Protective Services submitted a report on proposed revisions to the Scheme of Delegation to Officers by the Planning Committee.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

In response to a concern raised by members of the Committee regarding the implementation date, it was suggested that the date could be delayed to enable the new scheme to be publicised to members. A date of 1 December 2010 was suggested.

RESOLVED (MAJORITY voted FOR) that the Scheme of Delegation to Officers by the Planning Committee be amended with effect from 1 December 2010 with appropriate wording to authorise the Head of Environmental and Protective Services to determine:-

- (a) All planning applications classified as Minor or Other on which a material planning objection(s) has been received within the stipulated time span, and the recommendation is approval, and
- (b) All planning applications classified as Minor and Other on which a material planning objection(s) has been received within the stipulated time span, and a Section 106 Agreement is required.
- (c) The service of any Enforcement Notice.

109. Performance Monitoring // Planning application determination and Appeal analysis update

The Head of Environmental and Protective Services submitted a report providing details on the performance of the Planning Service judged against Government National Indicators and local indicators. The report also summarised details of 'allowed' appeals for the period 1 April to 30 September 2010. Members were requested to note the information provided.

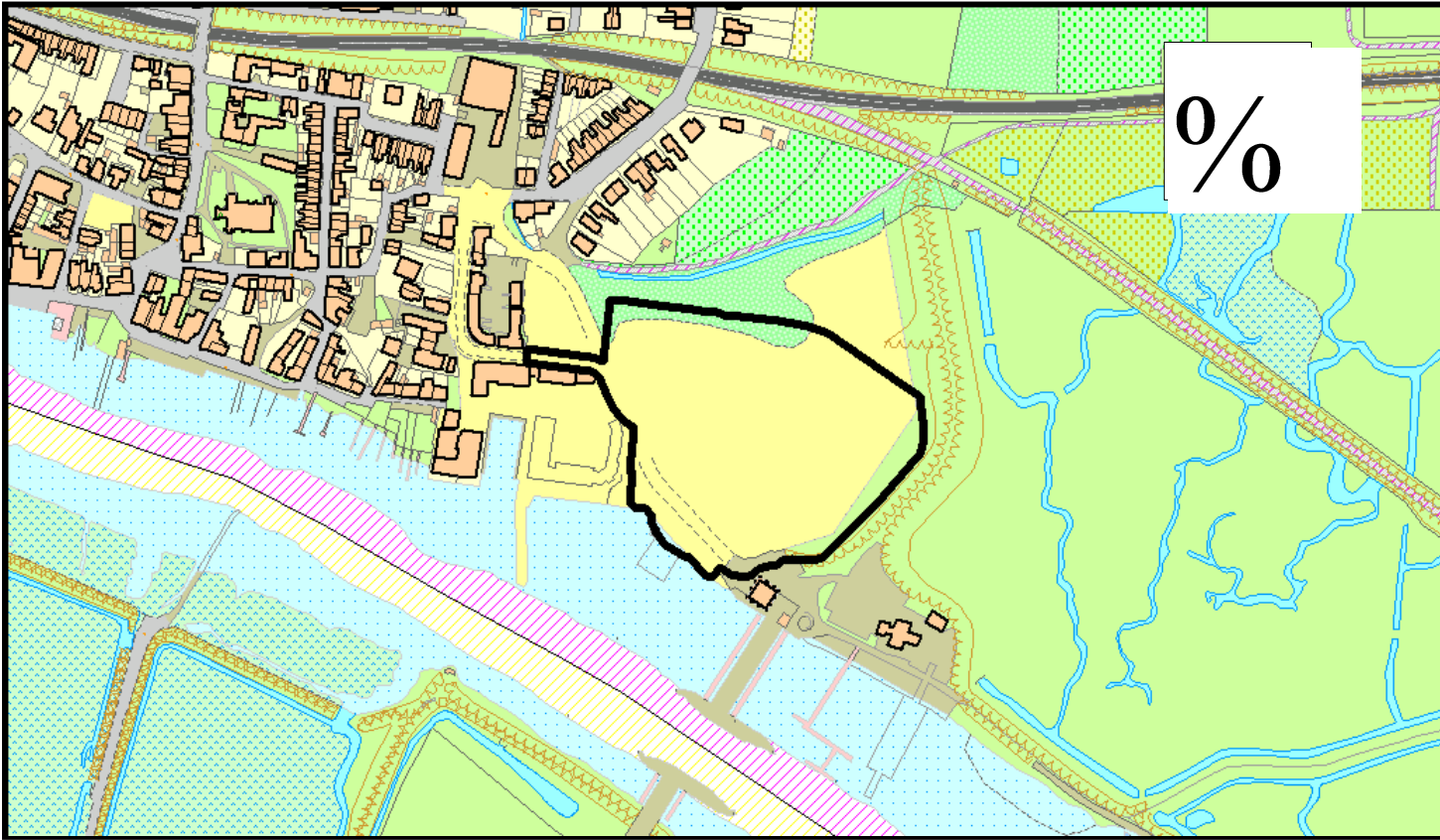
Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations. He referred to the increase in receipt of planning applications which was up by 15% on this period last year, and he also noted that Planning Inspectors seemed to have been more lenient when a site was screened by flora.

RESOLVED that the performance of the Planning Service as set out in the report by the Head of Environmental and Protective Services be noted.

110. Enforcement Performance Monitoring Report

The Head of Environmental and Protective Services submitted a report on the performance of the enforcement function together with details of progress on enforcement action taken from 1 July to 30 September 2010. The report was presented as part of the service's ongoing commitment to comprehensive performance management and in response to members' desires to ensure that the new, pro-active and robust approach adopted by the Planning Enforcement Strategy agreed on 1 July 2010 was fully pursued.

RESOLVED that the progress and status of the enforcement function be noted.



Application No: 091559

Location: Former Cook's Shipyard - Phase 3, Walter Radcliffe Way, Wivenhoe

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **18 November 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: Sue Jackson

MAJOR

Site: Walter Radcliffe Way, Wivenhoe

Application No: 091559

Date Received: 4 December 2009

Agent: Melville Dunbar Associates

Applicant: Taylor Wimpey East London

Development: Erection of 32 no. dwellings, commercial units (within Class A1 - Retail and Class B1 - Business), garages, off street parking, roads and footpaths, public open space, foul and surface water drainage and hard and soft landscaping.

Ward: Wivenhoe Quay

Summary of Recommendation: Conditional approval subject to signing of Section 106 Agreement

1.0 Planning Report Introduction

1.1 Members will recall this application was considered at the meeting on the 9th September 2010 and deferred for the Case Officer to negotiate additional parking for the commercial units and the inclusion of small retail units, the Highway Authority to be asked to reconsider the closure of Queens Road and to provide further clarification on their consideration of this application

1.2 Case Officer to seek clarification on the use of sustainable drainage and sustainable building techniques

1.3 The earlier report to Members is produced below, the additional information and amendments are shown in bold. There are also corrections to the earlier report, including clarification on the number of bedrooms. The conditions required by the highway authority have been added and bullet point 3 of the section 106 agreement has been amended to secure public cycle and powered 2-wheeler parking within the public car park.

1.4 New representations are also reported.

1.5 This full application is reported to the Planning Committee as objections have been received. A Section 106 Agreement is also required plus the variation of an existing agreement which requires Members' approval.

2.0 Synopsis

2.1 The following report describes the development proposed for Phase 3 of the Cooks Shipyard Site in Wivenhoe. It also explains the planning history and the issues regarding the total number of residential units on the whole site. Consultations, Town Council comments, Residents Associations and neighbour representations are set out and where necessary commented upon. The details of the new Section 106 Agreement are also explained.

3.0 Site Description

3.1 The former Cooks Shipyard site is located on the east side of the town accessed via Anglesea Road or through the historic centre. The site as the name suggests was formerly used as a shipyard and has a substantial river frontage. The east boundary of the site is close to a water meadow (passed to the Council under the original Section 106 Agreement) and open land. Beyond this there is farm land and the coastal footpath. The north boundary is separated from Anglesea Road by unused land and the west boundary is adjacent to the historic town and Conservation Area. The site is crossed by a footpath which is proposed to be relocated onto the new public highway. A public notice in respect of this diversion has recently been published **Legal Services have now indicated the diversion Order has been confirmed.**

3.2 The specific location of Phase 3 is adjacent to the water meadow and unused land. It has a river frontage and is close to the Environment Agency building and Colne Barrier. The site area is just over 2 hectares and it is irregular in shape.

4.0 Description of Proposal

4.1 The development involves the erection of 32 houses. It also includes an area of open space of 0.1306 hectares containing an equipped play area. Other facilities include a visitor car park, 14 space dinghy park and 941 square metres of B1 Business floorspace.

- 4.2 Additional parking spaces have been achieved by a reduction in the footprint of the commercial building and a reduction in the private garden for plots 93,94 and 95.**
- 4.3 The commercial floor space has been amended as follows; there is a slight reduction in floorspace as two parking spaces have been provided in the ground floor level in addition 175 square metres is now shown as A1 retail floorspace. Whilst shown as a single retail unit this space could easily be used as two smaller units.**
- 4.4 The scheme also includes new roads, drainage and landscaping and public access, in particular to the river frontage.

5.0 Land Use Allocation

- 5.1 Regeneration Area
Conservation Area
A public footpath crosses the site.
The adjacent land is part of the Coastal Protection Belt and Site of Special Scientific Interest.

6.0 Relevant Planning History

- 6.1 O/COL/01/1799 - Outline planning permission approved on 5 November 2004 for erection of houses, flats, offices, fisherman's store and W.C. Refurbishment of wet dock, jetty, slipway and waterfront. Reconstruction of St John's Road and Walter Radcliffe Way.
- 6.2 RM/COL/04/2159 - Phase 1 - Reserved Matters approval for new access road, 1 3-bed house, a 1-bed maisonette, 4 2-bed maisonette, 5 2-bed flats, 19 garages and 28 space parking court
- 6.3 RM/COL/05/1808 - Phase 2 - Reserved Matters approval - Removal of public footpaths, restoration of White House, fisherman's store, 6 commercial units, 12 houses and 42 flats, 7 polyfunctional spaces and associated parking for all the above.
- 6.4 072630 - Reserved Matters approval for access road, play area, dinghy park and public car park
- 6.5 072248 - Demolition of White House and erection of new dwelling - Refused
- 6.6 072249 - Conservation Area application for the above - refused.
- 6.7 072701 - Reserved matters approval for Phase 3 comprising 32 residential units, affordable housing, commercial units – Planning permission granted

7.0 Principal Policies

In addition to national and regional policies, the following policies are relevant to the consideration of this application

7.1 Adopted Review Borough Local (**Plan these policies are now replaced by the Adopted Development Policies**)

DC1 - Development Control considerations
UEA1 - Character of Conservation Areas
UEA2 - Building within Conservation Areas
UEA11 - Design
P1 - Pollution
P4 - Contaminated Land
CF1 - Infrastructure and Community Facilities Provision
L3 - Protection of existing public open space
L15 - Footpaths, cycleways and bridleways
T9 - Car parking (outside Central Colchester)
L14 - Public rights of way

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

Adopted Core Strategy

SD1 - Sustainable development locations
SD2 - Delivery facilities and infrastructure
SD3 - Community facilities
H1 - Housing Delivery
H2 - Housing Density
H4 - Affordable housing
UR2 - Built design and character
PR1 - Open space
PR2 - People friendly streets
ENV1 – Environment

7.3 **Adopted Development Policies**

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP10 Tourism, Leisure and Culture 32
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP23 Coastal Areas

8.0 Consultations

8.1 Natural England has no objection.

8.2 Environmental Control has no objection subject to conditions.

8.3 The Environment Agency:

The requirement of the Agency in respect of Flood Risk Assessment and flood warning and excavation are more stringent than they were when the original outline application was submitted. The delay in reporting this application to Members is due in part to the additional clarification required by the Agency and CBC Emergency Planner. They are now satisfied with the proposals and the Flood Risk Assessment and Flood Warning and Excavation Plan.

8.4 The Landscape Officer has no objection subject to conditions.

8.5 The Highway Authority has no objection subject to conditions.

The Highway Authority has provided the following clarification regarding the closure of Queens Road:-

“I have assessed the issues surrounding the proposed re-opening of Queens Road and would offer you the following comments.

The current records held by this Authority concerning the original closure show numerous representations both in support and opposition. I have also been contacted by different parties wishing to restate their representations.

All comments regarding; traffic flow, types of vehicle, parking, road width, building type, access routes, intensification in traffic and so forth have been assessed in light of this current proposal. This Authority feels that reintroduction of traffic through this route would be detrimental to both the efficiency of the highway and the amenity of the local residents and therefore will not support the proposed reopening”.

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

9.0 Town Council's Views

9.1 Wivenhoe Town Council comment as follows:-

1. Wivenhoe Town Council require confirmation of Right of Way and delineation of the boundary with the greensward.
2. An explanation of the Public Rights of Way transecting the Cook's site.
3. Concern regarding street parking on main access road.

9.2 The Town Council has been sent a plan showing the proposed rights of way and public access. An existing public footpath will be diverted onto the new adopted footway. In addition there will be public access adjacent to the river linking to public areas secured under Phase 2. Whilst the original Section 106 plan indicated a further new path along the north boundary this is no longer proposed. The approved Phase 3 does not include this path. It is considered the scheme still provides substantial improvements to the public access, in particular the areas of public access to the water frontage.

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10.0 Representations

10.1 Colchester Cycling Campaign requests contribution to local cycling facilities as well as protection of possible future routes along the waterfront to Brightlingsea.

10.2 The Wivenhoe Society comment as follows:-

"This application for 32 houses appears to increase by one the number approved in the last two applications relating to this site. This may seem an insignificant increase, but 31 are already far too many and considerably more than what was agreed at the outset was the maximum the infrastructure could sustain, notably the local road network.

In the current application, it appears from the drawing that the road through the proposed development leading eventually to the sailing club has a pavement only on one side for part of the route and that there is no pavement on the play area side of the loop road. Is it intended that this area should be fenced off from the road? The layout for plots 67 to 73 shows parking and garages in a courtyard with access to individual houses through the gardens of the houses. This will inevitably lead to on-road parking, judging by the experience on the former Wivenhoe Port estate. Some of this parking will be on the road leading to the sailing club. Given that sometimes boats will be towed along this route, on road parking would cause problems.

We also question whether adequate parking has been provided for the business units. There is an area marked as customer parking with 11/12 spaces, but staff working in the units will also need to park. It is not clear from the drawing whether there is access from the boat parking area to the slipway. Presumably people will want to trundle trolleys to the slipway."

10.3 The Queens Road Residents Association (Wivenhoe) comment as follows:-

1. It is quite unacceptable that Taylor Wimpey state in their original application dated 9 December that they have not consulted either their neighbours or the local community about the proposal because the 'scheme is essentially similar to that which was previously approved'.
This is clearly not the case.
2. The proposed drawings accompanying the development indicate a very different development to that indicated in the previously approved amendments to the Phase 3 application 072701. The former application indicated that there would be 32 units, including 6 polyfunctional units and 6 commercial units, although in other parts of the same application this is confusingly referred to as 32 units (including 6 polyfunctional units) and 6 commercial units presumably standing in addition to the 32 units. However, the current application indicates that there will be 32 dwellings and 11 office spaces, which together appear to be more units than before.
3. There is no justification whatsoever for any increase in the number of additional units, or change of types of units, which will put more pressure on the existing fragile infrastructure of the town. The development now seems to contain provisions for 103 parking spaces, including residential parking (2 per household), office parking (2 per office) plus visitor parking. Any increase in traffic is going to heavily impact on the surrounding narrow and twisting access roads and this has already been clearly outlined in previous objections.

4. The planning department know only too well the difficulties and bad feelings that have been created in lower Wivenhoe by Phase One and Two of this ugly and inappropriate development. It should also not be forgotten that Taylor Wimpey was original committed to build social housing on the site but were permitted to build them elsewhere on a completely unsuitable site at the top of the village under some electricity pylons.
5. The application proposes to site many of its three storey office buildings on the river front with lower buildings on the perimeter, claiming that this is in keeping with Wivenhoe's existing frontage. It cites that the height of buildings declines as it reaches the perimeter of the development in accordance with the natural slope of the site whereas to most of us it looks perfectly flat. This is completely bizarre when it is self-evident that the only purpose these high buildings serve is to block the view of the river that has always been enjoyed by the existing low level village.
6. The application itself is full of obfuscation and glowing comments about how the development will complement the existing historic environment in Wivenhoe when it is patently clear from what has already been built that the new buildings have no affinity whatsoever with adjacent older housing. Indeed Taylor Wimpey has virtually ruined the existing conservation area by merely treating it as part of the immediate access route to the new development. Rather like the Taylor Wimpey web-site advertisement the application gives the false impression of some kind of ivory tower development situated in an idyllic environment.
7. We object to the timing of this application which coincides with the Christmas Holiday period. This is not the first time that Taylor Wimpey has submitted unpopular amendments to planning applications at a time when most of the community are fully occupied with the festivities.
8. Our Residents Association (whose catchment area comprises five roads in lower Wivenhoe) has always specifically asked to be involved in any such planning application by Taylor Wimpey. On the last two occasions we have not been informed and have only found out about these applications by accident or through our contacts with other local organisations. Once again we have been left off the neighbour notification list for this particular application and this is not acceptable. We still have received no formal notification in spite of emails to your office.
9. No notices about the planning application have been properly displayed on the site. One of our residents particularly walked round the site last week and could not find any, although we were told shortly after contacting CBC that posters had now been displayed.
10. It is really time for the CBC Planning Committee to begin to truly represent the needs and requirements of local communities and insist that Taylor Wimpey stop trying to slip amendments through without proper consultation. Once again they have shown a complete disregard for the strength of feeling of members of the local community who care very much about this once cherished historic site. How this ugly development, which was never intended to meet the needs of local people, ever came to be built on what was previously designated as part of Wivenhoe's Conservation Area, is difficult to understand.

10.4 The East Street and Brook Street Residents Association comment as follows:-

1. As an Association we objected to this application (No. 072701) for increase in units in December 2007, and I understand from you that this was approved then. I am surprised that notification of this planning decision was not made to the various objectors in view of the deleterious impact that extra traffic will have.
2. Considerable time and effort was spent in looking at the impact of vehicular traffic when development of the Cook's Shipyard site was originally considered. As I understand it, planning permission was based on three access/egress routes, namely Valley Road, via Anglesea Road; Queens Road via Anglesea Road and East Street via Brook Street.
3. The route via Queens Road has now been blocked off, leaving only two access/egress routes, and yet planning permission has apparently been granted for an increase in dwellings and units without any regard for the consequent increase in traffic flow along narrow and unsuitable roads.

As planning approval for an increase of 29% in the number of units for Phase 3 has already been granted; and the number of access/egress routes has been reduced from three to two; both these steps being taken with scant regard for the very real concerns of residents and for the carefully considered predications on acceptable traffic flow and access/egress routes, I consider that the Local Government Ombudsman should be consulted as to due process, in respect of failure to properly take account of relevant considerations in this matter.

10.5 Over 20 letters of objection have been received. The objections are summarised as follows:-

1. Extra traffic on the lower part of the village especially West Street, Brook Street, Anglesea Road and Valley Road. These are all narrow streets not suitable for large volumes of traffic.
Health and Safety concerns - school children walking to Millfields School.
Anglesea Road has no pavements and is unmade.
Queens Road is now closed increasing pressure on other roads – to agree to this was a serious mistake.
2. Strain on local services, schools and doctors.
3. This is massive overdevelopment. The original permission was for 80 dwellings.
4. The office buildings will increase the traffic - there has been no consultation with local people and no demand for these units.
5. The buildings are too tall and will block views.
6. The Environment Agency should be consulted.
7. There should be improved facilities for young people.
8. Insufficient parking
9. Noise disturbance
10. East Street has no pavements and is hazardous.
11. The allocation in the local plan generated over 200 objections and the application has also given rise to objections which have been ignored.
12. A resident on the Phase 2 development has objected to the proposed street lighting plan. The applicant has considered this and commented that it is not possible to relocate it. It is also suggested that this plan was made available to residents before they purchased their property.

Other objections raised relate to the proposed window facing his property. The increase in the number of bedrooms in real terms is the equivalent of an additional 7 2-bed homes.

The full text of all the representations received is available on the Council's website.

10.6 Officer Comment

Clarification on Planning History and the number of dwellings approved.

Outline planning permission was granted in 2004 reference O/COL/01/1799. The application was accompanied by various documents and illustrative elevations and plans. The planning permission did not restrict the number of dwellings although there was an assumption by residents and others that the total number would be 80.

When Members considered the reserved matters application for Phase 3 this issue was dealt with as the total number on the site exceeded 80 and a considerable number of objections had been received. It was explained that legal advice had confirmed that neither the planning permission nor the Section 106 Agreement restricted the number of dwellings. The only restriction related to footprint of buildings as Condition No. 5 required the reserved matters to be in substantial accordance with the submitted layout plan. The Phase 3 plans were in accordance with the outline plan in terms of layout, height of buildings, external appearance and detailed design.

Members granted permission for the Phase 3 reserved matters for 32 dwellings - a total of 98 dwellings.

The outline application and Section 106 Agreement had a requirement for a minimum amount of commercial floorspace and for a package of highway improvements to be carried out. The closure of Queens Road referred to in the representations formed part of the agreed highway works.

The agreement requires business floorspace consisting of 838 square metres of B1 Business floor space and 334 square metres of gallery/studio/offices.

The application proposes 941 square metres of business floor space.

New representations

Representations have been received from the Queens Road Residents Association and a resident regarding the possible closure of Queens Road

“In our view nothing has changed since the road was closed. The arguments that have been produced to suggest that a re-think is required on the closure of the road are the same arguments that were used four years ago to try and prevent it. Recently some comments have been made about the emergency services being unable to access the lower part of the village but this is not correct; all the local services were informed of the correct route following the road closure. Where there are access problems these are caused by parked cars in the lower part of the town which make it difficult for fire engines, especially those which are

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unfamiliar with the area, to get through. Re-opening Queens Road would make no difference to this because it is also a very steep and narrow road where large vehicles have difficulty in getting through for exactly the same reasons. It also runs from east to west across the east side of the town not north and south in a direct line to the lower end of the village.

The minutes of the meeting of 9 September imply that since the closure of Queens Road more pressure has been placed on the narrow and twisting roads in the historic core of Wivenhoe. This is incorrect because Queens Road itself is an important part of the historic core and cited in the Wivenhoe Conservation Area. Appraisal as part of the Victorian townscape character of Wivenhoe; the terraced houses were built in the mid-nineteenth century to provide homes for local mariners when maritime activity was at its height. The closure of the road, as well as acting as a traffic calming measure, for the traffic which used to speed down the road from the Dene Park estate via the Valley Road, has created a little oasis of a relatively free zone in Wivenhoe, something which should be applauded, not criticised. It has really improved the look of the street and residents are noticeably taking more pride in the appearance of their houses. The road is still completely open for pedestrians and cyclists and we have noticed that there seem to be more children and families walking to Millfields School than there used to be rather than parents racing by in their four by fours. The road closure also limits the amount of traffic coming down the High Street, which might otherwise try to access Cook's Shipyard site via Queens Road; this is important because the High Street is already overburdened with traffic coming to and from the Persimmons and Bovis Homes developments to the west of the lower town."

The full text is submitted in appendix 1.

Since the application was deferred by Members there has been a fire at the Wivenhoe Business Centre in Philip Road close to the entrance to the shipyard. Comment has been raised by a resident and the town council that the closure of Queens Road and parked vehicles on the narrow streets delayed fire appliances reaching the fire and have raised concern that the traffic generated by phase 3 will result in increased danger.

The Chelmsford Fire office has been consulted on the application which has been forwarded to the Wivenhoe Fire Station. Your officer has subsequently discussed this with the relevant officer and can confirm the Fire Brigade has no comment to make on the application.

Queens Road has a collapsible bollard specifically installed for emergency vehicles. Furthermore whilst the development will be accessed through the historic centre the access into the development is to an adopted standard with on site parking provision. The Highway Authority has confirmed that Essex Fire Service were consulted on the Traffic Order relating to Queens Road.

11.0 Parking

- 11.1 The dwellings all have a minimum of 2 parking spaces with 17 having 3 or 4 spaces. Three visitor parking spaces are shown. Cycle/motor bikes will be stored in the rear garden of each of the dwellings. This meets the adopted parking standard.

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Since the last meeting your officer has counted the number of parking spaces for the dwellings on both the approved and proposed schemes. It is not possible to get figures which are 100% accurate because not all the parking spaces in front of garages are defined on the drawing for example on some of the 5-bed units on the approved scheme it might be possible to park up to 4-6 cars in front of the double garage so a sensible and fair approach has been taken.

Approved 70 (garages plus parking spaces) plus 2 visitor spaces and possibly another 2 spaces

Proposed 85 spaces (garages plus parking spaces) plus 3 visitor spaces and possibly another 5 spaces.

- 11.2 14 spaces are shown for dinghy parking and 26 additional visitor parking spaces (a public car park) **plus provision for powered two wheelers and cycles the latest amended plan shows additional provision for powered two wheelers and cycles.**
- 11.3 The application includes 941 square metres of commercial floorspace B1. This parking standard is still a maximum, 1 space per 30 square metres of B1 space; 13 spaces were originally indicated. **The amended proposal indicates 21 spaces** Provision is also made for 13 cycle spaces and 2 motorcycle spaces which meets the adopted standard.

In summary the amended drawing increases the parking for the commercial units from 13 to 25 spaces plus additional public provision for both powered two wheelers and cycles in the public car park.

- 11.4 It is considered all the parking provision meets adopted standards.

15.0 Report

- 15.1 The main issues raised in the representations are increase in the number of dwellings and increased traffic. These issues are discussed below.

In addition there are the following main issues:

- Design/Layout
- Scale Massing
- Impact on the Area
- Impact on Neighbours
- Development Team/Section 106 proposals and
- **Sustainability Statement and a Waste Management Matrix have been submitted**

Increase in the Number of Dwellings

- 15.2 Clarification on the number of dwellings and the perceived increase has already been discussed.

- 15.3 To clarify the application proposes 32 dwellings and the approved Phase 3 was for 32 dwellings. What has changed is the dwelling mix Approved **1 6-bed, 9 5-bed, 7 4-bed, 12 3-bed and 3 2-bed**; proposed 8 3-bed houses, 15 4-bed houses and 9 5-bed houses – **an increase of 8 bedrooms**.
- 15.4 The reserved matters application had to be determined in accordance with the outline permission. The current application is a full application to be determined on its own merits, the outline permission and the approved reserved matters are material considerations.

Increased Traffic

- 15.5 The representations generally object to the increase in traffic generated by the 'additional' dwellings above the 80. As previously explained permission has been granted for 98 dwellings. However, the mix of dwellings has changed. It should be noted the Highway Authority has not objected to this application.
- 15.6 The approved Phase 3 also included commercial floor space plus a dinghy park and visitor parking spaces.
- 15.7 The Transportation Assessment submitted with the outline application considered the potential housing capacity based on the traffic capacity limits of the surrounding road network. The analysers demonstrated that up to 120 housing units could safely be accommodated. The impact of the development on the existing road network and residents' amenity was one of the important considerations when the outline application was debated. It was agreed that Anglesea Road should not be made up. However, a package of site highway works were negotiated. The closure of Queens Road where it meets Valley Road was subsequently agreed and this work has been carried out.

Design and Layout

- 15.8 The design and layout have been the subject of meetings and negotiation with the Urban Designer who is satisfied a high standard of design is achieved in keeping with the outline permission. 14 different house types are proposed ranging from a design in keeping with medieval buildings to Victorian terraces. Features include cantilevered projections on the upper floors, bay windows, dormer windows and classical doors, door cases, windows and decorative metal work. Materials will comprise render, weatherboarding red brick, slate and plain tiles.
- 15.9 The commercial building is designed to reflect a simple industrial building typically found in a riverside location. It will comprise a 5 bay gable roofed building weatherboarded with a slate roof.
- 15.10 The layout, whilst not identified to the approved Phase 3, reflects the principles of the outline consent and Phases 1 and 2 with dwellings presenting a continuous built frontage sited close to the highway boundary.
- 15.11 The open space forms an important feature in the street scene overlooked by dwellings on all sides.

- 15.12 The commercial element is repositioned adjacent to the river frontage near the dinghy parking area. It is considered this is an improvement to the approved scheme as it will encourage an active frontage to the river frontage where public access is proposed.
- 15.13 The most significant change to the layout is along the east boundary of the site where larger detached houses are shown, whilst these houses are in large plots the approved layout had 5 dwellings on this boundary. However, it is considered the current layout has acceptable spacing between buildings and a low density appropriate to the edge of the site adjacent to the SSSI location.
- 15.14 Another change relates to the north boundary where originally dwellings fronted this boundary facing towards the rear garden of houses in Anglesea Road. Rear gardens are now proposed along this boundary.

Scale Massing

- 15.15 The majority of dwellings are 2 storey with limited use of roof spaces. Three storey dwellings are proposed at strategic points to terminate a view or provide a landmark feature. This scale of building reflects the existing development and the traditional character of historic Wivenhoe.
- 15.16 The commercial building is 3 storeys high characteristic of commercial waterfront buildings.

Impact on the Area

- 15.17 It is considered the built form will have a positive impact on the area. It will provide an attractive active waterfront and buildings which reflect the built form in Wivenhoe. Your officer does not accept the comments made in some of the representations regarding the building erected on earlier phases.
- 15.18 It is accepted residents have genuine objection about the impact of traffic through the historic street of Wivenhoe. Access to the site has always been a major issue.

Impact on Residents

- 15.19 The majority of the site is distant from existing residents and the development itself will not impact on residents' amenity. The closest boundary, the north, now has rear gardens instead of dwellings fronting Anglesea Road.
- 15.20 The facilities forming part of this application, the dingy park and improved public access to the river frontage will have a positive impact.
- 15.21 Many residents will however consider that any benefits are far outweighed by the traffic generated by the development.

Development Team/Section 106 requirements

- 15.22 The application has been considered by the Development Team on several occasions. Following the submission of a Financial Appraisal the Development Team has agreed the Section 106 Agreement should secure the open space and commuted sum for equipment and maintenance, the visitor parking and dinghy store, the commercial units and 2 affordable housing units on site (Plots 92 & 98) in addition to 3 units already provided off-site.
- 15.23 These 3 units are provided at the site of the former Flag Public House where the affordable housing for Phases 1 & 2 is located.
- 15.24 The Section 106 Agreement will also secure public access to the river frontage. A drawing will be available at the Committee Meeting showing the publicly accessible areas.
- 15.25 These matters, with the exception of the 2 affordable housing units, are all secured under the existing agreement which will need reviewing to take account of the new planning permission which is not a reserved matters consent.

Sustainability Statement and Waste Management Plan

The main points are summarised below - the full text is available in appendix 2.

The drainage system meets the requirements of SUDS and has been installed and agreed with the environment agency.

The development has not been designed to a code 3 construction and the three dragons financial appraisal confirms the development cannot sustain this additional cost (this appraisal has been verified by the Councils Estates Officer.

16.0 Conclusions

- 16.1 The proposed development is of a high quality and reflects the principle established under the earlier permission. It will provide an attractive extension to the town. The proposal includes the same community benefits originally negotiated including public access to an active waterfront.
- 16.2 It is accepted many residents have raised strong objections to the application and the original concerns about traffic have not been overcome by the package of highway improvements. However, the Highway Authority has recommended approval of the application.

17.0 Background Papers

- 17.1 ARC; Core Strategy; Natural England; HH; NR; HA; TL; NLR; PTC; OTH

Recommendation

APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- 2 affordable housing units Plots 97 & 98.
- Dinghy parking
- **Visitor car park cars powered two wheelers and cycles**
- Public access
- Commercial floor space

and subject to the prior variation of the existing Section 106 Agreement to take account of the development proposed in Application 091559.

On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

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

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

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

2 - Non-Standard Condition

The external finishes shall be as shown on drawing No. 1369-P004 and the samples of bricks, slate, plain tile and pantile agreed with the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

3 - 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.

4 - 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.

5 - C11.17 Landscape Management Plan

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

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

6 -Non-Standard Condition

The **garages** shown on the approved drawing shall be provided and thereafter retained for the garaging of motor vehicles. They shall not be converted to any other residential use without the prior consent in writing of the Local Planning Authority.

Reason: To ensure satisfactory provision for on site parking is retained.

7 - Non-Standard Condition

The business units hereby permitted shall be used solely for B1 business purposes.

Reason: To avoid doubt as to the scope of the consent hereby granted.

8 - B6.8 Submission of Remediation Scheme

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

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

9 - B6.9 Implementation of Approved Remediation Scheme

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

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination.

10- B6.13 Validation Certificate

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 9 above.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

11 - B6.10 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 which is subject to the approval in writing of the Local Planning Authority. Following

completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

12 - Non-Standard Condition

The development shall be carried out in accordance with the Flood Warning Response Plan prepared by Richard Jackson dated November 2009, Flood Warning and Excavation Plan submitted by Richard Jackson dated May 2010 Revision A and Site Specific Flood Risk Assessment prepared by Richard Jackson dated November 2009 together with the additional information submitted by Richard Jackson in correspondence dated 6 April 2010 and 18 June 2010.

Reason: To ensure appropriate measures are put in place to protect residents and property against flood risk in accordance with Planning Policy Statement 25.

13 - A5.1 Industrial Uses

In relation to the B1 business units no machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times 8.00 a.m. to 7.00 p.m. Monday to Saturday nor at any time on Sundays or Public Holidays.

Reason: To safeguard the amenities of nearby residential properties.

14 - B8.1 Drainage Scheme Prior to Commencement of Work

Prior to the commencement of any work on site, a scheme of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the building/s hereby permitted.

Reason: To ensure satisfactory arrangements are made for the disposal of foul and surface water drainage.

15 - Non-Standard Condition

No development shall take place until a Method Statement for work on the southern site boundary including proposes changes in levels and construction of retaining river walls have been submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect visual and residential amenity.

16 - A7.2A Op Plan-rem of PD rights-fences/walls front

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a highway without express planning permission from the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to prevent the piecemeal erection of walls and/or fences to front gardens.

17 - Non-Standard Condition

All external joinery shall be of painted timber, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory visual appearance.

18 - B4.6 Slab Levels (1)

No development of the site shall take place until cross sections of the site and adjoining land and buildings, including details of existing ground levels around the buildings hereby approved and any changes in levels proposed, together with the proposed floor slab levels within that part of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved cross sections.

Reason: To ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties.

19 – Non Standard Condition

Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

20 – Non Standard Condition

The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure each dwelling, prior to occupation has a properly consolidated and surfaced carriageway and footway between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling.

Reason: To ensure the roads and footways are constructed to an acceptable standard, in the interests of highway safety.

21 – Non Standard Condition

Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of x (measured along the centre line of the side road) by y (measured along the nearside carriageway edge) on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction at all times.

Reason: To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety.

22 – Non Standard Condition

The development shall not be occupied until such time as the car and boat parking area, indicated on the approved plans, including any spaces for the mobility impaired has been hardsurfaced, sealed and marked out in parking bays. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

23 – Non Standard Condition

The Developer shall be responsible for the provision and implementation of a Transport Information and Marketing Scheme for sustainable transport, approved by the Local Planning Authority, to include vouchers for 12 months free bus travel for each eligible member of every household, valid for exchange during the first 6 months following occupation of the individual dwellings. Details of the uptake of the vouchers shall be provided to the Essex County Council's Travel Plan Team on a 6 monthly basis.

Reason: In the interests of promoting sustainable development and transport in accordance with Policy No. 4 in Appendix G to the Local Transport Plan 2006-2011 as refreshed by Cabinet Member decision dated 19 October 2007.

24 – Non Standard Condition

No development shall be permitted to commence on site until such time as an Order securing the diversion of the existing definitive right of way to a route to be agreed with the Local Planning Authority has been confirmed and the new route has been constructed to the satisfaction of the Local Planning Authority.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way in accordance with Policy 3.5 in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member Decision dated 19 October 2007.

25 – Non Standard Condition

Prior to installation details and materials of the shopfronts for the retail units shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: To ensure a satisfactory form of development.

Informatives

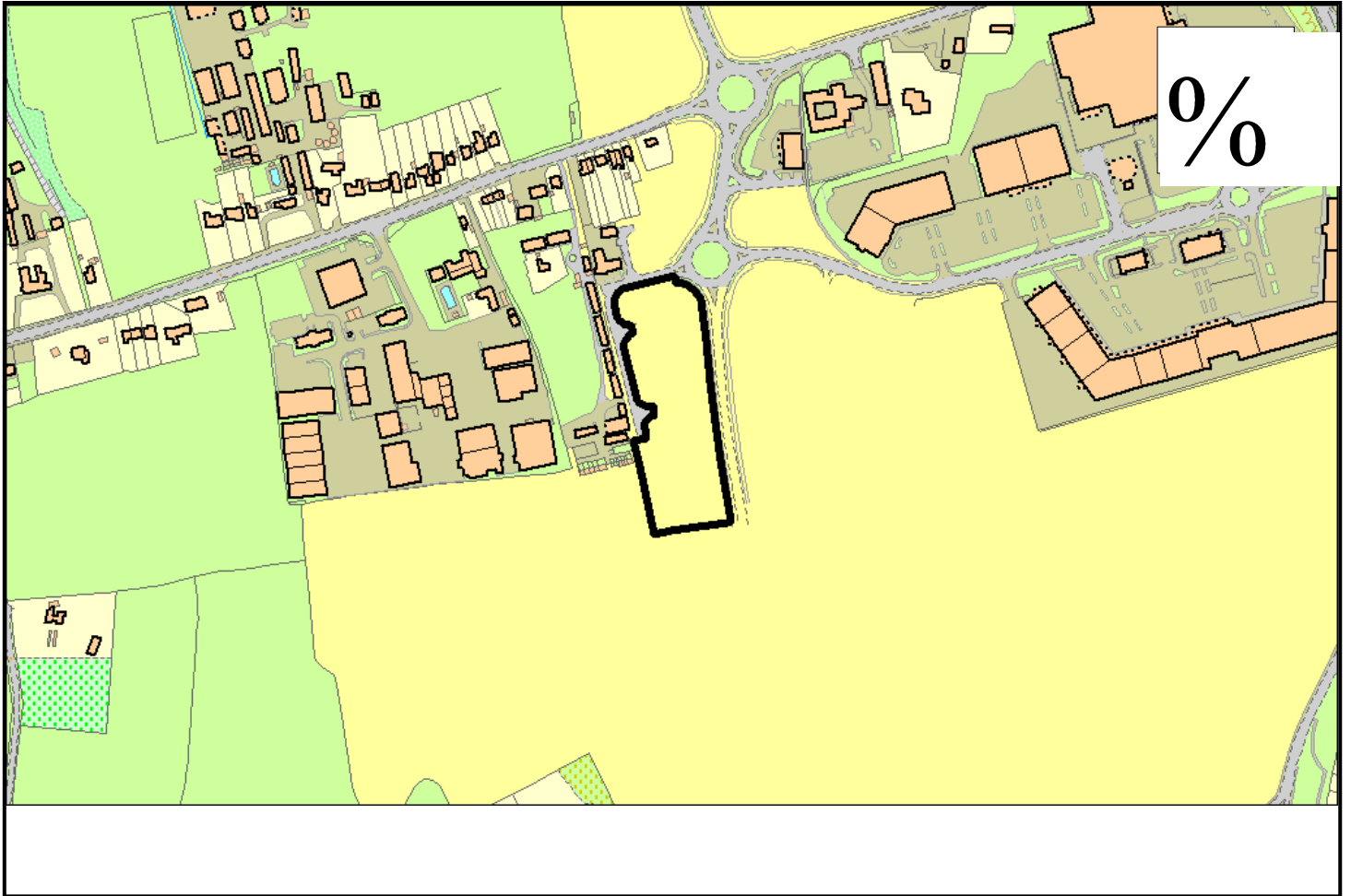
The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction and Demolition Works for the avoidance of pollution during the demolition and construction of works. Should the applicant require any further guidance they should contact Environmental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

Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 9 meters of the tidal or fluvial flood defence.

All works affecting the highway should 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 or by email on www.highways.eastarea@essex.gov.uk.

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

The applicant is reminded of their duties and responsibilities with regard to the line of public Footpath 13 which runs across the site. Should any works affect the line of the right of way these must be carried out in agreement with this authority and application for the necessary works should be made initially by telephoning 01206 838600.



Application No: 101729

Location: Land at Floral Acres/Tollgate West, London Road, Stanway, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: **Bradly Heffer**

MAJOR

Site: London Road, Stanway, Colchester

Application No: 101729

Date Received: 16 August 2010

Agent: Andrew Martin Associates

Applicant: Tollgate Partnership Limited

Development: Removal of condition 16 attached to application no. 081333 to allow ancillary retail, wholesale sales/trade/business use.

Ward: Copford & West Stanway

Summary of Recommendation: Conditional Approval

1.0 **Planning Report Introduction**

1.1 This application is referred to the Planning Committee because the application has met with objection from Stanway Parish Council but is reported to Committee with a recommendation of approval.

2.0 **Synopsis**

2.1 The report will describe the site and the application proposal. The planning history of the site will also be considered as will the relevant policy advice. The comments of Stanway Parish Council will be discussed and a recommendation made to Committee.

3.0 **Site Description and Context**

3.1 The site for this proposal is a rectangular area of land, approximately 1.2 hectares in size, that is bounded by a section of the (as yet incomplete) Stanway Western bypass to the east, and a smaller service road identified as Tollgate West that defines the northern and most of the western boundary of the site. It is a level site and construction is currently taking place to build a development granted planning permission under application reference 081333, which was described as follows:

‘Erection of 12 no. business units and ancillary car parking and outbuildings.’

3.2 To the north and east of the site are groups of established buildings that have a mix of residential and commercial uses. Land to the east and south is generally undeveloped although away to the east is the Tollgate shopping area with various retail uses and also a restaurant/takeaway facility.

4.0 Description of the Proposal

4.1 As part of the planning permission granted for the development proposed under application 081333 condition no.16 states:

‘No retail or wholesale sales/trade/business use(s) shall be carried out on site at any time without the permission of the Council in writing.

Reason: The site for this proposal is in a defined Employment Zone (with the Adopted Review Borough Local Plan) and the Council would wish to control the use of the site in order to avoid the provision of unnecessary retail development on an unallocated site.’

4.2 This current application seeks to remove this condition in order to allow the buildings to be used for retail and wholesale purposes. The application is accompanied by a supporting statement, the full text of which is available to view on the Council’s website. However, the following extracts are included for Members’ information:

‘It is unclear why condition 16 seeks to prevent the occurrence of unauthorised retail uses at this site when such uses would require the grant of planning permission in any event. Therefore a condition identifying this appears unnecessary. It is therefore assumed that the condition may also extend to control ancillary retail uses, however ancillary retail uses would not ordinarily be development requiring planning permission. The addition of condition 16 is made further unclear when one has regard to the policies of the development plan which existed at the time of the approval of the planning permission. These policies allowed for ancillary retail or wholesale sales/trade/business use...The terms of condition 16 is (sic) proving to be inadequately flexible in practice and is restricting the demand and commercial viability of the units at the application site which are currently under construction...’

5.0 Land Use Allocation

5.1 The site for this proposal is in a defined local employment zone, within the overall Stanway Growth Area, as allocated in the adopted Local Development Framework Site Allocations document.

6.0 Relevant Planning History

6.1 As mentioned previously in this report the relevant planning permission relating to the application site was granted under application reference 081333. Conditional planning permission was granted on 1st December 2008.

7.0 Principal Policies

7.1 The following national policy documents are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 4: Planning for Sustainable Economic Growth

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

SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2b - District Centres
CE3 - Employment Zones
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP7 Local Centres and Individual Shops

8.0 Consultations

8.1 The Highway Authority has confirmed that it has no objection to the application as submitted and notes that the proposal complies with the County Council's Highways and Transportation Development Control Policies, as originally contained in Appendix G of the Local Transport Plan 2006/2011 and refreshed by Cabinet Member Decision dated 19 October 2007.

8.2 The following comment has been received from the Planning Policy officer:

'Recommend approval – this would increase flexibility in the use of the business units and is consistent with other permissions at Tollgate i.e. 090823. The primary use of the units should remain B1, B2 and B8 but some ancillary retail use would accord with Policy CE3 of the Core Strategy and Policy DP5 of the Development Policies DPD.'

8.3 Environmental Control has confirmed that it has no objection to the proposal.

9.0 Parish Council's Views

9.1 Stanway Parish Council has commented as follows:

'Stanway Parish Council OBJECTS to the removal of condition 16. The view is that retail use of these units will detract from the overall established plan for the Tollgate area. There is insufficient parking for retail and the proposal would lessen the opportunity for employment uses other than retail.'

10.0 Representations

10.1 None Received

11.0 Parking Provision

11.1 The parking provision for the development remains unaltered from that approved under application 081333.

12.0 Open Space Provisions

12.1 Not applicable.

13.0 Report

13.1 The planning permission that has been granted on this site allows the provision of development that may be used for commercial purposes as described in Classes B1 (light industry), B2 (general industry) and B8 (storage and distribution) of the Use Classes Order. It is important to bear in mind that although the submission does seek to allow retail and wholesale use to take place on the site, this is in the context of the authorised use and is not the same as allowing a separate A1 retail use to take place. To this end the concerns expressed by Stanway Parish Council are fully acknowledged and appreciated. Certainly it is your officer's view that an A1 retail use would not be appropriate here – not least because the site is within an allocated employment zone and as a matter of principle the Council's policy makes clear that only ancillary retail sales may take place in such locations, as opposed to all manner of shop uses.

13.2 Members will note that the Planning Policy comment identifies that the primary i.e. commercial use of the buildings would remain unaltered, and ancillary retail use would not conflict with the terms of the identified policies. In the case of policy CE3 it includes the following statement that:

'Retail developments will not normally be supported in Employment Zones, except for small scale developments that provide for the needs of the local workforce or are ancillary to an industrial use.'

13.3 Leading on from this Policy DP5 states inter alia:

'Appropriate employment uses within designated employment zones will include...a limited element of retailing where this is ancillary to another main use...'

13.4 On the basis of the above it is considered that the proposed removal of the identified condition would accord with the aims of the identified Local Development Framework policies and would not compromise the overall use of the approved development which would be for clearly defined commercial purposes, in accordance with the employment zone land use allocation.

14.0 Conclusion

14.1 A recommendation of approval is made to Members, subject to the imposition of conditions that were attached to the grant of planning permission under application 081333 where applicable.

15.0 Background Papers

15.1 PPS; Core Strategy; DPD; SPG; HA; HH; PTC: NLR

Recommendation - Conditional Approval

Conditions

1 – Non-Standard Condition

The permission hereby granted is given in accordance with extant conditions attached to the grant of planning permission under planning application reference 081333 which are included below (amended as necessary):

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

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

The premises hereby permitted shall be used for B1 (Business), B2 (General Industry) and/or B8 (Storage and Distribution) purposes only with ancillary retail/wholesale use as defined in the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: To avoid doubt as to the scope of the permission hereby granted.

The use of the buildings hereby approved shall only be carried out between the hours of 0800 hours and 1800 hours Monday to Saturday with no working taking place on Sundays and Public/Bank Holidays.

Reason: In the interest of protecting the amenity of the area.

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

Reason: In order to ensure that the amenity of the area is protected from noise nuisance.

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained as to comply with the initial noise condition. The noise generated by such equipment shall not have any noise frequency component that exceeds more than 5dB above the background frequency levels as measured at all boundaries near to noise-sensitive premises.

Reason: In order to ensure that the amenity of the area is protected from noise nuisance.

The building hereby permitted shall not come into beneficial use until there has been submitted to and approved in writing by the Local Planning Authority a scheme devised by a competent person for the control of fumes, odours, dust and smell. Such control measures as shall have been approved shall be installed prior to the building hereby permitted coming into beneficial use and thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that the permitted development does not prejudice the local environment and/or amenities of the area by reason of air pollution/odours/dust/smell.

Notwithstanding the details shown on the drawings hereby approved, there shall be a pedestrian/cycle link directly between the proposal site and the Western Bypass.

Reason: In the interests of highway safety.

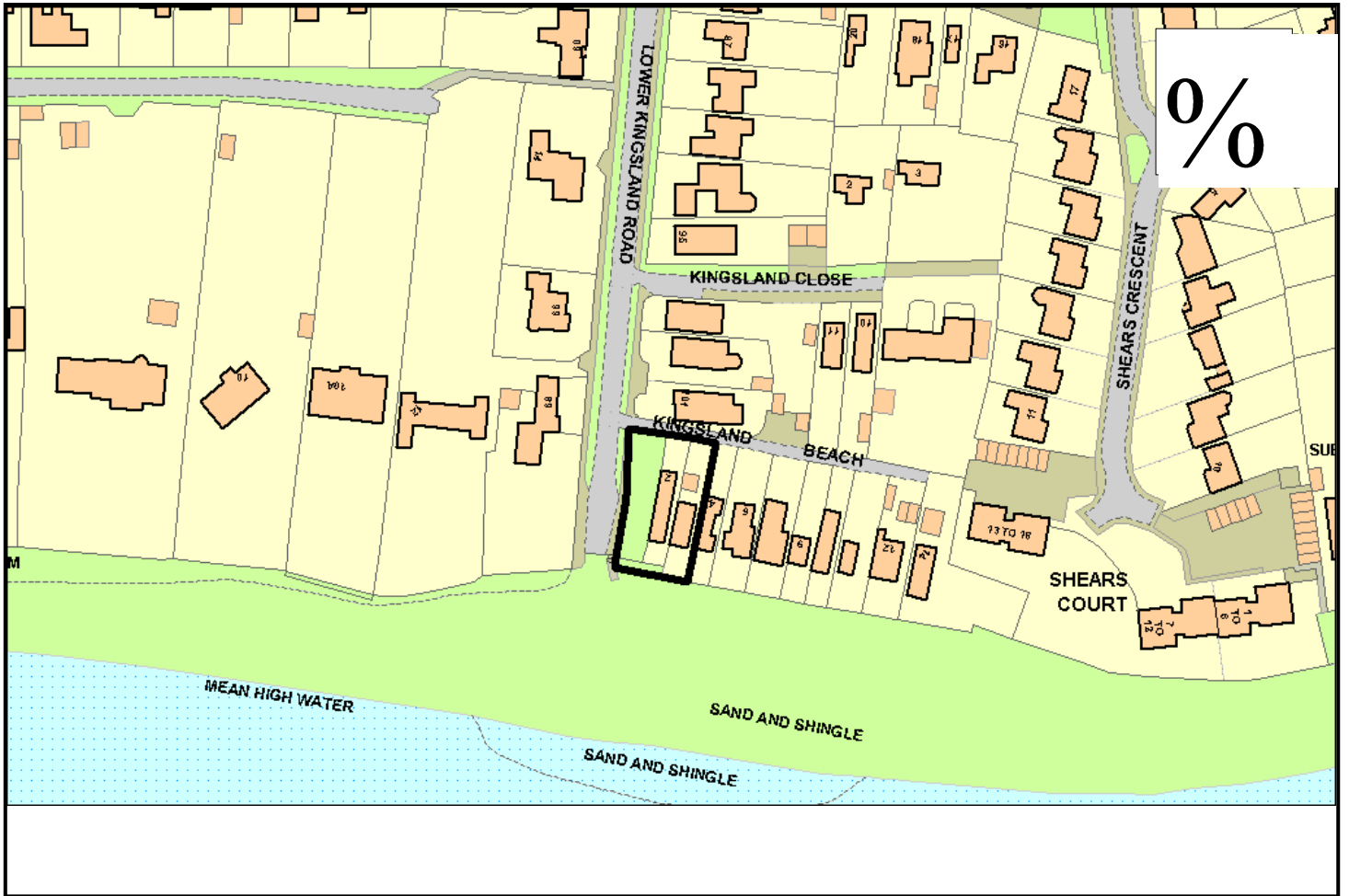
No occupation of the development shall take place until such time as the following have been provided or completed to the satisfaction of the Local Planning Authority:

- The relocation of existing or provision of new bus stops in the vicinity of the proposal site (details to be agreed with the local bus service operators and Highway Authority).
- A travel plan to include a £3,000 fee to cover the cost of reviewing and monitoring the Travel Plan.

Reason: In the interests of highway safety.

Informatives

All works affecting the highway should 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: 102021

Location: Development Site, 1-3 Kingsland Beach, West Mersea, Colchester

Scale (approx): 1:1250

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7.3 Case Officer: Nick McKeever

EXPIRY DATE: 19/11/2010

MINOR

Site: Development Site, 1-3 Kingsland Beach, West Mersea, Colchester

Application No: 102021

Date Received: 24 September 2010

Applicant: Vaughan & Blyth (Builders) Ltd

Development: Proposed development of a terrace of 3no. 3 bedroom houses and associated car parking.

Ward: West Mersea

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of an objection made by a local resident

2.0 Synopsis

2.1 This application will refer to a previous permission granted under reference 100302 and will consider the changes made to this scheme and address the objection to this new application. The conclusion made is that permission should be granted, subject to appropriate conditions.

3.0 Site Description and Context

3.1 This 0.09 ha site fronts onto the beach area. To the rear (i.e. to the north), lies Kingsland Beach, which is an un-made private road serving the existing dwellings that face onto the beach, together with some other dwellings that lie to the immediate north. Residential properties lie to the west, to the north along Kingsland Road and Kingsland Close, and to the east in Shears Crescent. The site is on an elevated position relative to the beach area.

3.2 Immediately to the north of the site is a detached bungalow, No.101 Kingsland Road.

3.3 Until recently the site contained two vacant single story dwellings, known as Nos. 2 & 3 Kingsland Beach. These dwellings have been demolished and the site enclosed by hoardings. It is understood that the dwelling that once stood at No.1 Kingsland beach was destroyed in the 1987 storm and that the plot has remained vacant since that time.

3.4 No.4 Kingsland beach is a single storey, 2 bedroom dwelling.

3.5 The development along Kingsland Beach and within the immediate vicinity is an eclectic mix of dwellings exhibiting a wide variety of house types, architectural styles and ages.

4.0 Description of the Proposal

4.1 The scheme proposes the erection of 3 no. three bedroom, two storey houses in the form of a terrace. The plans show the building as having two gable ends with a central linking building. This building is to be divided to form the three separate dwellings, the south elevation of which fronts onto the adjacent beach. The north elevation faces on to the Kingsland Beach road. The site is accessed via this private road.

4.2 Parking facilities are provided between the rear of the building and Kingsland Beach road.

4.3 The application is supported by an Environmental Impact Assessment (Flooding) as well as a unilateral undertaking for contributions towards Open Space and Community Facilities in accordance with the Council's SPD

5.0 Land Use Allocation

5.1 Residential
Countryside Conservation Area
Open Space
Flood Risk Zone 2 & 3

6.0 Relevant Planning History

6.1 090534 – Proposed redevelopment of nos. 1 – 3 Kingsland Beach, together with a new first floor extension to no. 4 Kingsland Beach, West Mersea. Refused 20 August 2009.

6.2 100302 – Proposed redevelopment of no's 1 – 3 Kingsland Beach, together with a new first floor extension to no. 4 Kingsland Beach, West Mersea. Resubmission of 090534. Approved 15 April 2010

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 25: Development and Flood Risk

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR2 - Built Design and Character
TA5 - Parking

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The Environment Agency Comment that:-

“We note that this application proposes a terrace of three houses rather than the five apartments granted permission under reference 100302. In view of this change to the development proposal, our position on flood risk partially reflects the position set out in our response to the previous application reference 100302. We say partially on the basis that as the ground floor flats are no longer proposed, there is no requirement for the previously recommended condition for the ground floor flats to be designed to have a freely available and direct access to a first floor refuge area”.

- 8.2 The Environment Agency conclude that they have no objection to this planning application subject to conditions relating to the finished floor level of 5.730m AOD (1 in 200 year probability flood level), information made available to occupiers (Flood Response Plan), provision and implementation of flood resilience measures and provision and implementation of water, energy and resource efficiency measures.
- 8.3 The Highway Authority has no objection subject to conditions

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

9.0 Town Council's Views

- 9.1 Whilst West Mersea Town Council feel that the design is inappropriate for this beach front location and the surrounding area, they recommend consent. The Borough Council should consider moving the building further back within the site.

10.0 Representations

- 10.1 One letter of objection has been received. This objection states that, despite the efforts by the Council to ensure the roofline was kept to a minimum, it is noticeable that the majority of the proposed roof will be higher particularly the central section. Also pitches of the roof slopes appear higher. The combination of these factors would produce a larger bulk when viewed from public areas to the north in Kingsland Road or from West Mersea beach. These issues could be addressed by roof redesign without affecting the accommodation.

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

11.0 Parking Provision

- 11.1 The parking provision for the proposed houses is 2 spaces per property. This is located convenient to the front entrance doors facing onto Kingsland Beach Road.
- 11.2 The parking spaces as shown on the original drawing are slightly less than the current standard of 2.9m x 5.5m. In addition one visitor space should be provided. An amended plan rectifying this is to be submitted.
- 11.3 Cycle parking facilities are provided adjacent to the car parking spaces of each plot in the form of secure, cycle stores.

12.0 Open Space Provisions

- 12.1 The supporting Unilateral Undertaking makes the required contribution towards the provision of Open Space (as per the Council's adopted SPD).

13.0 Report

Design and Layout, Scale, Height and Massing

- 13.1 Planning permission was granted under 100202 for the erection of a single building on this plot of land to provide 1 x 1 bed apartment and 4 x 2 bedroom apartments. Parking for 8 vehicles, and secure cycle parking, was provided to the rear of the building, with access off Kingsland Beach road, a private road. Private garden areas were provided on the beach frontage to serve the ground floor units and balconies for the first floor apartments.
- 13.2 This building was in the form of two ends with a north-south orientation, linked by a middle section. The two end gables had a relatively steep roof pitch whilst the linking middle section had a lower ridge height. It was to be constructed in vernacular materials (weatherboarding, red brick plinths and roof tiles).
- 13.3 This scheme evolved through rather protracted negotiations with your Officers (including an Urban Design Officer), until it achieved a standard of design that was considered acceptable for this prominent site on the beach front. The overall design provided for a light and contemporary building, but with references to traditional building types and materials found within Mersea and the Borough in general.

- 13.4 The application now before Members seeks to replicate this approved building in terms of its footprint, scale and elevations and external materials. There are however some minor changes to the fenestration and rear entrance porch (north elevation).
- 13.5 In terms of the appearance of the building when viewed from the beach and from approach down Kingsland Road, the main change will be that the roof of the central linking part of the building is slightly higher than as previously approved. The middle section is slightly higher due to an increase in roof pitch because the original roof was pitched too low for the use of plain tiles. The roof is still lower than the 'wings' on either side. It is considered that this relatively minor change has no significant effect on the overall bulk of the building. The floor level is the same as was previously approved as it was a requirement of the flood risk assessment.

Impact on the Surrounding Area and Impacts on Neighbouring Properties

- 13.6 It is noted that there are no objections from the occupiers' residential properties immediately adjacent to the proposed new building. In considering the previous scheme due account was taken of the impact in terms of any overshadowing, loss of privacy or overbearing impact upon these adjoining dwellings. The development was considered to be acceptable in terms of the Council's adopted policies and SPD. Whilst the relevant Local Plan policy UEA13 has been replaced with the Development Plan Document, the pertinent considerations remain as does the adopted SPD.
- 13.7 The main change to the scheme relates to the landscaping element and in particular the rear parking area and the treatment of the front boundary with the beach.
- 13.8 The scheme provides greater detail of parking area. This is shown as being Tegula paved with timber pergola features over the allocated parking spaces. This area is enclosed by post and rail fencing with Sea Buckthorn hedge planted behind.
- 13.9 Each of the units has a front garden area facing out onto the beach, the boundaries to each respective garden being formed by Sea Buckthorn hedges. The front boundary with the beach is formed by a stone gabion wall with low planting on the top of these gabions. In addition to the front garden areas, each of the dwellings is provided with a first floor balcony facing onto the beach.

Amenity Provisions

- 13.10 In approving the previous scheme it was acknowledged that, in addition to the front garden areas and the provision of balconies, the future occupiers would have direct access to the beach area and the amenity that this provided. The amenity provision was considered to be acceptable given the particular and exceptional circumstances.
- 13.11 In this context it is considered that the current scheme is also acceptable.

14.0 Conclusion

- 14.1 The proposed application seeks a revision to the scheme approved under 100302 to provide for a terrace of 3 nos. three bedroom dwellings. This is instead of the 5 nos. flats previously approved. In so doing the position of the building within the site, together with the footprint and the basic form of the building, remain as per the approved development. There are some minor changes to the fenestration, as well as the entrance porch on the north facing elevation.
- 14.2 The roof pitches on the gable sections and the central section have been increased slightly in order to provide a more appropriate pitch for the proposed plain tiles. This change in pitch better reflects the vernacular.
- 14.3 The proposed changes do not have any significant impact upon residential or visual amenity and as such there are no objections to the scheme.
- 14.4 The provision of two parking spaces for each of the three bedroom dwellings is considered to be acceptable.

15.0 Background Papers

- 15.1 Core Strategy; LDF; SPG; NR; HA; PTC; NLR

Recommendation

Conditional Approval subject to a Unilateral Undertaking for a contribution to Open Space and Community Facilities in accordance with the Council's adopted SPD.

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

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

- 3 - Non-Standard Condition

The existing vehicular access to Kingsland Beach shall be provided with properly constructed vehicular crossing of the footway prior to the proposed dwellings being permitted to be occupied.

Reason: To ensure that vehicles using the site do so in a controlled manner, in the interest of highway safety.

4 - Non-Standard Condition

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

Reason: To ensure that appropriate powered two wheeler and bicycle parking is provided in accordance with the Council's adopted parking standards.

5 - Non-Standard Condition

Prior to occupation of the proposed development, a communal bin/refuse collection point shall be provided adjacent to the highway boundary and additionally clear of all visibility splays at the access.

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

6 - Non-Standard Condition

The development hereby approved shall be constructed with a minimum finished floor level of 5.732m AOD.

Reason: To ensure that ground floor levels are set above the predicted 1 in 200 year probability tidal flood level taking into account estimated sea level rise over the development's lifetime.

7 -Non-Standard Condition

The Flood Response Plan forming part of Appendix K of the Flood Risk Assessment Revision A dated 12 February 2010 accompanying this planning application shall be made available to future residents and arrangements shall be made by the developer to ensure the ongoing future communication of the plan at the time that occupancies of properties change.

Reason: To ensure that there are arrangements for the future communication of site information relating to Flood Awareness, Flood Warning, available evacuation routes and the availability of safe sheltering areas within the building to future occupants throughout the lifetime of the development.

8 - Non-Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of flood resilience measures shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall be carried out in its entirety before the development is first occupied and constructed and completed in accordance with the approved plans and in line with the CLG publication "Flood Resilient Construction: Improving the flood performance of new buildings."

Reason: To ensure that design measures are incorporated within the development to facilitate the quick recovery of the buildings should the development be subjected to an extreme flood at a point within its design lifetime.

9 - Non-Standard Condition

Prior to the commencement of development a scheme for the provision and implementation of water, energy and resource efficiency measures, during the construction and occupational phases of the development shall be submitted to and agreed, in writing, with the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the construction and occupancy of the development. The scheme shall be constructed and the measures provided and made available for use in accordance with such timetables as may be agreed.

Reason: To enhance the sustainability of the development through better use of water, energy and materials.

10 - 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.

11 - Non-Standard Condition

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

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

12 - Non-Standard Condition

The car parking spaces shall be provided in accordance with the approved drawings prior to the occupation of any of the approved flats and thereafter retained in perpetuity to serve the development.

Reason: To ensure the provision of adequate parking facilities.

13 - Non-Standard Condition

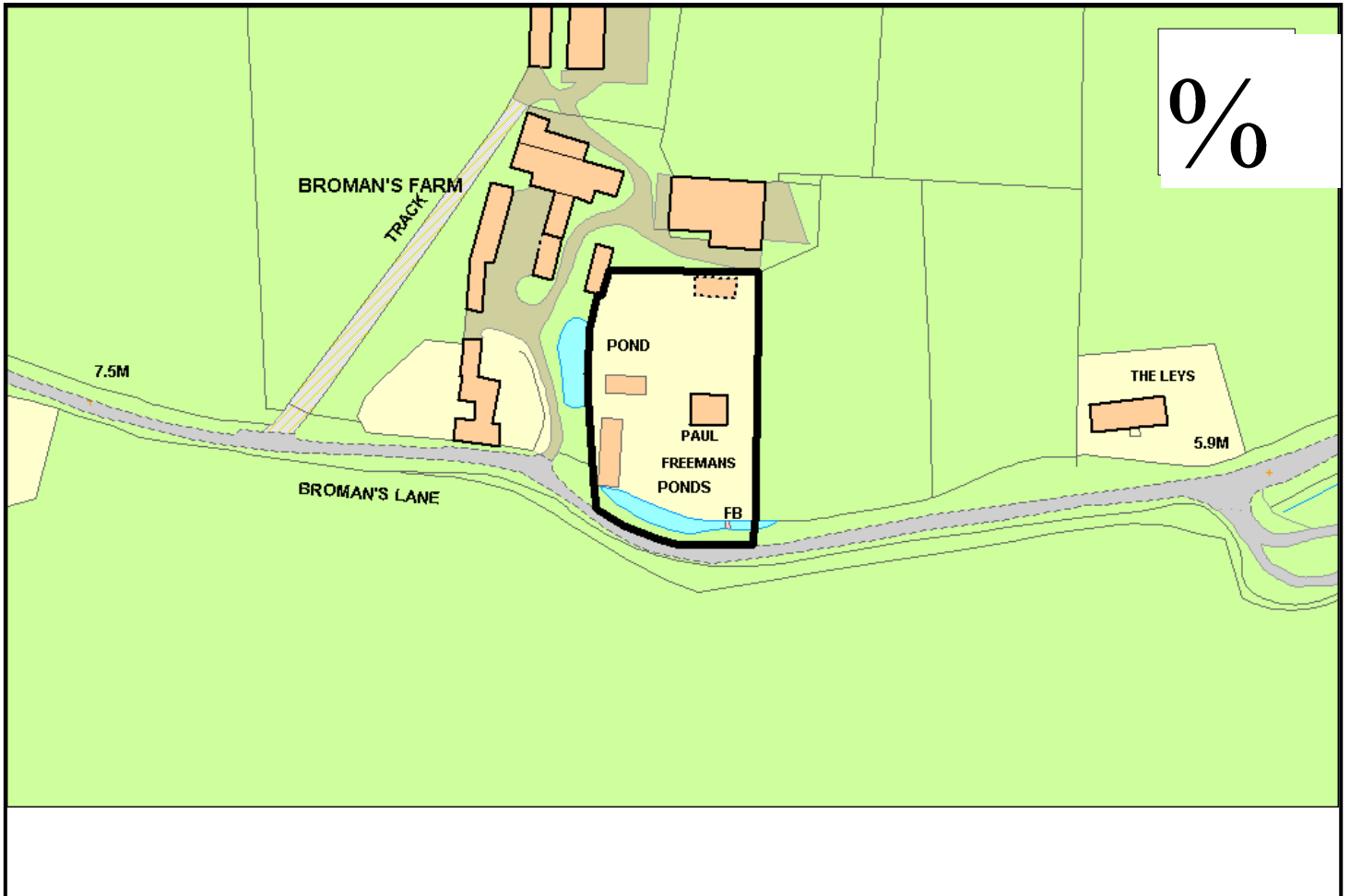
Notwithstanding the provisions of the Town and Country Planning (General Permitted development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the site to be occupied by the new flats hereby approved other than as shown on the approved drawings. Furthermore no freestanding buildings shall be erected or other chattels shall be stationed or stored within the aforementioned site without the prior written permission of the Local Planning Authority.

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

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 should 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: 102032

Location: Paulfreemans, Bromans Lane, East Mersea, Colchester, CO5 8UE

Scale (approx): 1:1250

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7.4 Case Officer: Simon Osborn

EXPIRY DATE: 23/11/2010

MINOR

Site: Paulfreemans, Bromans Lane, East Mersea, Colchester, CO5 8UE

Application No: 102032

Date Received: 28 September 2010

Agent: Adp Limited

Applicant: Mr Ralph Spence

Development: Replacement dwelling.

Ward: Pyefleet

Summary of Recommendation: Conditional Approval subject to no objections being raised from the Council's Tree Officer

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of the comments received from local residents to the proposal and in accordance with the current delegation procedures.

2.0 Synopsis

2.1 The scale and design of the proposed replacement dwelling is acceptable in principle. Subject to no adverse comments being received from the Council's Tree officer in respect of the submitted Arboricultural Assessment, the application is recommended for approval.

3.0 Site Description and Context

3.1 The application site comprises a modest bungalow and outbuildings, situated immediately to the east of Broman's Farm and approximately 200m to the west of Cudmore Grove Country Park. The existing property is generally well screened from the surrounding land by boundary trees and hedges.

4.0 Description of the Proposal

4.1 The application seeks to demolish the existing bungalow and a large concrete block garage and proposes a new single storey dwelling. An existing cart-lodge is to be repaired and reused for vehicular storage. The existing vehicular access into the site is also to be realigned.

5.0 Land Use Allocation

5.1 Coastal Protection Belt

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 7: Sustainable Development in Rural Areas

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

ENV1 - Environment

ENV2 - Rural Communities

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP19 Parking Standards

DP23 Coastal Areas

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:

Vehicle Parking Standards

Sustainable Construction Open Space, Sport and Recreation

The Essex Design Guide

External Materials in New Developments

8.0 Consultations

8.1 The Highways Authority comments as follows:-

"The Highway Authority would not wish to raise an objection subject to the following:-

1. The existing vehicle visibility splay shall be retained free of any obstruction at all times.

Reason: To provide adequate intervisibility between vehicles using the access and those in the existing public highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

2. Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety and to ensure accordance with policy 1.1 of the Highways and Transportation Development Control policies.

3. Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

4. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

5. Any vehicular hardstanding areas shall have minimum dimensions of 2.9 metres x 5.5 metres for each car parking space.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy 7 of the Highways and Transportation Development Control policies.

INFO1: All works affecting the highway should 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."

- 8.2 The comments of the Council's Tree Officer to be reported if received

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

9.0 Parish Council's Views

- 9.1 To be reported if received

10.0 Representations

- 10.1 Two letters were received which appeared to support the principle of the proposal but did raise a number of specific issues:

- (a) access and highway safety are important issues as the proposal will increase the amount of traffic exiting onto a dangerous bend;
- (b) a condition should be imposed requiring retention of existing fence and hedging on the eastern boundary of the property;
- (c) a panelled fence should be provided on the western boundary to maintain privacy.

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

11.0 Parking Provision

- 11.1 The proposal includes the retention of an existing cart-lodge structure, open to the front, for parking purposes. This measures 10m by 5.4m and is sufficient in size to accommodate at least 3 cars. This meets the standards in DP19 of the Development Policies DPD.

12.0 Open Space Provisions

- 12.1 The proposal is for a replacement dwelling and maintains in excess of 100 sq.m of private amenity space. There is no requirement for additional public open space provision for this proposal as it relates to a replacement dwelling.

13.0 Report

Policy Principle:

- 13.1 Policy DP13 supports the replacement of existing dwellings outside of the development boundaries provided the proposal is on a one-to-one basis; is of satisfactory design that does not significantly increase the scale, height and form of the original dwelling; and, integrates the new dwelling into the wider rural context.

Design and Scale:

- 13.2 The proposed replacement dwelling will be of a similar scale to the existing dwelling, and although the footprint has increased by 33%, the height has not increased and in overall terms the proposal has the form of a modest single-storey bungalow. The proposed replacement dwelling has improved the proportions of the building by using spans more appropriate to Essex vernacular architecture and this has been reinforced by the use of natural boarding and clay plain tiles. The proposal furthermore removes the unsightly concrete block garage structure at the front of the site.

Landscaping:

- 13.3 The applicant has submitted an Arboricultural Assessment as the proposed replacement dwelling is within 12 metres of a mature tree to be retained on the site. The report indicates that whilst there are a number of better trees, there are also a number of trees and hedges in poor condition and offering limited amenity. The application does not propose the removal of any existing landscaping features; nevertheless, the report recommends that a tree planting programme be adopted for the site to replace some of the landscape features in poor condition. This was not submitted with the original application and the comments of the Council's Tree Officer were not available at the time of drafting this report.
- 13.4 Minor adjustments were made to the position of the proposed replacement dwelling and the driveway within the site to improve the relationship with the root protection area, resulting from the Arboricultural Assessment. These adjustments have no other material impact.

Highway Matters:

- 13.5 Comments were received from one resident regarding the speed and safety of traffic using Bromans Lane as an access to the Cudmore Grove Country Park and raising concern that additional use of this access onto a bend would exacerbate this. The Highways Authority has not raised an objection to the proposal subject to conditions relating to parking and turning facilities and existing visibility splays being retained free of any obstruction. The vehicular access onto the site exists and is to be improved by a realignment that will allow vehicles to enter the carriageway at right angles to the existing road. Furthermore, the removal of the concrete garage means that on-site turning facilities can be provided.

Boundary Treatment:

- 13.6 Comments were also received from two residents regarding appropriate boundary treatment. These seek a panel fence to be provided along the western boundary of the property with Bromans Farm and the retention of existing landscaping and a post and wire fence along the eastern boundary. The site lies within a rural area and the retention of existing landscape features where appropriate can be secured by planning condition. The application does not propose the removal of any existing landscape features; however, in the light of comments in the Arboricultural Assessment regarding the poor health of some of the trees and hedgerows, it is recommended that a planning condition is imposed requiring comprehensive natural landscaping proposals. The provision of new panel fencing (to the western boundary) is not necessarily appropriate for a rural area, however, because of its visual impact. Whilst it is appropriate to maintain privacy for existing neighbours, the existing situation will only be worsened by the removal of the garage at the front of the site, which is adjacent to existing landscaping at Bromans Farm. It is recommended that a planning condition is imposed that requires details of the western boundary treatment to be submitted, but with the recognition that this should not necessarily require a full panel fence to be provided.

14.0 Conclusion

- 14.1 The scale and design of the proposed replacement dwelling is acceptable in principle and subject to no adverse comments being received from the Council's Tree officer in respect of the submitted Arboricultural Assessment, the application is recommended for approval.

15.0 Background Papers

- 15.1 PPS; Core Strategy; Development Policies DPD; SPG; HA; TL; PTC; NRL

Recommendation

That subject to no objection(s) being raised by the Council's Tree Officer, the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the following conditions:

Conditions

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

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

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

2 – Non-Standard Condition

The development hereby permitted shall be constructed strictly in accordance with the approved drawing nos. 997.L.001, 002, 003 and 006 submitted with the application registered on 28th September 2010 and amended drawing no. 997.L.005A dated 18th October 2010, unless otherwise agreed in writing by the Local Planning Authority.

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

3 - C3.4 Samples of Traditional Materials

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

Reason: To ensure the development is visually attractive and enhances the appearance of the countryside.

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 -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.

8 - Non-Standard Condition

Prior to the commencement of the development hereby permitted a scheme of boundary treatment for the western boundary of the site with Bromans Farm shall be submitted to and agreed in writing by the Local Planning Authority. The scheme to be submitted shall make provision for an appropriate level of privacy between the two properties and in accordance with the rural setting. The details as agreed shall be implemented prior to the first occupation of the dwelling hereby permitted and thereafter retained to the satisfaction of the local planning authority.

Reason: In the interests of rural and neighbouring amenity.

9 - Non-Standard Condition

The cartlodge building shall be retained and reused solely for vehicular storage purposes ancillary to the domestic use of the dwelling hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of local amenity and to secure an appropriate level of off-street parking provision.

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

11 - Non-Standard Condition

The existing visibility splays shall be retained free of obstruction at all times.

Reason: To provide adequate inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety and to ensure accordance with policy 1.1 of the Highways and Transportation Development Control policies.

12 - Non-Standard Condition

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety and to ensure accordance with policy 1.1 of the Highways and Transportation Development Control policies.

13 - Non-Standard Condition

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in forward gear in the interest of highway safety.

14 - Non-Standard Condition

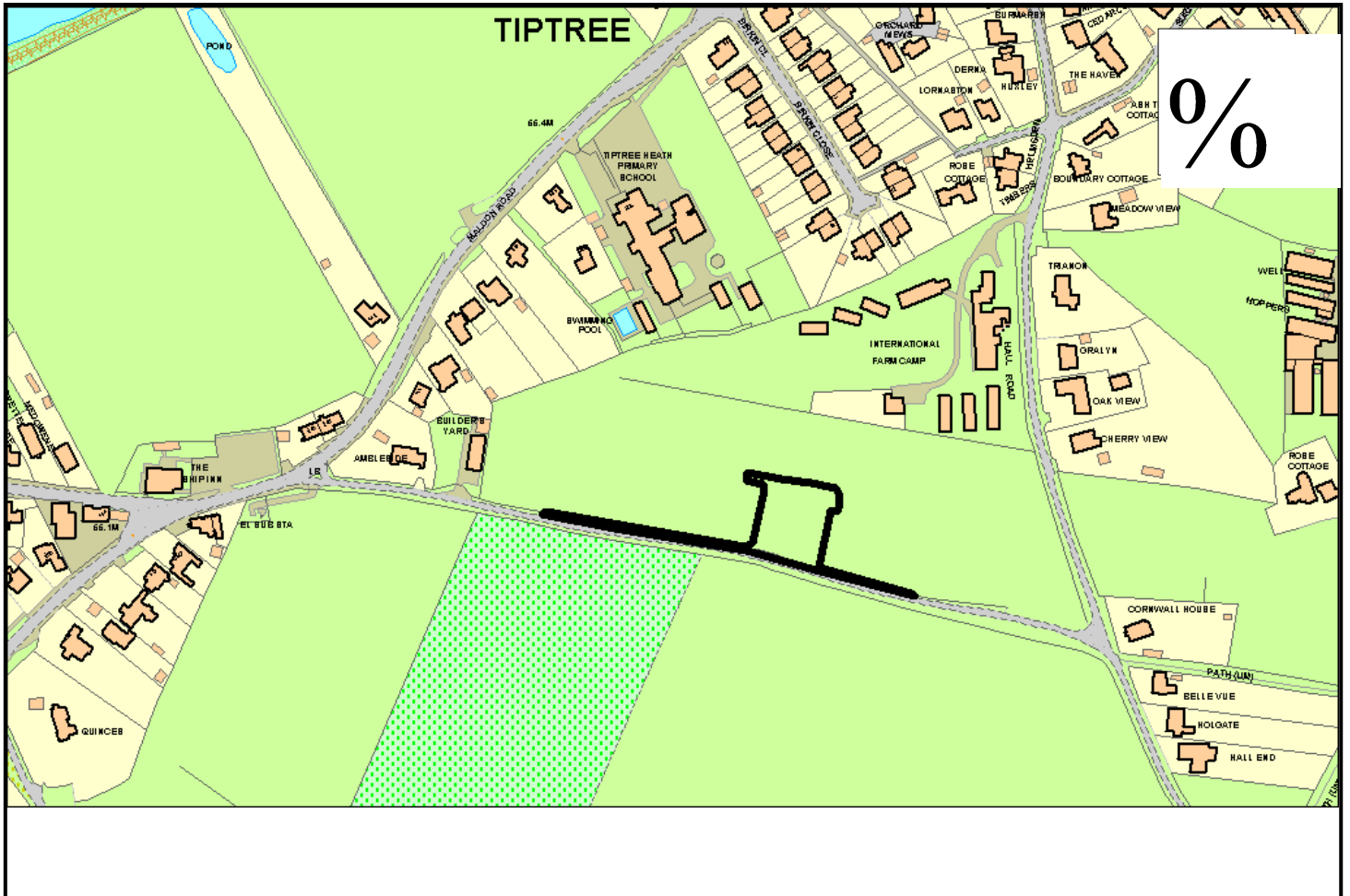
No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interest of highway safety.

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 should 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: 102060

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

Scale (approx): 1:1250

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7.5 Case Officer: Nick McKeever

EXPIRY DATE: 26/11/2010

OTHER

Site: Hall Road, Tiptree, Colchester, CO5 0QS

Application No: 102060

Date Received: 1 October 2010

Agent: Melville Dunbar Associates

Applicant: Wilkin & Sons

Development: A new communal building with access as approved under application ref no. 100684 to contain a recreation area, washing and drying facilities, storage, office, meeting room and toilets with associated parking spaces for mini buses and visitors, a lay-by for buses and outdoor amenity area.

Ward: Tiptree

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of objections received from local residents

2.0 Synopsis

2.1 This application follows on from the application 100684 for an increase in the number of mobile homes, which Members resolved to approve subject to conditions. The location of proposed replacement communal building was indicated on the drawings submitted as part of this previous application.

2.2 This report will consider the planning issues related to the current application. The conclusion reached is that permission should be granted subject to conditions.

3.0 Site Description

3.1 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 includes a building adjacent to the north eastern corner of the IFC providing recreational facilities/assembly hall, together with "nissen" huts originally used to accommodate the seasonal workers, who are now accommodated within modern mobile homes. The IFC also includes a Warden's house.

- 3.2 The northern boundary of the International Farm Camp site adjoins residential properties (Birkin Close) and the Tiptree Heath Primary School. To the west is 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.
- 3.3 The existing access to the International Farm camp was, and remains, off Hall Road at the northern extremity of the site.
- 3.4 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 have been amalgamated to form the extended International Farm Camp. Planning permission (100684) has been granted for the siting of 55 mobile homes to accommodate workers employed on a temporary basis on the Wilkin & Sons agricultural holding. Under this permission the period of occupancy was increased to between February and November each year in order to meet the needs of the extended growing period.
- 3.5 The site of this current application forms part of this larger, 2.45ha, triangular shaped parcel of land. 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

4.0 Description of the Proposal

- 4.1 This scheme forms part of Wilkin & Sons proposals for the re-organisation of the existing IFC site and the improvement of the accommodation/facilities provided for the seasonal agricultural workers. It proposes the erection of a single storey building on a plot of approximately 0.3ha, located adjacent to Hall Lane, close to the southern boundary of the IFC site.
- 4.2 The building is an 'L-shape, consisting of a main, rectangular shaped area, approximately 38 metres in length and 10.6 metres in width, and a projecting wing on the north facing elevation, approximately 12.5 metres in length and 13.6metres in width. The height of the building is 7.77m. The gross internal floor area is 514 sq. metres.
- 4.3 The building is to be finished in black composite boarding on a red brick projecting plinth with a buff finish, vertical composite boarding feature on the gables. The roof is to be clad in olive green, profiled metal sheeting. The windows and external doors are to be uPVC with sealed double glazing.
- 4.4 The main part of this building is to contain a central hall, a meeting room and an office. The remaining area (i.e. the north facing wing) will provide washing and drying facilities, store, kitchen area and toilets.
- 4.5 The building is to be used exclusively for the use of the temporary work staff who are accommodated within the IFC. It replaces the existing building as a recreation area for social activities such as table tennis, watching television, as well as the use of the internet and email facilities.

- 4.6 Externally there is to be provision for parking spaces for mini-buses (3 spaces) and visitors (2 car parking spaces), a lay-by for buses and an amenity area.
- 4.7 The access to the site, and for the authorised mobile homes, was included within the previous permission reference 100684. This is via a new opening off Hall Lane that forms the southern boundary of the IFC.
- 4.8 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 new building. Full details of these documents can be viewed on the Council website.

5.0 Land Use Allocation

- 5.1 No Notation. The site forms part of the agricultural holding of Wilkins & Sons and the authorised mobile homes are used as part of this use.

6.0 Relevant Planning History

- 6.1 F/COL/03/0364 – Kitchen extension to existing dining room/social hall – Approved 29 April 2003
- 6.2 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
- 6.3 LEX/17/59 – Additional hostel accommodation – Approved 1 June 1959
- 6.4 LEX/236/65 – Recreation hall for students – Approved 7 May 1965
- 6.5 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
- 6.6 100684 – 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 requested for occupancy of the mobile homes between February to November each year in order to meet the needs of the extended growing period. Approved 29 July 2010.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance 13: Transport
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
Planning Policy Guidance 24: Planning and Noise

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - UR2 - Built Design and Character
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA3 - Public Transport
 - TA4 - Roads and Traffic
 - TA5 - Parking
 - ENV1 - Environment
 - ENV2 - Rural Communities
 - ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
 - DP2 Health Assessments
 - DP4 Community Facilities
 - DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
 - DP8 Agricultural Development and Diversification
 - DP9 Employment Uses in the Countryside
 - DP17 Accessibility and Access
 - DP18 Transport Infrastructure Proposals
 - DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
- Community Facilities
 - Vehicle Parking Standards
 - The Essex Design Guide
 - External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority comment that, having regard to the fact that the access arrangement is being controlled under application 100684 and the traffic associated with the site is existing and seasonal, no objection is raised to this proposal as it is not contrary to the Local Transport Plan 2006/2011 and the Essex Planning Officers Association Vehicle Parking Standards September 2009.
- 8.2 Environmental Control recommends the inclusion of the standard advisory notes on Demolition and Construction.
- 8.3 The Environment Agency has assessed this application as having a low environmental risk and therefore have no objection to the proposed development

8.4 It is hoped to have the comments of the Landscape Officer and the Council's Arboricultural Officer available at the Committee Meeting.

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

9.0 Parish Council's Views

9.1 It is hoped to have the comments of Tiptree Parish Council available at the Committee meeting.

10.0 Representations

10.1 4 letters of objection have been received. The objections are summarised as follows:-

1. The occupation of this site from February – November, and the erection of a permanent building can not be regarded as a temporary use.
2. Traffic issues. Hall Lane (Ship Inn Lane) is a narrow, single track road and not suitable to cater for heavy vehicles or large volumes of traffic. The proposed lay-by is nearly 90m long. Is this really to widen this road in order to accommodate these large vehicles? All access should be via the Factory Hill site.
3. The site is outside of the village envelope. Adverse impact upon the countryside
4. Increase in noise associated with the increase in the student workers accommodated within the IFC.
5. The existing building should be upgraded and extended instead. If a new building is required it should be on the site of the building that it is to replace
6. By permitting a labour camp like this, the Council is allowing the creation of a permanent ghetto. The approach should be to integrate people into the community.

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

11.0 Parking Provision

11.1 In terms of any applicable standard it is considered that the use of this building is unusual. It is not for general public use (and should be conditioned accordingly) but is a use incidental to the primary use of the IFC for the accommodation of seasonal agricultural workers.

11.2 In this context the standard which would ordinarily apply would be as Class D2: Assembly and Leisure (e.g. Cinemas, Music and Concert Halls, Swimming Baths, Gymnasium or Sports Arenas) does not seem to be particularly relevant. The other consideration is that this new building is to replace an existing facility of comparable floor area.

11.3 On this basis the use should be considered upon its own particular merits with regard to the parking provision.

- 11.4 Parking is provided in the form of a lay-by for buses, 3 spaces for mini buses and 2 visitor spaces. There is, however, an existing area in the proximity of the existing access onto Hall Road which is currently used to cater for on-site parking.
- 11.5 The bus lay-by is approximately 18m long and not the 90m referred to in the letters of objection.

12.0 Open Space Provisions

- 12.1 This is not applicable.

13.0 Report

The justification for this building

- 13.1 The Applicant is seeking to improve the facilities within the IFC for the benefit of the temporary workers accommodated within the site as a whole, as well as to support the fruit growing enterprise, which forms a significant part of the Wilkin & Sons business. The provision of the upgraded accommodation provided as part of the approval for the siting of the mobile homes is the first part of this scheme.
- 13.2 The existing buildings on the original part of the IFC all date from the late 1950's and the existing recreational hall from the mid-1960's. According to the Applicant this particular building is now coming to the end of its useful life. The intention is, therefore, to provide a new building that is constructed to a much higher standard of insulation and energy conservation. This will ensure that the temporary employees can use the building in relative comfort during the coldest part of the permitted period of occupation of the mobile homes. The south facing elevation will ensure that the building has the benefit of any solar gain, unlike the existing building.

The Location

- 13.3 The building is to be located within part of the IFC as indicated on the drawing that was submitted, and subsequently, approved under reference 100684. Notwithstanding this the reasons for this alternative location as set out in the supporting Design & Access Statement are to reduce any impact upon residential amenity and in a convenient position relative to the new access to the IFC off Ship Inn Lane.
- 13.4 The existing building is located in close proximity to existing residential properties in Birkin Close, which are adjacent to the northern boundary of the IFC, and to the west in Hall Road. According to the D&AS there have been complaints made by these residents, although there are none that have been the subject of any action by Environmental Control. Notwithstanding this, the rational approach would be to seek to mitigate against any potential noise related issues. In this respect the proposed location seems to be entirely logical.
- 13.5 The proposed replacement building is located in close proximity to the concentration of the approved mobile homes. Apart from the centre of the social activity within the IFC, the building will serve as a pick-up and drop-off point for the students accommodated within the IFC. As such it has a functional relationship to this accommodation.

- 13.6 The D& AS advises that the inclusion of the office area within the building will assist with the monitoring of movements to and from the site.
- 13.7 The IFC as established in the 1950's, and as recently extended, together with the buildings located therein lies outside of the defined development boundary for Tiptree. This is not considered to be an issue given that the use forms part of the agricultural use that is Wilkin & Sons.

Design, scale and massing

- 13.8 The D& AS describes the building as having “a traditional, robust simplicity, that is suited to a rural location. The building is long and low and there is a deep overhang (about 1m) which will cast a dark shadow”. The main part of the building is in essence a simple rectangular form, which reflects its main function as a recreational hall, both the two gable ends (west and east elevations) incorporate feature glazing and vertical timber cladding. The northern elevation is broken up by other a family of other projecting single storey elements.
- 13.9 Overall the design approach seeks to reflect its rural setting and in this respect the external appearance incorporates materials drawn mainly from the vernacular palette. The south facing elevation, with its horizontal emphasis, is broken up by areas of glazing providing a contrasting vertical emphasis.

Highway Issues

- 13.10 Local concerns regarding traffic related matters, and in particular the use of Ship Inn Lane, are appreciated. In this context it is recognised that the provision of a building for recreational use by the temporary employees currently exists. In addition the new access off Ship Inn Lane has previously been approved. In this context the comments made by the Highway Authority are acknowledged.
- 13.11 The use of this access is also restricted by a condition on the permission 100684 i.e -

“No vehicles associated with the construction of the vehicle access and internal access roads, or the future delivery of the caravans shall use the junctions of Hall Road and Station Road to the north or Hall Road and Maldon Road to the west. All such vehicles shall use the access on Factory Hill to the east and the private tracks”.

Other Matters

- 13.12 The submitted objection referring to the establishment of a ghetto are not considered to be applicable to this particular application on the basis that it is only for the erection of a replacement building and not for the use of the IFC, which is an established and authorised use.
- 13.13 The submitted D & AS makes it clear that the replacement community building will be exclusively for the use of the temporary workers accommodated within the IFC. This use should be condition as such in order to safeguard the amenity nearby residential properties.
- 13.14 The Applicant has advised that the future of the existing buildings is currently under review.

14.0 Conclusion

- 14.1 The proposal forms part of a scheme for the replacement and improvement of the existing and out-dated facilities for the temporary employees of Wilkin & Sons employed on their agricultural holdings. The use of the site to accommodate these employees is essential to support the long established fruit growing enterprise.
- 14.2 The location of this new building relates to both the concentration of the mobile homes on the IFC as well as to the position of the new and approved access to the IFC site as a whole. In addition it is located at the furthest point away from the existing residential properties in Birkin Road and Hall Road.
- 14.3 The design and use of mainly vernacular materials is sympathetic to its rural setting. It is also an improvement upon the existing community building, which is very much of its period and is of no architectural or historic merit.
- 14.4 The access to the site is as approved under the permission 100684. In terms of the use of the building, it is recognised that this use already exists within the site. It is also acknowledged that the Highway Authority have not raised any objections to the proposed development in terms of matters of highway safety or the impact upon the local highway network.

15.0 Background Papers

- 15.1 PPS; Core Strategy; CBDP; SPG; HA; HH; NR; PTC: NLR

Recommendation - Conditional Approval

Conditions

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

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

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

- 2 – Non-Standard Condition

Development to accord with approved plans nos. 1377-P100 and P101.

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

- 3 - C3.2 Materials as Stated in Application

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity [and helps to reinforce local character and identity].

4 - Non-Standard Condition

The building hereby approved shall be used exclusively for the use of the temporary employees accommodated within the International Farm Camp and not for any other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and to safeguard the amenity of nearby residential properties and the area in general.

5 - Non-Standard Condition

The vehicle and cycle parking facilities shown on the approved drawing shall be provided prior to the commencement of the use of the building hereby approved and thereafter maintained as such to serve the development

Reason: To ensure the provision of on-site parking facilities in the interests of the amenity of the area and highway safety.

6 - 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.

7 - 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.

8 - B8.1 Drainage Scheme Prior to Commencement of Work

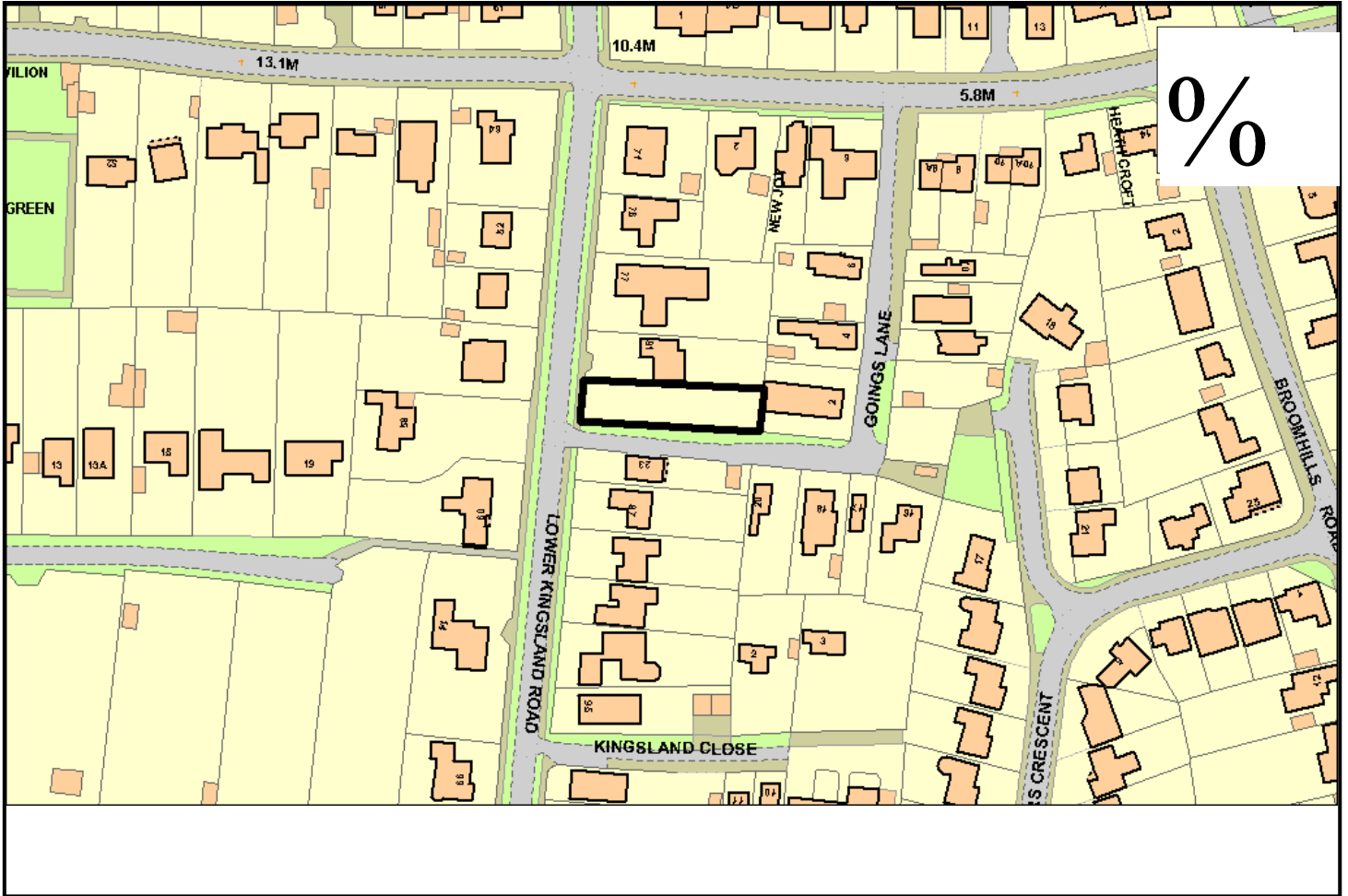
Prior to the commencement of any work on site, a scheme of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the building/s hereby permitted.

Reason: To ensure satisfactory arrangements are made for the disposal of foul and surface water drainage.

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 should 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: 100275

Location: 81 Kingsland Road, West Mersea, Colchester, CO5 8AH

Scale (approx): 1:1250

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7.6 Case Officer: Nick McKeever

EXPIRY DATE: 29/09/2010

Site: 81 Kingsland Road, West Mersea, Colchester, CO5 8AH

Application No: 100275

Date Received: 4 August 2010

Agent: Adp Limited

Applicant: Mrs Sandra Tuck

Development: Reintroduction of No 83 Kingsland Road with the erection of a two-storey, three bedroom dwelling.

Ward: West Mersea

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of objections raised by two local residents

2.0 Synopsis

2.1 This report will consider the matters relating to the erection of a detached, two storey dwelling within this predominantly residential area and conclude that permission should be granted subject to the completion of a unilateral undertaking for contributions in respect of Open Space and Community Facilities, and appropriate conditions.

3.0 Site Description and Context

3.1 This 0.1ha plot of land lies immediately to the South of No. 81 Kingsland Road and within an established residential area. The site forms part of the curtilage of No.81 Kingsland Road. The southern boundary adjoins Goings Lane, along which are located a small group of dwellings, which in turn links up to Prince Albert Road. The site is otherwise surrounded by existing residential properties.

3.2 The site frontage is currently enclosed by a 1.8m high brick wall.

3.3 There are a number of trees/shrubs behind this wall, within the site and along the boundary with Goings Lane.

4.0 Description of the Proposal

- 4.1 The application is for the erection of a detached, three bedroom, two storey dwelling. It is to be finished in materials drawn from the vernacular palette (clay plain tiles, black weatherboarding, render and red/orange facing brickwork).
- 4.2 The principal elevation faces onto Kingsland Road but the south facing elevation also addresses Going Lane.
- 4.3 There is an existing separate access and egress serving No. 83 Kingsland Road. The southernmost of these drives will be used to serve the new dwelling.

5.0 Land Use Allocation

- 5.1 Predominantly Residential

6.0 Relevant Planning History

- 6.1 WM/69/68 – Erection of one detached house and garage. Refused 20/01/1969
- 6.2 WM/78/72 – Demolition of existing bungalow and re-develop site with 2 bungalows. Approved 5/09/1972
- 6.3 76/1373 – Demolition of existing holiday chalet and redevelopment of site with three detached houses. Approved 20/12/1976
- 6.4 79/1989 – Outline application for demolition of buildings and erection of three detached houses and garages. Approved 11/02/1980
- 6.5 79/1989/D – Erection of house. Refused 02/05/1984
- 6.6 79/1989/E – Erection of House. Approved 03/09/1984
- 6.7 88/2340 – Erection of one house with garage. Approved 27/02/1989

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application: Planning Policy Statement 1: Delivering Sustainable Development Planning Policy Statement 3: Housing

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
 SD1 - Sustainable Development Locations
 SD2 - Delivering Facilities and Infrastructure
 SD3 - Community Facilities
 H1 - Housing Delivery
 H2 - Housing Density
 H3 - Housing Diversity
 UR2 - Built Design and Character
 TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
 DP1 Design and Amenity
 DP3 Planning Obligations and the Community Infrastructure Levy
 DP4 Community Facilities
 DP12 Dwelling Standards
 DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 DP16 Private Amenity Space and Open Space Provision for New Residential Development
 DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
 Backland and Infill
 Community Facilities
 Vehicle Parking Standards
 Sustainable Construction Open Space, Sport and Recreation
 Extending your House
 The Essex Design Guide
 External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority has no objection subject to conditions.
- 8.2 The Design and Heritage Unit comments that this is an appropriate designed building for the location. The plot ratio on this side of the street is not harmed by the inclusion of this infill development and the design provides a well considered piece of architecture for the location, incorporating a subtle punctuation at the corner of the lane with good detail to the exposed side elevation. The informal parking is not out of context and is given sufficient set back from the road that it will not be visually dominant in the street scene.

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

9.0 Town Council's Views

- 9.1 West Mersea Town Council recommends consent.

10.0 Representations

10.1 The occupier of 2 Goings Lane is concerned that:-

“The conifers at the end of the existing garden overhang the adjoining property plus their height is over 22 feet and they are too close to his property. Soil build-up has caused damp problems. Proposed soak away will increase risk of damp. This needs to be done professionally and a retaining wall built to keep the soil away from the side of his garage. It is believed that after 81 was built the garden encroached over the boundary taking at least two feet of his land.

10.2 The occupier of 23 Goings Lane object on the basis that the occupiers of No.81 acquired No.83 and subsequently encroached into Goings Lane. If the development proceeds it will be condoning this theft.

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

11.0 Parking Provision

11.1 Parking is to be provided within an integral garage and within the paved surface in front of the dwelling. On this basis the development meets the required two car parking spaces.

12.0 Open Space Provisions

12.1 The supporting Unilateral Undertaking makes the required contribution towards the provision of Open Space (as per the Council’s adopted SPD)

13.0 Report

13.1 The Design and Access Statement supporting the application refers to the fact that there was a dwelling on this plot of land but that this building was demolished by the owners of No.81 in order to increase the size of the garden area. Notwithstanding this, the site lies within an established residential area and as such the erection of a dwelling on this site is acceptable in terms of land use.

13.2 In terms of the recently adopted DPD policies and the related SPD on Backland and Infill Development, the size of the plot and the relationship to the established frontage development along Kingsland Road, are such that the site will not appear cramped or out of keeping.

Design, Layout, Scale

13.3 The site lies within an established residential area that has a very varied character in terms of the types of dwellings and architectural detail. In this context the application includes a sectional elevation drawing of part of Kingsland Road in the vicinity of the site. This drawing illustrates the fact that the proposed dwellings reflects the rhythm of the existing dwellings and maintains a feeling of space around the proposed and the existing building.

Impact of the development

- 13.4 The proposed dwelling has been designed so as to address any issues of overlooking from habitable rooms, any overbearing impact or any overshadowing. The first floor accommodation is arranged so that all the bedroom windows are facing to the front and to the rear. The property to the immediate west, No.2 Goings Lane, is currently screened by a high conifer hedge and there is no direct overlooking of habitable rooms from the new dwelling. The first floor windows within the south facing flank wall of the new house serve a landing and a bathroom (i.e. not classed as habitable rooms).
- 13.5 On this basis, and having regard to the suitable design and use of appropriate external materials, it is considered that the new dwelling will not have any adverse impact upon residential or visual amenity but it will add to the variety of the dwellings in this road.
- 13.6 There are no trees within the site that are of any significant amenity value.

Other Matters

- 13.7 The objections make reference to encroachment and inclusion of other land into the domestic curtilage of No.81 Kingsland Road. The Agent has confirmed that the Applicant is the owner of any part of the land or building to which the application relates and that the completed Certificate of Ownership is correct.
- 13.7 The issue of the stacking of soil on the boundary with 2 Goings Lane is not a planning issue but would need to be addressed between the affected parties.
- 13.8 There is no reason to suppose that the provision of soakaways will not be completed in an acceptable manner and this is a matter that would be considered under an application for approval under the Building Regulations. .

14.0 Conclusion

- 14.1 The proposed development of this site within a predominantly residential area is acceptable in principle. The development that is proposed is acceptable in terms of its layout, the design and scale of the building, the use of external materials drawn from the vernacular palette, the provision of parking facilities and in terms of the residential and visual amenity of this area.

15.0 Background Papers

- 15.1 DPD; Core Strategy; LDF; SPG; HA; DHU; PTC; NLR

Recommendation

Conditional Approval subject to a Unilateral Undertaking for a contribution to Open Space and Community Facilities in accordance with the Council's adopted SPD.

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be carried out in accordance with the approved drawings nos. 998.L.003, 998.L.004, 998.L.005, and 998.I.006:

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

3 - C3.3 Samples to be Submitted

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

4 - Non-Standard Condition

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4m x 43 metres to the North and to the South, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: In the interests of highway safety.

5 - Non-Standard Condition

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: In the interests of highway safety.

6 - Non-Standard Condition

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: In the interests of highway safety.

7 -Non-Standard Condition

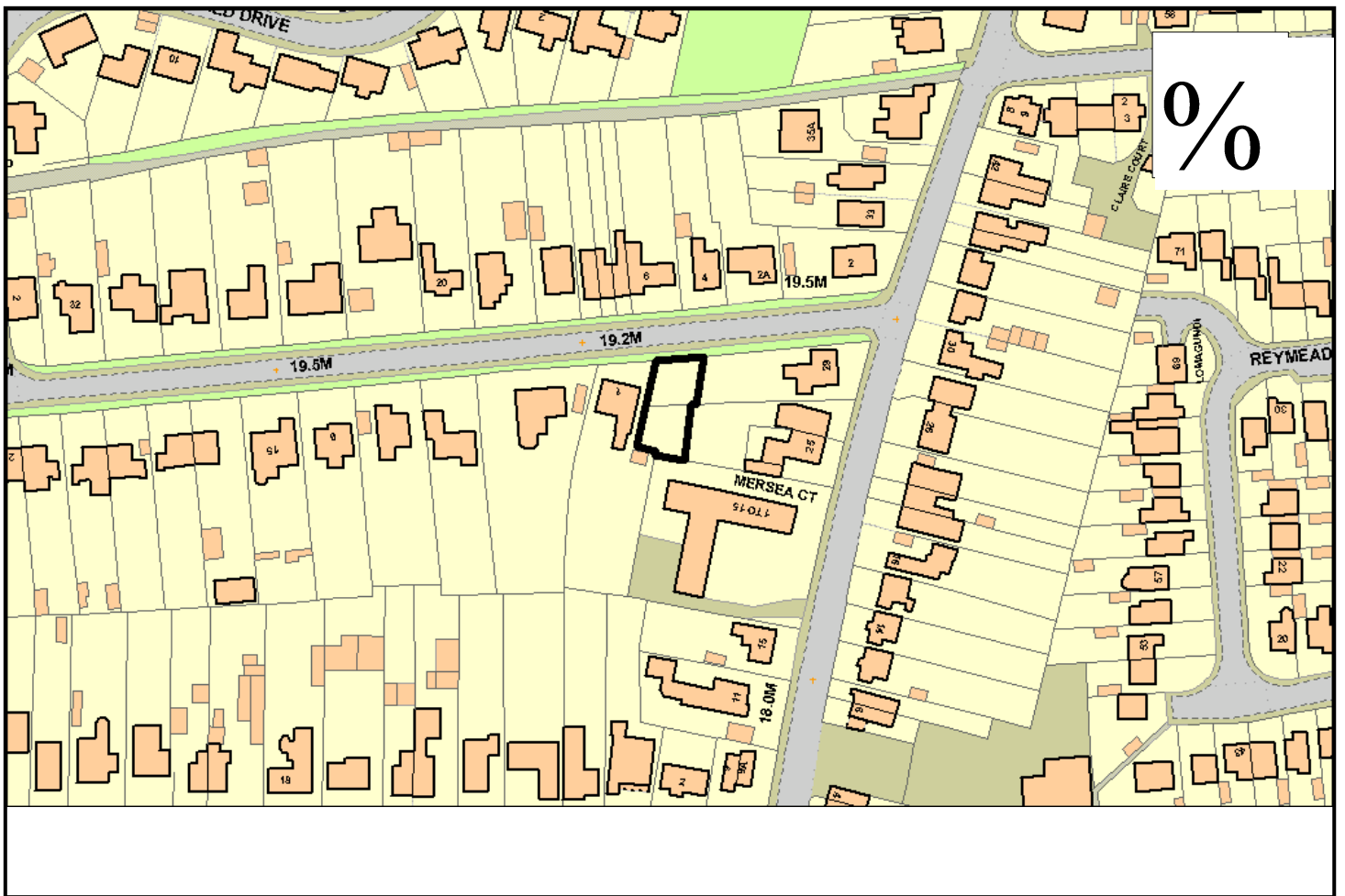
No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

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 should 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: 101254

Location: Land Adjacent to, 1 Firs Road, West Mersea, Colchester, CO5 8JS

Scale (approx): 1:1250

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7.7 Case Officer: Nick McKeever

OTHER

Site: 1 Firs Road, West Mersea, Colchester, CO5 8JS

Application No: 101254

Date Received: 30 June 2010

Agent: Stour Valley Design

Applicant: Mrs Norma Barrow

Development: Erection of new detached 3 bedroomed dwelling and new vehicle access.

Ward: West Mersea

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because there are objections raised by local residents and by West Mersea Town Council.

2.0 Synopsis

2.1 The application is submitted to the Planning Committee due to objections from West Mersea Town Council and the occupiers of nearby residential properties. The report will consider all the planning issues. Having regard to the Council's adopted policies, together with the associated SPD, the report will conclude that the development is considered to be acceptable and that permission should be granted, subject to the completion of the required unilateral undertaking and appropriate conditions.

3.0 Site Description and Context

3.1 The site lies within a predominantly residential area of West Mersea, which is of mixed character in terms of the types of dwellings and their designs. It has a frontage to Firs Road and the eastern boundary adjoins the rear gardens of the properties 25 to 29 High Street North. The southern boundary adjoins part of the northern boundary of Mersea Court, a retirement home. The front half of the application site with the frontage to Firs Road did not form part of 1 First Road but was recently made over legally to the applicant. It originally belonged to 29 High Street North, West Mersea. The rear part of the site adjacent to Mersea Court passed into the applicant's ownership in January 2010.

3.2 The site dimensions are stated as being approximately 12.34m frontage, 13.14m at the rear and a depth of approximately 25.75 metres.

- 3.3 The frontage to Firs Road is currently enclosed by a wall and most of the rear boundary of the plot is screened by a high conifer hedge.
- 3.4 The existing property at No.1 Firs Road is a two storey detached dwelling and contains a number of windows within the flank wall (East elevation) facing the site.

4.0 Description of the Proposal

- 4.1 The application proposes the erection of a detached three bedroom dwelling with integral garage, measuring approximately 8.832m width and 9.45m in length. The design incorporates a full two storey height front gable with a side wing providing a bedroom within the roof void having a pitched roof dormer to the front and rear elevations. It is shown as being constructed in facing brickwork and having a concrete plain tiled roof.
- 4.2 Living accommodation together with the integral garage is to be provided within the ground floor, with three bedrooms and a bathroom being provided within the first floor and the side wing (roof void).
- 4.3 A private garden area of 112 sq. metres (as stated in the submitted Design & Access Statement), is provided to the rear.
- 4.4 Windows serving habitable rooms are provided in the front (North) and the rear (South) facing elevations. A first floor bathroom window and ground floor dining room window are shown on the west facing side elevation (adjacent to No. 1 Firs Road). A ground floor hall window is to be included within the east facing elevation.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 5.1 COL/90/1368 – Two storey extension (1 Firs Road). Approved 10/08/1993

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 4: Planning for Sustainable Economic Growth

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
 SD1 - Sustainable Development Locations
 SD2 - Delivering Facilities and Infrastructure
 SD3 - Community Facilities
 H1 - Housing Delivery
 H2 - Housing Density
 H3 - Housing Diversity
 UR2 - Built Design and Character
 TA5 - Parking
 ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
 DP1 Design and Amenity
 DP3 Planning Obligations and the Community Infrastructure Levy
 DP4 Community Facilities
 DP12 Dwelling Standards
 DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
 Backland and Infill
 Community Facilities
 Vehicle Parking Standards
 Sustainable Construction Open Space, Sport and Recreation
 Extending your House
 The Essex Design Guide
 External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority has no objections subject to conditions.

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

9.0 Town Council's Views

- 9.1 West Mersea Town Council recommend that the application should be refused on the grounds that its overdevelopment, out of character and has an overbearing impact upon the adjoining dwellings.

10.0 Representations

10.1 Four objections have been received from local occupiers. The objections are summarised as follows:-

- Overlooking
- Overbearing impact
- Loss of daylight & sunlight
- Design is out of keeping – an older style property with a lower roof would be more acceptable
- Application was prepared prior to the revised PPS3 (9 June 2010). If the Council is minded to approve the development the design should be more appropriate to the location and nature of the development site.

10.2 The objections include a representation from the recent purchasers of No.1 Firs Road.

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

11.0 Parking Provision

11.1 The proposal provides two parking spaces for the new dwelling, in the form of an integral garage and hardstanding in front of this garage. A vehicular turning area is also provided in front of the dwelling.

11.2 The submitted plans also show the retention of two parking spaces in front of the dwelling at No.1 Firs Road.

11.3 The adopted SPD on backland and infill, together with policy DP12, require that parking should be provided in an acceptable manner. The SPD advises that, in general terms, parking to the front of a property using the front garden is not acceptable unless it is in keeping with the locality. The provision of the integral garage together with one parking area on the site frontage is not out of keeping with the existing pattern of development.

12.0 Open Space Provision

12.1 The application is supported by the required Unilateral Undertaking for contributions towards Open Space and Community Facility in accordance with the adopted SPD.

13.0 Report

Design and Layout

13.1 The recently adopted Development Plan Document (DPD) policy requires that development proposals must respect and enhance the character of the site, its context and surroundings. This reflects the adopted SPD 'Backland and Infill Development'. This SPD advises that the layout of a development is required to create a sense of place, integrate with the existing development, re-enforce local character and ensure that the context of the street scene is not adversely affected.

- 13.2 The site lies within an area which is of very varied character in terms of the types of dwellings, their designs and layouts. It has no cohesive character. The design and form of the proposed new dwelling is very similar to the infill development on the opposite side of Firs Road at No.2A, which was granted planning permission in November 2003. In this context, and in the context of the aforementioned Policy DP1 and SPD, it is considered that a refusal of permission on the grounds of inappropriate design and layout is not sustainable.
- 13.3 There is also a wide variation in terms of the plot frontages and depths within this residential area as a whole. Plot frontages along Firs Road vary from in excess of 15m to approximately 4 metres in the case of the small group of terraced dwellings opposite the site. The plot frontage of No.2A Firs Road is approximately 14.5m. Elsewhere in the neighbouring roads the plot frontages also show a wide variation in widths. Having regard to this context it is considered that the proposed development does not conflict with the aforementioned SPD whereby the width of the remaining and the new plot should be similar to that prevailing in the area.
- 13.4 Plot depths of existing dwellings in Firs Road do tend to be greater than that now proposed. There are however other limited examples of other properties in the local area where plot depths are generally comparable. For example No.2 Firs Road is in the region of 30m in overall depth whilst No.2 Mersea Avenue, to the South of the site, is approximately 25m in depth.
- 13.5 The Council's adopted standards for the provision of private amenity space for dwellings having three or more bedrooms is a minimum of 60 sq.m., although Policy DP16 does require a higher standard for small infill schemes to reflect the character of the surrounding area, in accordance with the SPD as backland and infill development. The development provides approximately 11.2 sq.m. private amenity space. The proposed dwelling is shown as having a private rear garden area marginally in excess of this standard.

Scale, height and Massing

- 13.6 The adjoining dwelling is a full height, two storey dwelling, as are the properties to the immediate east (25 – 29 High Street North) as well as Mersea Court to the south east. The existing dwellings within Firs Road are predominantly two storey or single storey. No.2A on the opposite side of Firs Road is of a very similar height and design.
- 13.7 Given this eclectic mix of buildings it is considered that the height and massing of the proposed dwelling is not out of keeping. On this basis the proposed development satisfies the SPD 'Backland and Infill Development' requirement that new buildings should reflect the height, scale and mass of existing buildings within the vicinity of the site.

Amenity issues

- 13.8 The occupiers of the properties 27 and 29 High Street North, West Mersea, have expressed their objections to the proposed development due to the loss of light, overshadowing, overbearing impact and loss of privacy.

- 13.9 In terms of any overbearing impact the separation between the rear elevations of these adjoining dwellings and the site boundary varies from approximately 20 to 25 metres. The development is compliant In terms of the adopted SPD entitled 'Extending your House'.
- 13.10 In addition the building is designed such that the nearest part to the boundary is not a full two storey in height . The height of the two storey element is approximately 7.6m, whilst the ridge height adjacent to the eastern boundary is approximately 6.5m (dimensions are scaled from the submitted drawings).
- 13.11 The gardens of these adjoining dwellings are generally west facing. As such the development will overshadow part of the western extremities of these gardens for a period during the late afternoon/evening. On this basis it is considered that a refusal of permission is not justified.
- 13.12 In terms of the loss of privacy there are no windows above ground floor level in the east facing elevation.
- 13.13 The occupiers of the existing dwelling 1 Firs Road have also raised issues relating to the loss of privacy through overlooking from two windows within the west facing flank wall. The first floor window serves a bathroom, which in terms of the Council's adopted SPG is not classed as being a habitable room and as such any overlooking from this window is not considered to be significant in terms of the relevant Local Plan policy and SPD. Notwithstanding this the Applicant has confirmed that this window is to be obscure glazed using the Pilkington standard 4 or 5 obscuration. This is the level that is commonly used in planning conditions in order to safeguard privacy and is recommended in this particular case. The Applicant has also written to advise that 30 degree restrictive hinges could be fitted to the bathroom window if it is considered to be necessary.
- 13.14 The other window is a ground floor window serving the dining room. In this case privacy can be protected by the use of the standard 1.8m high screen fence.
- 13.15 In other respects the position of the proposed dwelling relative to this existing property is acceptable in terms it not being overbearing (i.e. it does not infringe a 45 degree line projected from the corner of the rear wall nearest to the new dwelling). In this respect it satisfies policy DP12 and the associated SPD.
- 13.16 At the time that this application was submitted the relevant Local Plan policy, UEA13, required a minimum gap of one metre between the flank wall of any building above single storey in height and the side boundary. The Council's Adopted SPD 'Extending your House?' considers that a minimum gap of one metre is considered to be appropriate in order to avoid a cramped appearance. The width of the building has been reduced very marginally in order to accommodate this gap between the new building and the side boundary with 1 Firs Road. On the other side boundary there is a pinch point with a dimension of 930mm. It is considered that this is acceptable given that the adjoining dwelling is set some distance from this boundary and the new building adjoins the rear garden.

13.17 The applicant has also submitted additional drawings that show the relationship between the new dwelling and the existing windows within the flank wall of 1 Firs Road that faces onto the site. These drawings show that the proposal is acceptable in terms of with regard to any loss of daylight/sunlight to rooms served by these windows. In this respect the proposed development satisfies the SPD on backland and infill development

Highway Issues

13.18 It is noted that the Highway Authority raise no objections to the development in terms of its impact upon highway safety, but does require that the vehicular turning and the car parking facilities shall be provided in accordance with the submitted plans.

14.0 Conclusion

14.1 It is acknowledged that the proposed development does sit within a relatively small infill plot. However, in terms of the width and the depth, this development site is comparable to other sites within this established residential area. With regard to design, scale and detail, the proposed building is located within an area that is very mixed in terms of the types of dwellings and their architectural styles. Furthermore the design is very similar to a more recent infill development almost opposite the site.

14.2 The development satisfies the adopted policy requirements as far as this relates to the impact upon the amenity of the dwellings that adjoin the site.

14.3 There are no highway objections and vehicle parking is provided to the required standard.

14.4 The application includes the required unilateral undertaking in respect of contributions towards the provision of open space and community facilities.

14.5 On this basis permission is recommended accordingly.

15.0 Background Papers

15.1 Core Strategy; DPD; SPD; HA; PTC; NLR

Recommendation

Conditional Approval subject to the dating of a Unilateral Undertaking for the provision of a contribution to Open Space, Sport and Recreation and Community Infrastructure.

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be carried out in accordance with the approved plans 31-2010-02PA, 03PA, 04PA, 05PA and 06PA.

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

3 - C3.4 Samples of Traditional Materials

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

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity [and helps to reinforce local character and identity].

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

7 -Non-Standard Condition

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the west and 2.4 metres by 43 metres to the east, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate intervisibility between vehicles using the access and those in the existing public highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

8 - Non-Standard Condition

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate intervisibility between vehicles using the access and those in the existing public highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

9 - Non-Standard Condition

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

10 - Non-Standard Condition

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

11 - A7.11 No New Windows

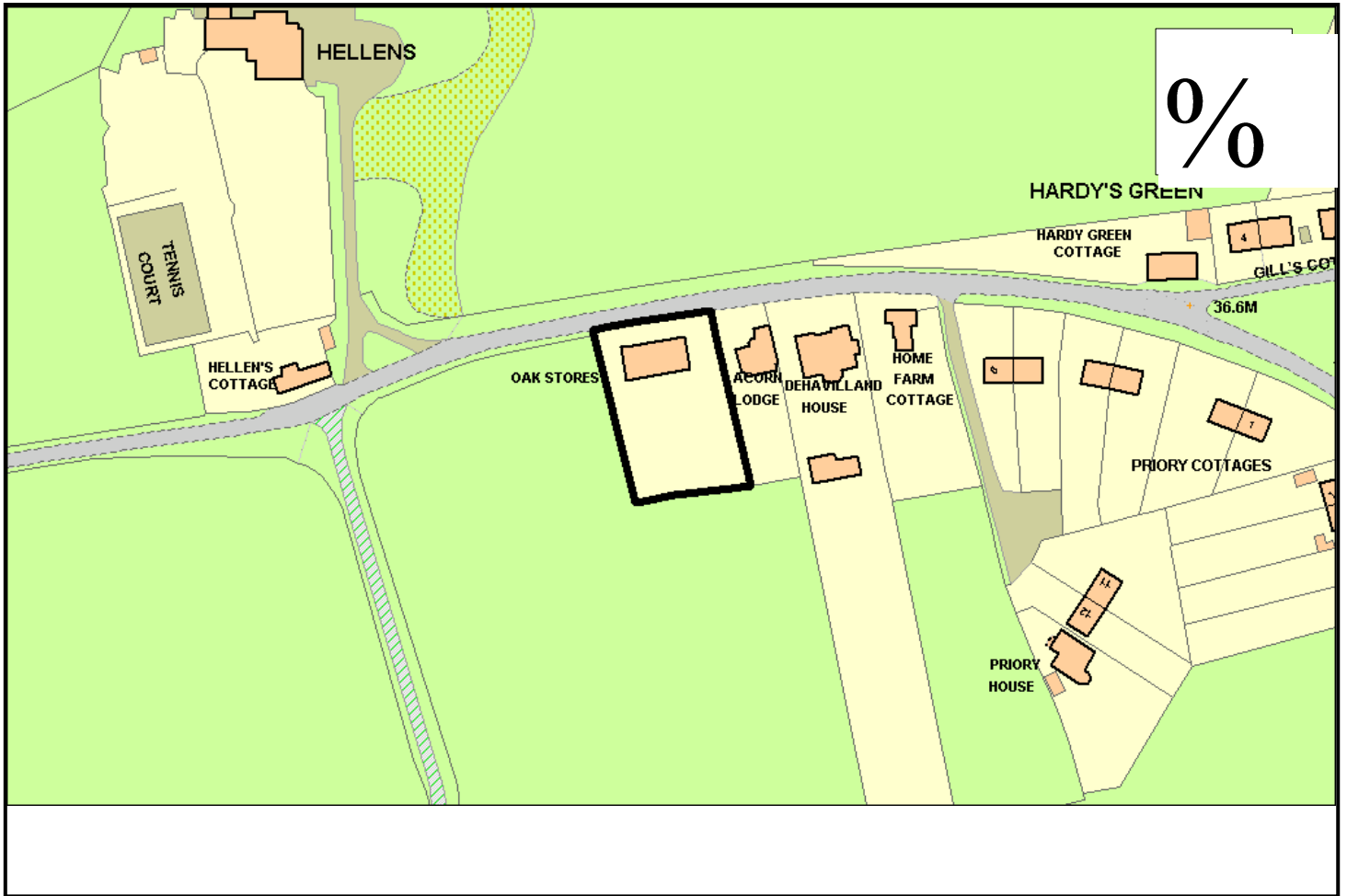
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the west and east facing elevations or roof slopes of the building hereby approved.

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

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 should 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: 101770

Location: The Oak Stores, Hardys Green, Birch, Colchester, CO2 0NY

Scale (approx): 1:1250

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7.8 Case Officer: Nick McKeever

MINOR

Site: The Oak Stores, Hardys Green, Birch, Colchester, CO2 0NY

Application No: 101770

Date Received: 8 September 2010

Agent: Wincer Kievenaar Partnership

Applicant: Mr Brian Reegan

Development: Proposed replacement dwelling and garage.

Ward: Birch & Winstree

Summary of Recommendation: Refusal

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee at the request of Councillor Andrew Ellis.

2.0 Synopsis

2.1 This report will consider the proposal for a replacement dwelling, which raises issues in terms of its scale, design and location within the site part of which lies outside of the village envelope for Hardy's Green.

3.0 Site Description and Context

3.1 The site is currently occupied by a chalet style dwelling, with dormers on the front roof plane, being the last of small group of dwellings to the west of the central green area of Hardy's Green.

3.2 The supporting Design and Access Statement describes the plot as being 0.15 ha, fronting the highway with the eastern boundary bordering the neighbouring dwelling known as Acorn Lodge.

3.3 There is a field to the west and to the south of the plot, the frontage onto the main road being enclosed by an established hedgerow. To the north is open countryside, which is also enclosed by an established hedge along its road frontage.

3.4 The existing dwelling is set only a small distance from the road and this building nearly fills the site frontage.

4.0 Description of the Proposal

- 4.1 The application proposes the retention of the existing dwelling whilst a replacement, two storey dwelling is constructed immediately to the rear of this existing building. This existing dwelling will provide accommodation for the applicant during the construction phase but will be demolished upon completion of the new building.
- 4.2 The replacement dwelling will provide spacious ground floor living accommodation and six bedrooms with en-suites on the first floor.
- 4.3 The design ethos is to create the appearance of a farm house that has grown incrementally over time. In this context there is a main central building in the form of a twin range, with projecting, two storey height gables. At the rear there are two more, two storey height gables with a linking single storey element.
- 4.4 The external materials consist of a mix of soft red brickwork, painted brickwork and render. The roofs are to be clad in clay plain tiles. The windows and doors are to be made of painted timber.
- 4.5 A detached, double garage is to be provided to the front of the site, adjacent to the eastern boundary.
- 4.6 A vehicular turning area is to be provided within a landscaped area in front of the proposed detached garage.
- 4.7 The set back of the new dwelling further into the site, behind the landscaped frontage, forms part of the design ethos to enhance the setting of this building.

5.0 Land Use Allocation

- 5.1 Part of the site lies within the designated village envelope but part of the rear garden area lies outside of this envelope.

6.0 Relevant Planning History

- 6.1 79/0654 – Single storey side extension. Approved 4 June 1979
- 6.2 80/1865 – Single garage. Refused 12 January 1981
- 6.3 82/0422 – Side extension to bedroom with pitched roof over. Approved 10 May 1982
- 6.4 86/0789 – 3 dormer windows to front of bungalow roof. Approved 1 July 1986

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 7: Sustainable Development in Rural Areas

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

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- UR2 - Built Design and Character
- PR1 - Open Space
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ENV2 - Rural Communities

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:

- Community Facilities
- Vehicle Parking Standards
- Sustainable Construction Open Space, Sport and Recreation
- Extending your House
- The Essex Design Guide
- External Materials in New Developments

8.0 Consultations

8.1 The Highway Authority has no objection subject to conditions

8.2 The Design and Heritage Unit comment that:-

"This proposed replacement dwelling has been the subject of much negotiation. The original proposal was for a larger building that had no relationship to the local vernacular and context of Hardy's Green. Architecturally the proposal has been aligned more to the north Essex vernacular although the scale and mass of the proposal do not relate to the size of traditional buildings.

The layout within the plot provides suitable setting for the building; set back from the street, this, to an extent, mitigates the buildings scale and mass in relationship to the row of existing dwelling that form the immediate context for this proposal. This does however take a substantial amount of the building beyond the village envelope.

The views to this building will undoubtedly be an improvement over the existing bungalow. The west elevation in particular will define the edge of the village with a stronger character and this is the most significant long view point to the building."

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

9.0 Parish Council's Views

9.1 The Parish Council have no objections.

10.0 Representations

10.1 Councillor Andrew Ellis has written to say that the application has support locally and that the Parish Council had not raised any objection. Whilst the site is large, the building appears to be a substantial improvement to that currently on site. The setting back of the building will provide ample parking, turning of vehicles, and landscaping to the front of the property, none of which can currently be achieved. The building would also be screened by existing hedgerows and additional planting could be the subject of a condition. A lengthy meeting was held on the site and improvements to the design and the location of the building were discussed.

The initial designs were out of character and, with the advice provided by the Urban Design Officer, a much more appropriate application was submitted.

10.2 Councillor Ellis also comments that, given the these discussions at the site, he is surprised that the application is to be recommended for refusal on the basis that part of the building is outside of the envelope. He is aware that the 'Village Envelope' issue would mean that the application came to Committee if there was an Officer recommendation for permission but Councillor Ellis was not aware that the application would be refused under delegated powers. If he had been aware the application would have been called in by him or by Councillor Bentley. On this basis it is only reasonable that the Applicant has the opportunity to for a Committee decision.

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

11.0 Parking Provision

- 11.1 The scheme provides a double garage with associated hardstanding between the improved vehicular access and the garage. The parking complies with the adopted standard. (i.e. 2 parking spaces and 0.25 visitor space).

12.0 Open Space Provisions

- 12.0 Not applicable

13.0 Report

Design and Layout, Scale, Height and Massing

- 13.1 With the exception of part of the integral garage, the existing dwelling lies within the designated village envelope for Hardy's Green. In addition, the existing chalet style building is not considered to be of any architectural or historic merit. On this basis there is no objection in principle to the demolition of this existing building and the erection of a replacement dwelling.
- 13.2 In terms of the design, scale and massing the comments made by the DHU provide a comprehensive summary. The other three existing dwellings to which this new dwelling will relate, and form part of an identifiable grouping, are all two storey of relatively modern design. Whilst the proposed building will appear larger than these adjoining buildings, the building will sit on the fringe of the built development with a large area of open space to the side and rear. In this context it will not appear unduly cramped in its setting.
- 13.3 In terms of the proposed external materials, the scheme uses materials drawn from the vernacular palette. As such it will be in keeping with its rural setting.

Impact upon residential amenity and the surrounding area

- 13.4 There is only one dwelling that is in close proximity to the site, which is the two storey detached dwelling known as Acorn Lodge. This dwelling is located a reasonable distance from the new building so as not to be significantly affected. With regard to the Council's SPD 'Extending your house?', the relationship is such that there is no conflict in terms of overbearing impact, overshadowing or loss of privacy. This neighbouring dwelling also has detached buildings located in close proximity to the common boundary.
- 13.5 The main issue is the relationship of the new development to the village envelope. Rather than demolishing the existing building and erecting the replacement dwelling on the area occupied by the original dwelling, the applicant has placed the new building immediately behind the original. The intention being that it is intended to live in this existing dwelling whilst the new one is being built.
- 13.6 The combination of this particular situation, together with the size of the proposed building, will result in part of the two storey building and the single storey element extending beyond the rear of the existing dwelling and out beyond the village envelope into the open field to the rear.

13.7 The agent has been asked to consider moving the building further forward within the plot so as to accommodate all of the two storey element within the village envelope. The response has been that this is not appropriate given:-

- The need to provide an appropriate vehicular turning facility;
- The need to provide an appropriate landscaped buffer between the new dwelling and the highway so as to enhance the setting of the new dwelling.

13.8 In this respect the development is in conflict with the Council's policies which seek to protect the open countryside from unnecessary and/or inappropriate development. In this context it is considered that the retention of the existing building, together with the applicant's understandable aspirations for a large, six bedroom, custom built dwelling are not sufficient justification for allowing the encroachment of the built form outside of the defined development area. If this development is to be permitted it would set an undesirable precedent for the erection of other large dwellings in similar circumstances.

14.0 Conclusion

14.1 The replacement dwelling is acceptable in so far as the design and the impact upon the amenity of other existing residential properties are concerned. Therefore due to the size of the replacement dwelling, and the requirement of the applicant to retain the existing dwelling as temporary accommodation until the new dwelling is made habitable, the built form encroaches beyond the village settlement boundary and into the open countryside. In this respect the proposed development is considered to be unacceptable.

15.0 Background Papers

15.1 PPS; Core Strategy; DPD; SPG; HA; DHU; PTC; NLR

Recommendation - Refusal

Conditions

1 – Non-Standard Refusal Reason

Planning Policy Statement 7: Sustainable Development in Rural Areas seeks to strictly control new development within the open countryside. Its aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. The replacement of buildings is supported where inter alia the replacement building would bring about an environmental improvement in terms of its impact on its surroundings and the landscape.

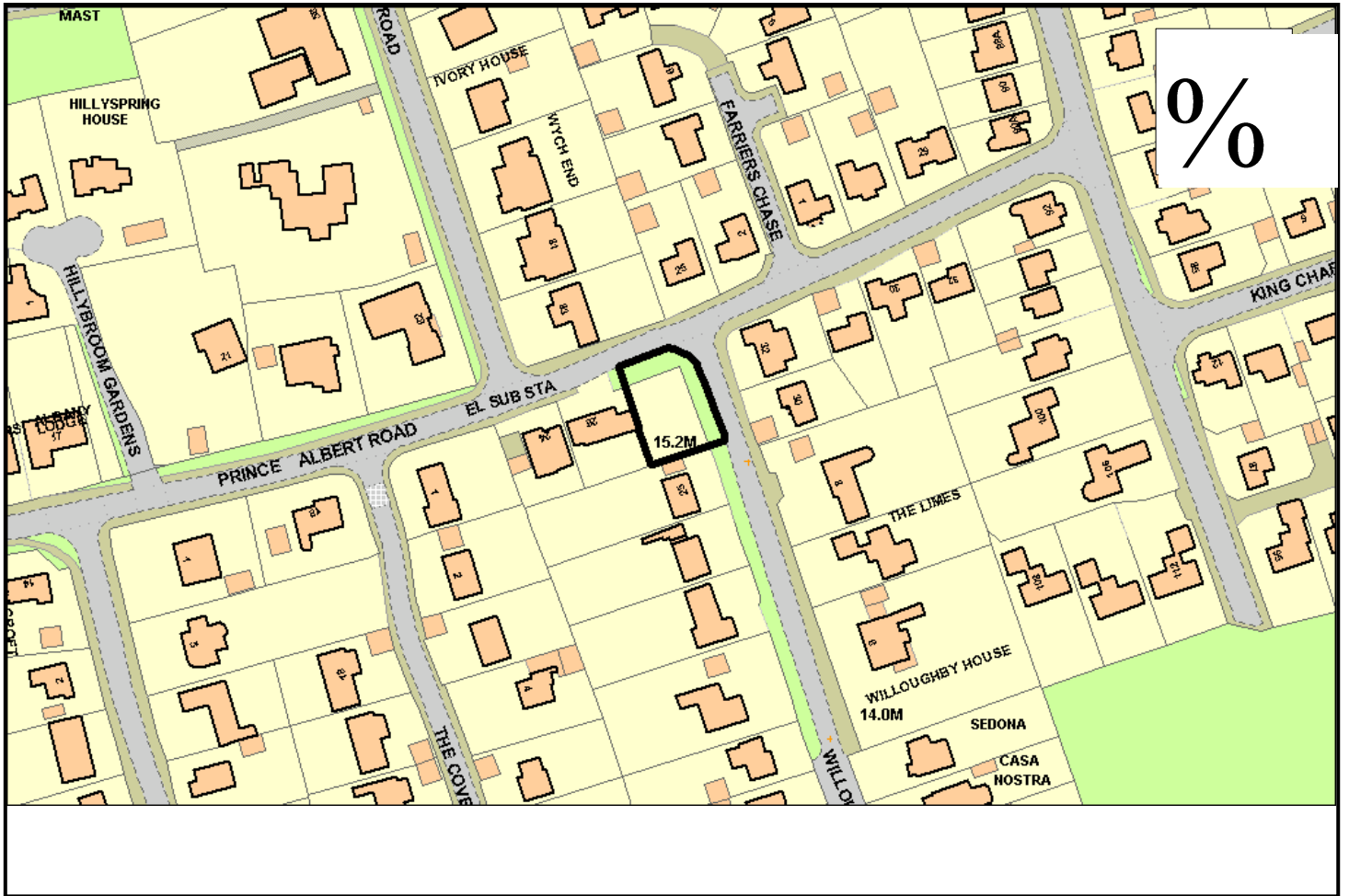
The adopted Local Development Framework Core Strategy policy ENV1 reflects this policy guidance and seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline. Unallocated Greenfield land outside of settlement boundaries will be protected and where possible enhanced. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough. Where new development needs, or is compatible with, a rural location, it should demonstrably:-

- i. Be in accord with national, regional and local policies for development within rural areas, including those for European and nationally designated areas; and
- ii. Be appropriate in terms of its scale, siting, and design; and
- iii. Protect, conserve or enhance landscape and townscape character, including maintaining settlement separation;
- iv. Protect, conserve or enhance the interests of natural and historic assets.

The adopted Local Development Framework Development Plan Documents policy DP13 only supports replacement dwellings outside of settlement boundaries when development:-

- i. The property to be demolished is of permanent construction and occupied;
- ii. Is of a satisfactory design that is appropriate to the rural area and does not significantly increase the scale, height and form of the original dwelling;
- iii. Provides satisfactory landscape value to integrate the new dwelling into the wider rural context with no greater adverse impacts than the existing dwelling;
- iv. Represents the optimum solution to either preserving or enhancing access, siting and dwelling orientation.

The proposed replacement building, whilst it can be considered to be an improvement upon the existing dwelling in terms of its design, represents a substantial increase in the scale and bulk. As a partial consequence of this increase in scale, it is shown as extending the built form outside of the existing settlement boundary and into the open countryside. It is considered that this encroachment is detrimental to the established pattern of residential development in the immediate vicinity and the character of the area in general. If approved the development would set an undesirable precedent for similar development outside of the designated settlement and thereby undermine the aforementioned policies which seek to protect and enhance the open countryside.



Application No: 101899

Location: Land Adjacent To, 26 Prince Albert Road, West Mersea, Colchester, CO5 8AZ

Scale (approx): 1:1250

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7.9 Case Officer: Nick McKeever

MINOR

Site: 26 Prince Albert Road, West Mersea, Colchester, CO5 8AZ

Application No: 101899

Date Received: 9 September 2010

Agent: Mark Perkins Partnership

Applicant: Mr C Watts

Development: Reserved Matters application for a 3 bedroom detached house (as approved under planning permission 080299)

Ward: West Mersea

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of an objection made by West Mersea Town Council

2.0 Synopsis

2.1 This report will consider the planning merits of this application and consider the submitted objection. The report will conclude that the proposed development is acceptable and that permission should be granted.

3.0 Site Description and Context

3.1 This site has outline planning permission (080299) for a detached 3 bed house, which was approved on 15th April 2010 with all matters reserved. The illustrative plans submitted with the application were excluded from the permission.

3.2 The site is located within the Town of West Mersea and formed part of the side garden to the existing dwelling at 26 Prince Albert Road, a chalet bungalow. There is a two-storey dwelling to the rear/south with a blank gable wall facing the site. To the side is Willoughby Avenue, to the front Prince Albert Road. The site is enclosed to the front, side and rear elevation by a 1.8m high brick wall, outside the brick wall on the Willoughby Avenue elevation is a row of conifers.

4.0 Description of the Proposal

- 4.1 This application seeks approval for all the matters reserved under the outline permission 080299. The proposed dwelling is of a similar footprint to that shown on the illustrative drawing submitted as part of 080299. Whilst this drawing was excluded from the consent, the Planning Committee raised no objection to a modest 3 bedroom dwelling.
- 4.2 The proposed building is a one and a half storey dwelling, albeit with a playroom area within the roof void of the front gable element. The design of the dwelling is the same as that approved under 100468, with the exception of the rear elevation. The approved scheme incorporated a window in the rear (South) elevation. This window served the accommodation within the roof void (shown as a playroom). The current application shows this as now being a pair of French doors with glazed side panels. These doors open into the room. A Juliet balcony is provided as a security measure.
- 4.3 The external materials are also as previously approved (i.e. clay plain tiles, render and projecting brick plinth).
- 4.4 In terms of the location of the dwelling, the access and parking facilities, the layout of the development remains much as previously approved. The difference is that the existing row of conifer trees along the eastern boundary are to be removed and a 1.8m high brick wall erected closer to Willoughby Avenue.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 F/COL/03/0885 - Erection of dwelling house - Approved 2003
- 6.2 100468 – Reserved Matters application for a 3 bedroom detached house (as approved under planning permission 080299). Approved 09/06/2010
- 6.3 080299 – Outline application for a 3 bedroom detached house. Approved 15/04/2008

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity

UR2 - Built Design and Character
PR1 - Open Space
TA5 - Parking

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority has no comments further to their response to 100468 (i.e. No objection subject to conditions)

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

9.0 Town Council's Views

- 9.1 West Mersea Town Council recommends refusal as the new dormer will overlook adjacent properties.

10.0 Representations

- 10.1 The occupiers of Nordeinde, 30 Willoughby Avenue, have no objection subject to the existing conifers being replaced by trees of a similar height, density and durability.

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

11.0 Parking Provision

- 11.1 Whilst the plans show an integral garage, this is of a sub-standard size. The scheme does, however, make provision for two parking spaces on the frontage. There are no parking restrictions within the public highway and as such visitor parking can be accommodated within the highway, as permitted in the adopted parking standards.

12.0 Open Space Provisions

- 12.1 This application includes a Unilateral Undertaking which includes a contribution towards the provision of Open Space, as required by the Council's adopted SPD.

13.0 Report

Design, Layout, Scale, Height and Massing

- 13.1 The scheme as submitted in this reserved matters application as far as the scale, height, massing and position of the dwelling within the plot are concerned, is the same as that approved under 100468. The main difference in the design is the replacement of the window within the rear gable with the doors as described in paragraph 4.2 of this report. This is shown as serving a playroom area within the roof void. This opening will look out onto the detached garage and flank wall of No.25 Willoughby Avenue. There are no windows within this particular elevation. It is noted that the occupiers of No.25 Willoughby Avenue have not raised any objections to the scheme.
- 13.2 Whilst the comments of West Mersea Town Council are acknowledged, the change to the rear elevation is only the aforementioned doors. The approved scheme included the rear facing dormer that is a feature of the current submission.
- 13.3 The site layout has changed in that an existing boundary wall along the eastern boundary (adjacent to Willoughby Avenue) is to be demolished and the existing conifers removed. A new 1.8m high brick wall is to be erected beyond the line of these conifers and closer to Willoughby Avenue. The layout plan shows the provision of new trees immediately to the east of this wall. The conifers are not protected in their own right or by any conditions on the previously planning consents.
- 13.4 Whilst the comments made by the occupiers of Noreinde, 30 Willoughby Avenue are appreciated, it is noted that the plans show only one first floor window in the east facing elevation and this is to a non-habitable room (bathroom). On this basis the development will not have a significant impact upon the amenity currently enjoyed by the occupiers of this neighbouring dwelling.

14.0 Conclusion

- 14.1 The proposed development reflects the previously approved dwelling in terms of its scale, mass, external materials, parking and location within the plot. The two changes (replacement of an approved window within the south facing elevation with a pair of inward opening French doors with Juliet balcony, and removal of the existing conifers and erection of a 1.8m high brick wall along the eastern boundary) are not considered to prejudice residential or visual amenity to the extent that would justify withholding planning permission.

15.0 Background Papers

15.1 Core Strategy; CBDP; SPG; HA; PTC: NLR

Recommendation

Conditional Approval subject to a Unilateral Undertaking for a contribution to Open Space and Community Facilities in accordance with the Council's adopted SPD.

Conditions

1 – Non-Standard Condition

This permission shall be carried out in accordance with the conditions specified in the outline planning permission reference 080299.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure a satisfactory form of development.

2 – Non-Standard Condition

The external materials and finishes shall be as specified in the submitted schedule unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

3 – Non-Standard Condition

Prior to occupation of the proposed development, the proposed vehicular access shall be constructed at right angles to the highway boundary and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

4 – Non-Standard Condition

Prior to the proposed access being brought into use, a 1.5m x 1.5m pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm. These splays must not form part of the vehicular surface of the access.

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

5 – Non-Standard Condition

Prior to the proposed access being brought into use, vehicular visibility splays of 33m north easterly x 2.4m 33m north westerly, as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

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

6 – Non-Standard Condition

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

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

7 –Non-Standard Condition

Any garage provided with its vehicular door facing the highway shall be sited a minimum of 6m from the highway boundary.

Reason: To ensure that the vehicle to be garaged may be left standing clear of the highway whilst the garage door is opened and closed, in the interests of highway safety.

8 – Non-Standard Condition

The boundary post and rail fence as indicated on the approved plans ref no 806/01B dated Feb 10, shall be erected before the occupation of the building hereby approved and shall be retained thereafter.

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

9 – Non Standard Condition

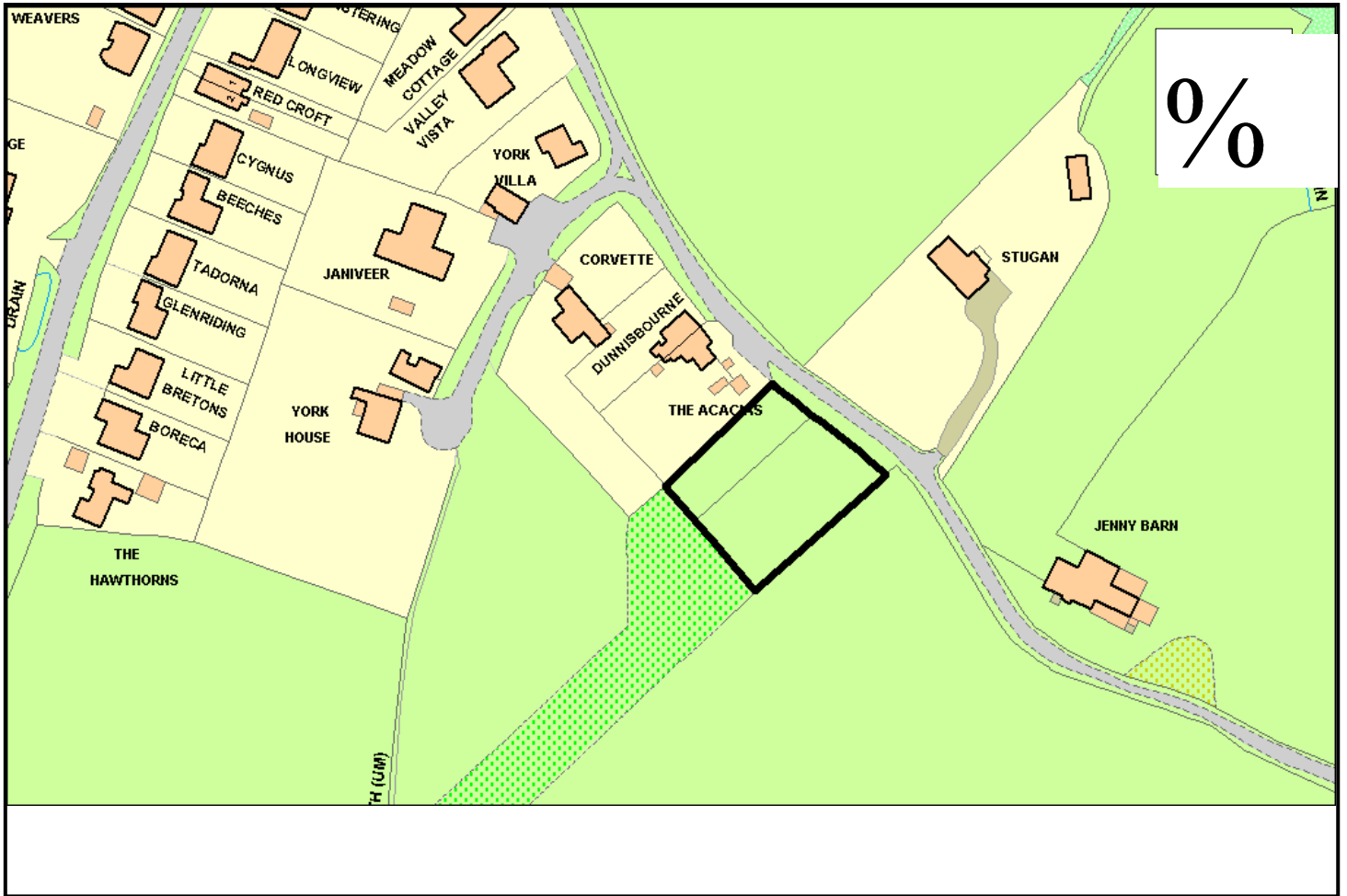
The development shall be carried out in accordance with the approved drawing No. 806/10B.

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

Informatives

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

All works affecting the highway should 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: 101539

Location: Adjacent to The Acacias, Bacons Lane, Chappel, Colchester, CO6 2EB

Scale (approx): 1:1250

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7.10 Case Officer: Jane Seeley

EXPIRY DATE: 19/11/2010

OTHER

Site: The Acacias, Bacons Lane, Chappel, Colchester, CO6 2EB

Application No: 101539

Date Received: 24 September 2010

Agent: Z Manning Drawing Services Ltd

Applicant: Mrs M Baines

Development: Variation of condition 4 of planning permission 091391 - visibility splays.

Ward: Great Tey

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because there is an objection from the Parish Council.

2.0 Synopsis

2.1 This report describes the site and its surroundings and gives details of the proposed variation to a Condition of an extant planning permission. Approval of the application is recommended.

3.0 Site Description and Context

3.1 The site is in the countryside but, adjacent to the Chappel – Swan Street Village Envelope. The frontage (to Bacons Lane) has a bank (approximately 1.5 – 2m high) with a hedgerow of approximately 3 to 4 metres high). A vehicular access has been created which has required excavation of the bank and removal of some planting. Sloping from the road the site is overgrown with some domestic type planting evident. There are a couple of low key, old chicken sheds on the site which are utilised for the keeping of chickens. The boundary with The Acacias (to the north-east) is fenced. To the rear of the site is the residential curtilage of a dwelling known as Corvette; the common boundary is marked by a hedge. The south-east boundary, with arable land is mainly open with some hedging.

4.0 Description of the Proposal

- 4.1 Retrospective planning permission was granted in January 2010 for the retention of the vehicular access and the continued use of the land for the keeping of livestock. A number of conditions were attached to this permission. These restricted the use to the recreational keeping of livestock, and required additional information to be submitted relating to landscaping, earth works, vehicle turning/parking areas; drainage and hard surface treatments. These conditions have been discharged.
- 4.2 A further condition (No 4) was imposed which required 2.4m x 43m visibility splays. The applicants are unable to comply with this condition and have submitted this application to vary the condition to require site splays of 2.4m x maximum achievable vehicular visibility splays.

5.0 Land Use Allocation

- 5.1 No notation

6.0 Relevant Planning History

- 6.1 091391 - Retention of vehicular access and continued use of the land for keeping livestock, e.g: chickens, goats - Approved January 2010

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Statement 25 Supplement: Development and Coastal Change
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
ENV1 - Environment
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity

8.0 Consultations

- 8.1 Highways: No objection
- Whilst the access is substandard, a traffic survey has indicated that limited levels of traffic flow mean that the infrequent use of the access would not be to the detriment of highway safety and efficiency.
 - All other conditions regarding access geometry, surfacing, construction and turning must remain.

8.2 Landscape Officer: Satisfied with landscape content of proposal.

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

9.0 Parish Council's Views

9.1 The Parish Council have responded as follows:-

- concern that there has been a change in policy; in 2003 a neighbouring property was refused permission for reasons of highway safety; nothing has changed since that time and the Lane is still dangerous.
- the traffic survey does not represent a true picture of the movement in Bacons Lane. It was undertaken at a quiet time of day and does not take into account any work or school movements.

The full text of the Parish Council's comments is available to view on the Council's website.

10.0 Representations

10.1 None received

11.0 Parking Provision

11.1 Provision of parking was a condition of planning permission 091391; this condition has been discharged in consultation with ECC Highways.

12.0 Open Space Provisions

12.1 Not applicable

13.0 Report

Highway Issues

13.1 Condition 4 requiring visibility splays of 2.4m x 43m was imposed at the recommendation of ECC Highways. Following the realisation that the provision of site splays of this dimension was not possible the applicant's agent has been in discussion with the Highway Officer. A traffic survey has been undertaken. The Highway Authority is satisfied with the time of day that this survey was undertaken. Due to the low traffic flow along Bacons Lane in the vicinity of the site and the infrequent use proposed for the vehicular access the Highway Authority has concluded that, although the access is substandard, the reduction in the visibility splays will not be detrimental to highway safety.

13.2 With regard to the Parish Council's concerns regarding inconsistency with previous Highway recommendations the Highway Authority do not consider that there is a direct comparison. The other site was in an area of Bacons Lane which is more heavily trafficked and the proposal was for a dwelling, rather than a low key recreational livestock keeping.

Landscaping Issues

- 13.3 The conditions imposed by the grant of the previous planning permission sought to ensure appropriate landscaping and earth works. The variation of condition will not impact on the agreed schemes for these matters.

14.0 Conclusion

- 14.1 It is considered that the variation of Condition 04 of planning permission 091391 is acceptable.

15.0 Background Papers

- 15.1 PPS; Core Strategy; DPD; HA; TL: PTC

Recommendation - Conditional Approval

Conditions

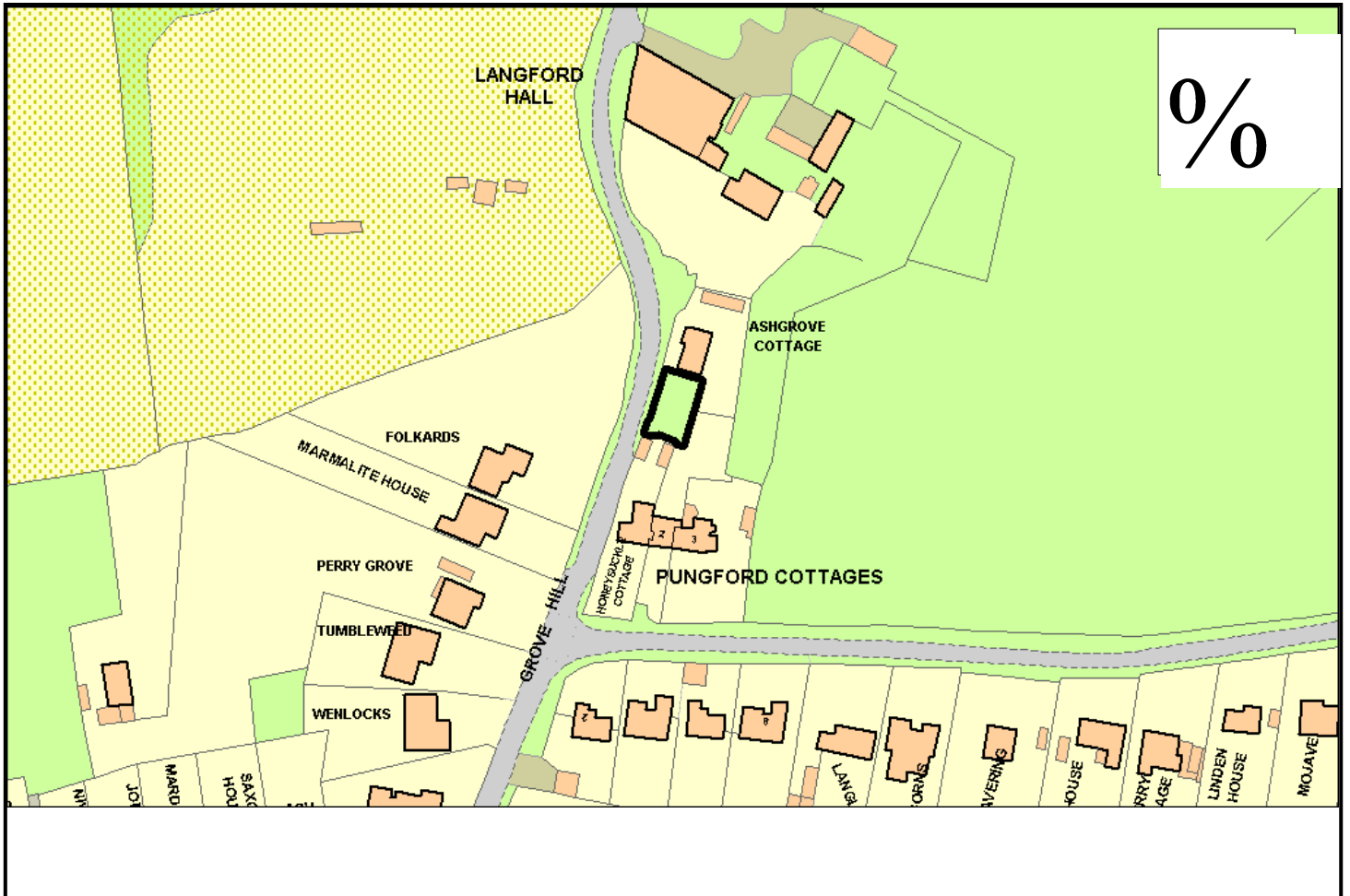
1 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance drawing no DSBL-04.

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

Informatives

This permission only varies Condition 04 of planning permission 091391; the other conditions attached to that planning permission remain in force.



Application No: 102062

Location: Land Adjacent To, Ashgrove Cottage, Grove Hill, Langham, Colchester, CO4 5PJ

Scale (approx): 1:1250

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7.11 Case Officer: Jane Seeley

EXPIRY DATE: 29/11/2010

OTHER

Site: Ashgrove Cottage, Grove Hill, Langham, Colchester, CO4 5PJ

Application No: 102062

Date Received: 4 October 2010

Agent: Mr Ross Bain

Applicant: Mr P Ager

Development: Proposed amendment of roof pitch from 50 degrees to 40 degrees and alterations to chimney of house approved under planning permission F/COL/07/0094.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval subject to revised Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received from a local resident.

2.0 Synopsis

2.1 This report describes the site and its surroundings and gives details of the proposed amendments to the original planning permission granted in 2007. Consultation replies, including objections are then detailed and a response is given to these in the main report section. This report also gives consideration to the background to the application and issues regarding a drawing submitted at the time of the original permission. Conditional approval is then recommended.

3.0 Site Description and Context

3.1 The site is on the east side of Grove Hill. Ashgrove Cottage is immediately to the north and the rear boundary of Honeysuckle Cottage to the south. The gardens of Ashgrove Cottage and 2 Pungford Cottages wrap around the rear of the site. Beyond this is open agricultural land. Opposite the site is a highway verge and hedging/trees.

4.0 Description of the Proposal

- 4.1 Planning permission was granted in 2007 for the erection of a house on the application site. Construction of the approved dwelling commenced this year. Concern was expressed by a number of local residents that the dwelling was not built in accordance with the approved drawings which indicated that the ridge line on the approved drawings was similar to the adjacent dwelling (Ashgrove Cottage). The height of the ridge line on the approved drawings was 8.1m and the roof as constructed was 8.4m. To alleviate this problem the applicant has changed the roof pitch from 50 degrees to 40 degrees which has resulted in a ridge height of 7.8m. This application seeks agreement to this change in pitch. The chimney design and size is also different from the approved drawings and therefore this application been amended since submission to include the change of chimney design. (NB the neighbours and parish council have been advised of the revised drawings and comments received will be reported on the amendment sheet).

5.0 Land Use Allocation

- 5.1 Village Envelope

6.0 Relevant Planning History

- 6.1 F/COL/04/0483 - Erection of new 3 bedroomed dwelling with garage - Withdrawn June 2004
- 6.2 F/COL/05/2015 - Erection of new 3 bedroomed dwelling with garage - Refused 2006
- 6.3 F/COL/07/0094 - Erection of a new three bedroomed dwelling – Resubmission of F/COL/05/2015 - Approved November 2007

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance 13: Transport
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
PR1 - Open Space
ENV1 - Environment
ENV2 - Rural Communities

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
P3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 The Highway Authority have advised that additional verge clearance is necessary to ensure adequate forward visibility round the bend and confirmed that on going maintenance of the verge will be undertaken by ECC.

9.0 Parish Council's Views

9.1 The Parish Council have stated that in view of the queries and concerns raised by this application it would be advisable for all relevant parties to have a site meeting to verify that the property is being constructed in accordance with the approved plans and that conditions have been complied with.

10.0 Representations

10.1 1 email has been received as a result of neighbour notification following receipt of this application (NB several emails raising concerns were received by Planning Investigation Team prior to receipt of the application):

1. The development of this site has been controversial and consequently any alterations will be looked at closely by neighbours and the parish council.
2. Main concern is the height, which is not in keeping with the surrounding houses and is not in accordance with the approved street plan.
3. The upstairs windows are out of line with the original plans.
4. The ridge tiles are now laid and increase the overall height
5. The land opposite the site has not be cleared to a good standard and still represents a danger to vehicles; this land must be cleared every year.
6. The road had been damaged by the water company.
7. The dwelling is near completion without official planning approval.

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

11.0 Parking Provision

11.1 In accordance with adopted Parking Standards

12.0 Open Space Provisions

12.1 Required contribution has been paid when original planning permission implemented; a unilateral undertaking was submitted linking this amended application to the original unilateral undertaking; this requires amendment to refer to the amendment to the chimney

13.0 Report

13.1 This is a retrospective application for the proposed amendments to the original planning permission. The applicants have been made aware that the works they have undertaken are at their own risk.

Background to this application

13.2 It became apparent when the Planning Investigations Officer first considered the complaints regarding the breach of planning control relating to the height of the dwelling that the street scene drawings of the house and adjacent property submitted in 2007 were inaccurate. The street scene drawing of Ashgrove Cottage shows this property to be higher than it actually stands, the dimensions between the ground and first floor windows have been increased and a half hip has been omitted. Consequently the approved height of the new property would have been higher than Ashgrove Cottage. The inaccuracies in the drawings also account for why the first floor windows and eaves line of the new dwelling do not accord with the originally submitted street scene.

13.3 Originally it was intended to pursue the applicants to ensure that the height of the roof was in accordance with the approved drawings. However after discussion they have decided to amend the scheme more radically than would ordinarily be required to achieve a ridgeline that is similar to Ashgrove Cottage, as was shown the on inaccurate "street scene" drawing. To achieve this reduction in the height they have varied the roof pitch from 50 to 40 degree.

13.4 The chimney design has also been revised it is higher and narrower than originally proposed.

Design/Impact on Street Scene

13.5 The alterations to the design of the dwelling are considered to be acceptable, both in terms of the building in itself and its relationship to the adjacent dwellings, whilst the dwelling is higher than Ashgrove Cottage this does not have any significant adverse impact on the street scene.

Impacts on Neighbouring Properties/Amenity

- 13.6 The development has been assessed from the rear garden of Ashgrove Cottage; the changes to the roof pitch and the chimney are not considered to make any material difference to the impact the new property will have on residential amenity.

Highway Issues

- 13.7 The original application conditioned the clearance of the highway verge opposite the site in order to improve visibility around a bend. ECC highways have assessed the clearance works that have been undertaken and consider that further clearance is necessary. The applicant's site manager has agreed to discuss what further works are required with the highway officer direct; it is anticipated that these works will have been undertaken prior to the planning committee meeting. Ongoing maintenance of this verge will be the undertaken by Essex County Council.

14.0 Conclusion

- 14.1 It is considered that the alterations proposed by this application are acceptable amendments to the original planning permission

15.0 Background Papers

- 15.1 PPS; Core Strategy; DPD; SPG; HA; PTC; NLR

Recommendation

On receipt of the revised unilateral agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

1 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance drawing nos 530/1E and Proposed Street Scene Rev A, received 22 October 2010.

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

2 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of Schedule 2 of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

3 - Non-Standard Condition

The frontage boundary treatment between the vehicular access and the front southern corner of the house shall be a 600mm wall, constructed in bricks to match the existing plinth. The remaining frontage treatment shall be 1.8m close boarded fencing with climbing plants on the road side verge.

Reason: In the interests of visual amenity and to accord with the landscaping scheme agreed pursuant to Condition 04 of F/COL/07/0094.

4 - Non-Standard Condition

Prior to the occupation of the dwelling sight splays of 2.4m x 70m with no obstructions above 600mm within the area of the splays where these are contiguous with the site boundaries shall be provided and thereafter retained.

Reason: This recommendation is made in the interests of highway safety and efficiency.

5 - Non-Standard Condition

The vehicle access shall be constructed in a stable, free-draining, permanent material for the first six metres from the carriageway edge in accordance with current County Council policy standards.

Reason: To limit the risk of loose material being transferred onto the highway thereby causing a health and safety issue for existing highway users.

6 - Non-Standard Condition

The area identified on Drawing No. 158/11/D as approved under reference F/COL/07/0094 to the north side of the hereby approved dwelling shall be retained for the manoeuvring of vehicles and shall not at any time be obstructed or unless otherwise agreed in writing with the Local Planning Authority.

Reason: This permission is an amendment to planning permission F/COL/07/0094, this drawing which indicates arrangements for parking and turning spaces was considered necessary at the time of that grant of planning permission remain relevant to ensure highway safety.

7 -Non-Standard Condition

The highway verge opposite the site shall be trimmed back as agreed with ECC Highways within 1 month of the date of this decision notice. The trimming back shall not involve the removal of trees or any alteration to ground levels.

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

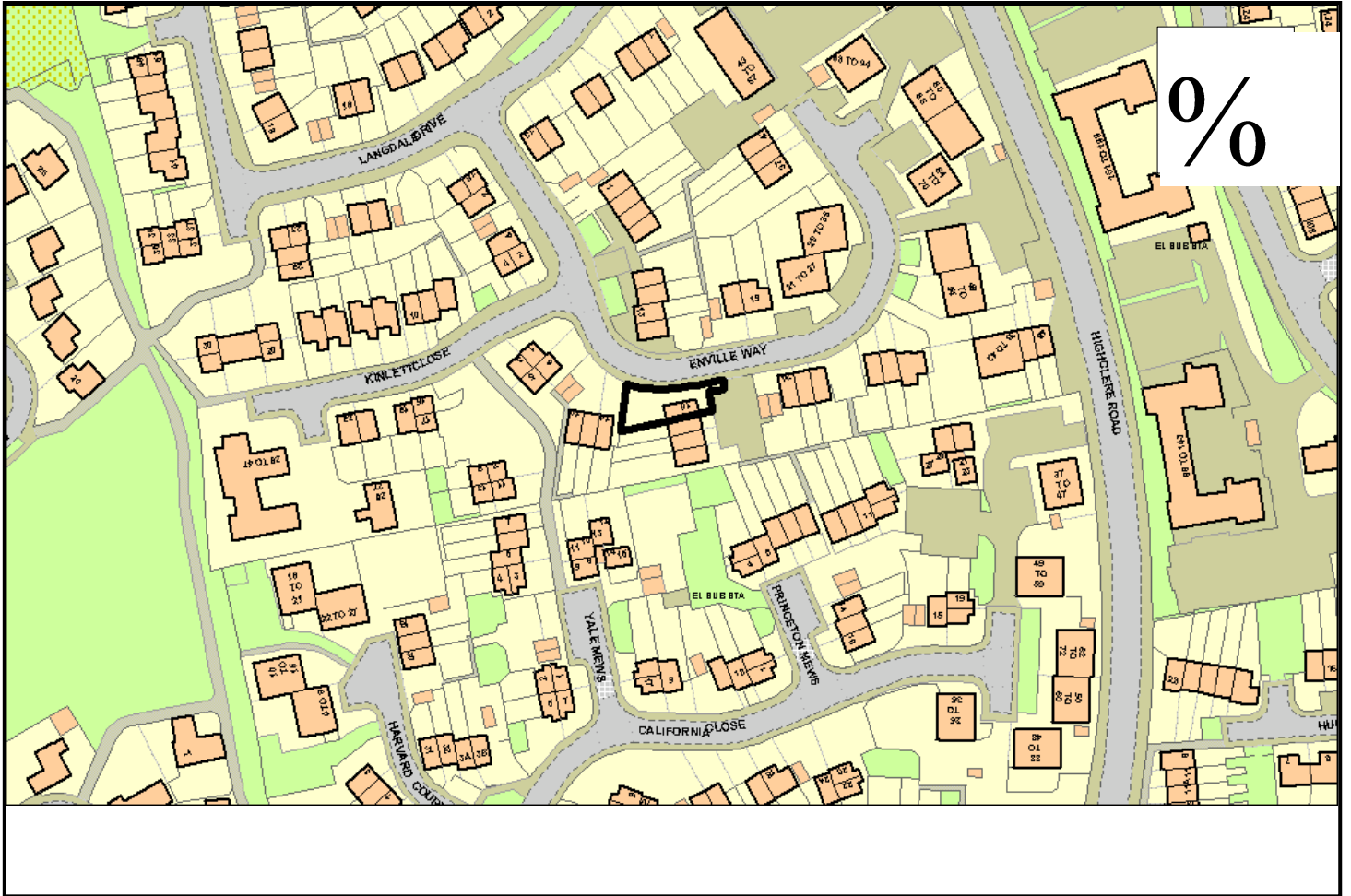
Informatives

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

All works affecting the highway should 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.

Measures should be taken by the applicant to ensure that no mud or debris are deposited on the highway by any vehicle associated with the development as doing so is an offence under Section 149 of the Highways Act 1980.

You are advised to contact the Highway Authority with respect to the display of appropriate signage on Grove Hill to warn motorists approaching the bend of the presence of accesses on the bend and the need to drive slowly and with caution whilst negotiating the bend in front of the site.



Application No: 101893

Location: 16 Enville Way, Highwoods, Colchester, CO4 9UF

Scale (approx): 1:1250

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7.12 Case Officer: Simon Osborn

EXPIRY DATE: 25/11/2010

OTHER

Site: 16 Enville Way, Highwoods, Colchester, CO4 9UF

Application No: 101893

Date Received: 30 September 2010

Agent: Mr Gavin Mills

Applicant: Miss Tina Howe

Development: Ground floor conservatory extension.

Ward: Highwoods

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because the applicant is an employee of Colchester Borough Council.

2.0 Synopsis

2.1 The proposed extension is of modest form, which is appropriate to the design of the original house and will not have a significant impact upon the amenity of the neighbouring property nor upon the character of the street scene. The proposal is recommended for approval.

3.0 Site Description and Context

3.1 The application site is a modest-sized end terrace-of-four property, positioned side-on to Enville Way, within a predominantly residential area. The property has a good-sized rear garden, which is enclosed to the street by a 1.8m high brick wall.

4.0 Description of the Proposal

4.1 The application is for a conservatory, sited on the rear of the existing house. The proposed conservatory is a maximum of 3.5m deep, 3.2m wide and 3.5m high. The proposal will be constructed from facing bricks to match the existing house, a polycarbonate roof and rosewood pvc frames enclosing clear glazing.

5.0 Land Use Allocation

5.1 Predominantly residential

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 In addition to national and regional policies, the following policy from the adopted LDF Colchester Borough Development Policies DPD (October 2010) is relevant to the consideration of this application:

DP1 – Design and Amenity

8.0 Consultations

8.1 No comments received

9.0 Representations

9.1 No comments received

10.0 Parking Provision

10.1 This property has existing parking to the front within a communal parking court. The proposal for a new conservatory generates no requirements for additional parking provision.

11.0 Open Space Provision

11.1 The proposal will leave the property with a garden in excess of policy requirements and does not come within the category of development that requires new open space to be provided.

12.0 Report

12.1 In accordance with Policy DP1, the principal considerations of this application are the impact of the proposal upon the street scene and upon the amenity of neighbouring properties. Owing to the position of the property, which is side-on to Enville Way, the proposal will be visible from a public perspective. Nonetheless, the proposal is of modest dimensions, with walls and window frames to be constructed of matching materials. Much of the conservatory form will be screened from public view by the 1.8m high wall on the boundary of the garden with the street. It is considered that the proposal will have a modest impact only upon the character of the street.

12.2 The proposal is of single-storey form only and will not result in the centre of the neighbour's nearest rear window being within a combined plan and section 45 degree overshadowing zone. The proposal therefore meets the guidance in the Essex Design Guide for consideration of the obstruction of light and outlook from an existing window. It is considered that the proposal will not have a significant impact upon the amenity of neighbouring property.

13.0 Conclusion

13.1 The proposed extension is of modest form, which is appropriate to the design of the original house and will not have a significant impact upon the amenity of the neighbouring property nor upon the character of the street scene. The proposal is therefore recommended for approval.

Background Papers

DPD

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 full accordance with the application form and drawings submitted with the application registered on 30th September 2010, unless otherwise agreed in writing by the Local Planning Authority.

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

Informatives

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

All works affecting the highway should 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: 101282

Location: Bishop William Ward CE Primary School, 22 Coach Road, Great Horkesley, Colchester, CO6 4AT

Scale (approx): 1:1250

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7.13 Case Officer: John More

EXPIRY DATE: 24/09/2010

OTHER

Site: 22 Coach Road, Great Horkesley, Colchester, CO6 4AT

Application No: 101282

Date Received: 25 June 2010

Agent: Mr Adam Aitchison

Applicant: The Governors of Bishop William Ward CE Primary School

Development: New single storey preschool building with new canopy to rear and playground with play equipment.

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because it is recommended for approval and Great Horkesley Parish Council, while not concerned about the prospect of the development itself, is concerned about traffic issues.

2.0 Synopsis

2.1 The main issues in this case are the design and appearance of the proposed building and traffic issues resulting from the proposed use. On balance, while there is little to commend the building in terms of its appearance, it is considered the community benefit the proposal would offer to the village would outweigh any visual harm that would occur from the appearance of the building in the street scene. It is not considered the proposal would make the existing traffic issues around the school site significantly worse.

3.0 Site Description and Context

3.1 Bishop William Ward CE Primary School is located on the north side of Coach Road. To the south side of Coach Road and to the east of the site is existing residential development while to the west of the site the new Mersea Homes residential development is underway.

3.2 The site is enclosed to Coach Road by an existing 3m high hedgerow. Behind this the site is grassed school field containing a bench.

4.0 Description of the Proposal

- 4.1 The application proposes the erection of a new single storey preschool building with a playground and play equipment in the southwest corner of the existing primary school grounds. It would involve the creation of a new pedestrian access from Coach Road requiring the removal of a short section of hedge. It also proposed three additional vehicle parking spaces within the existing parking area for the school.
- 4.2 The proposed building would be low profile with a dual pitch flat roof with rubber membrane covering, cedar clad walls and powder coated aluminium windows. There would be a powder coated aluminium canopy to the rear with polycarbonate roof.
- 4.3 The new pedestrian access would be black powder coated vertical bar metal gates and posts, 2.2m wide and 2m high.
- 4.4 There would be a mix of hard and soft landscaping surrounding the building with a small area of playground to the rear.
- 4.5 The applicants state that this is not a new pre-school but a relocation of the existing Tiddlywinks Nursery that is located on The Causeway in another area of Great Horkesley. In terms of background information the applicants state that the Tiddlywinks Preschool can only take and are only registered for a maximum of 24 children per session and currently experience between 15 to 20 children per session with less in the afternoons. The children will arrive at 9.15am in the morning – half an hours difference to the children arriving at school. They are collected at various times 12.15/1pm/4pm, with none of these times coinciding with the school leaving times.

5.0 Land Use Allocation

- 5.1 The site is unallocated land within the settlement boundary of Great Horkesley.

6.0 Relevant Planning History

- 6.1 Application F/COL/07/0117 for a new classroom extension, staffroom extension and new playground with 1.2m high picket fence around was approved in 2007.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Guidance 13: Transport
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD2 - Delivering Facilities and Infrastructure
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA5 - Parking

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP17 Accessibility and Access
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards

8.0 Consultations

8.1 Environmental Control has no comments.

8.2 The Landscape officer is satisfied with the landscape content of the proposal subject to any hedgerow removed in order to facilitate development being replaced, to the same planting mix, to either side of the new pedestrian access.

8.3 The Environment Agency has assessed this application as having a low environmental risk and therefore we have no objection to the development proposal.

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

9.0 Parish Council's Views

9.1 Great Horkesley Parish Council states that they are "not concerned about the prospect of the development itself, but is concerned about traffic issues and does not consider that the Design & Access Statement reflects, accurately, the likely impact of arrival/dropping, off/pick up traffic in what is already a very congested traffic area. Constraints on School parking provision already causes on street parking in Malvern Way, which is a bus route. The Council is not persuaded that adequate parking provision for the sessional drop off/pick up activity is sufficiently provided by the very limited onsite parking provision at the School, and will lead to inevitable parking congestion in Coach Road and Malvern Way. This aspect of the proposal needs revisiting by the applicants/CBC and the Highways Authority. Bus drivers have a difficult enough job as it is, to negotiate the Malvern Way, Coach Road Junction (particularly at School arrival and leaving times)."

10.0 Representations

10.1 No representations have been received.

11.0 Parking Provision

- 11.1 There are no specified standards for pre-schools however it would seem sensible to apply the parking standards for a primary school in view of the nature of the use and the location within the primary school grounds. The adopted standards are as follows: a maximum of 1 space per 15 pupils (car); a minimum of 1 space per 5 staff plus 1 space per 3 pupils (cycle), a minimum of 1 space plus 1 space per 20 car spaces (PTW), a minimum of 1 bay or 5% of total capacity. The standards acknowledge that a lower vehicle provision may be appropriate for educational establishments in urban locations where there is good access to alternative forms of transport to allow sustainable travel.
- 11.2 The proposal includes the provision of 3 additional vehicle parking spaces to be located within the existing school car park.
- 11.3 In response to the concerns raised by the Parish Council the applicants submitted additional information in support of the application in the form of the schools Travel Plan with the updated Annex B – Update and incorporation of the new pre-school building. (see extract below)

Appendix B

Update on Progress of School Travel Plan – July 2010

- Cycle training, Bikeability, has been delivered to pupils by external instructors and a number of staff is considering undertaking training so that she can deliver the course herself.
12 year 4 pupils have passed the level 1 training.
12 year 5 and 6 pupils took part in level 1 and 2 training, with 10 passing level 2 and 2 passing level 1.
- Increased number of children are cycling to school and the existing bicycle rack is often full during summer months. The site for a new bicycle rack/shed has been decided and the new facility is currently being costed and planned.
- The Road Safety Team have delivered road safety sessions to all pupils within the school in an age appropriate way. This takes place on an annual basis.
- Stricter limitations on vehicle access to the main entrance of the school between 8.35 am and 8.55am and between 3.05pm and 3.25pm have been implemented. This has resulted in less vehicle activity between these times and less congestion, with members of staff either arriving earlier or later in their cars.
- Bishop William Ward is currently having a gate put in the perimeter fence at the rear of the school. This could allow for children who live on the new housing development to access the school easily as pedestrians. A path is also to be opened adjacent to the school boundary which will support children from this development walking to school and thus decreasing the need to use cars to travel to school.
- September 2010 will see a healthy intake of children, 90% of whom live within the village. Looking at predicted intake numbers there seems to be a trend that children will be attending the school who live in the village and therefore fewer children will be living outside the village and relying on cars to transport them to school.

Pre-School

Plans are in progress to build a pre-school facility on the school site. Currently the pre-school (Tiddywinks) use the Village Hall sited on the A134. A number of families within the village travel to other pre-schools as they have fears of walking along the narrow pavements beside or cycling along the A134. Access to the site by car is not ideal with a single track entrance leading on to the "A" road.

Siting the pre-school at Bishop William Ward will not only bring the benefits of centralized children services in the village but also reduced use of cars. The following assessment has been made after interviews with parents of children at Bishop William Ward and Tiddywinks.

Siting the pre-school at Bishop William Ward will not only bring the benefits of centralized children services in the village but also reduced use of cars. The following assessment has been made after interviews with parents of children at Bishop William Ward and Tiddywinks.

Local families would consider switching pre-school provision if Tiddywinks was not in its present location. Families with siblings at both BWW and Tiddywinks are highly likely to switch provision. The nearest pre-schools are located either in neighbouring villages or Colchester town with no practical means (have to use the A134) of travel by foot or cycle. Local families switching provision will reduce the inter-village, into town use of cars.

Of the local families that attend Tiddywinks 80% drive the relatively short distance as they feel safer driving than walking or cycling. As the BWW site is within safe walking distance of the Keelers Way, Blackbrook and Tile House Farm developments these families have stated they will either walk or cycle to the pre-school/BWW.

For example:-

One family interviewed explained the 2-days a week they walk to BWW to drop/collect their primary school aged child. The other 3 days a week they drive to BWW and then on to Tiddywinks to drop/collect their pre-school aged child who attends on those days only. Their reason for using their car was their fear of using the pavement along side the A134. If Tiddywinks and BWW were on the same site they would walk 5 days a week.

From the interviews made we conclude that the combined site will reduce local, inter-village and into-town car journeys. Our confidence is high that more families will cycle as we have an increasing number of pupils doing so. We are currently increasing the number of cycle stands.

The agreement between Tiddywinks and BWW has allowed for the staff of Tiddywinks to use the existing car park at BWW. Therefore there will be no need for an additional road entrance and car park. The provision is such that there will be no need for staff to park on the road.

- 11.4 The applicants reiterate that this is not a new nursery but a relocation of the existing Tiddywinks Nursery that is located on The Causeway in another area of Great Horkesley. They envisaged that there will actually be a reduction in traffic demand due to the pre-school/nursery and the primary school being located on one site.
- 11.5 9 additional cycle parking spaces should be provided to accord with the adopted parking standards. There is sufficient space within the site for this provision which should be required by conditions.
- 11.6 In summary, the site is capable of providing vehicle and cycle parking for staff and cycle parking for children.

12.0 Open Space Provisions

12.1 Not applicable

13.0 Report

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

- Design and Impact on street scene
- Impacts on Neighbouring Properties
- Traffic Issues
- Other Matters

Design and Impact on Street Scene

13.2 The form and appearance of the building is poor with an incredibly shallow dual pitch 'flat roof. The only benefit of the shallow pitch roof is that the building would be less obtrusive in the street scene as it would be screened/hidden behind the existing hedgerow which fronts Coach Road. Some attempts have been made to improve the appearance of the building with cedar cladding and powder coated aluminium windows.

13.3 The poor appearance of the building should be weighed against the community value of the project and the benefit it would offer residents of the village with children. In this particular instance it is not considered the visual harm would be so significant to justify refusal of the proposal when balanced against the community benefit of the project.

Impact on neighbouring properties

13.4 The main impact on neighbouring properties would be noise and disturbance from children playing and congestion and disturbance at drop-off and pick up times. It is noted that Environmental Control made no comment with respect of noise and disturbance. The site is currently used as a school field and it is not considered the noise of children playing would be significantly worse than currently experienced.

Traffic issues

13.5 As discussed in section 11 Parking, additional information has been submitted following the concern expressed by the Parish Council. As a matter of course school sites do not provide parking for parents to drop-off and pick up children. This would run contrary to local and national policies to encourage more sustainable travel choices. The additional information indicates that drop-off and pick up times would be staggered to avoid existing school times. Further the information gathered from parents seems to indicate the combination of the school and pre-school on one site could reduce car drop-offs to the site overall.

Other Matters

13.6 Additional planting/screening should be provided to the western boundary of the site to protect the amenities of the residents of the new Mersea Homes development. This can be dealt with by condition.

14.0 Conclusion

14.1 On balance, while there is little to commend the building in terms of its appearance, it is considered the community benefit the proposal would offer to the village would outweigh any visual harm that would occur from the appearance of the building in the street scene. The screening offered by the existing hedge is crucial in this respect and its retention should be conditioned. It is not considered the proposal would make the existing traffic situation on Coach Road significantly worse. Approval is therefore recommended.

15.0 Background Papers

15.1 PPS; Core Strategy; DPD; SPG; HH; TL; NR; PTC

Recommendation - Conditional Approval

Conditions

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

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

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

2 – Non-Standard Condition

The development shall accord with the following approved plans: 2560/2/SD1, 2560/2/SD3, 2560/SD4 Rev A and 2560/SD5.

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

3 - Non-Standard Condition

Any hedgerow removed in order to facilitate development to either side of the new pedestrian access shall be replaced to the same planting mix as the existing hedge within the first available planting season following occupation of the building.

Reason: To maintain the continuity and screening afforded by the existing hedgerow.

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 - C11.17 Landscape Management Plan

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

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

7 -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.

8 - 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.

9 - 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.

10 – Non Standard Condition

The building shall not be occupied until an area has been marked out and surfaced for the parking of vehicles in accordance with the approved plans and that area shall not thereafter be used for any purpose other than the parking of vehicles in connection with the development.

Reason: To ensure adequate parking is provided in accordance with the adopted parking standards.

11 – Non Standard Condition

The building shall not be occupied until bicycle parking facilities have been provided in a practical and visually satisfactory manner within the site, which comply with the local planning authority's current cycle parking standards and are in accordance with a scheme, indicating the number, location and design of such facilities, which shall have previously been submitted to and approved in writing by the local planning authority. The approved facilities shall thereafter be retained to serve the development.

Reason: To ensure the proper provision of parking facilities for cyclists in accordance with the local planning authority's standards.

Informatives

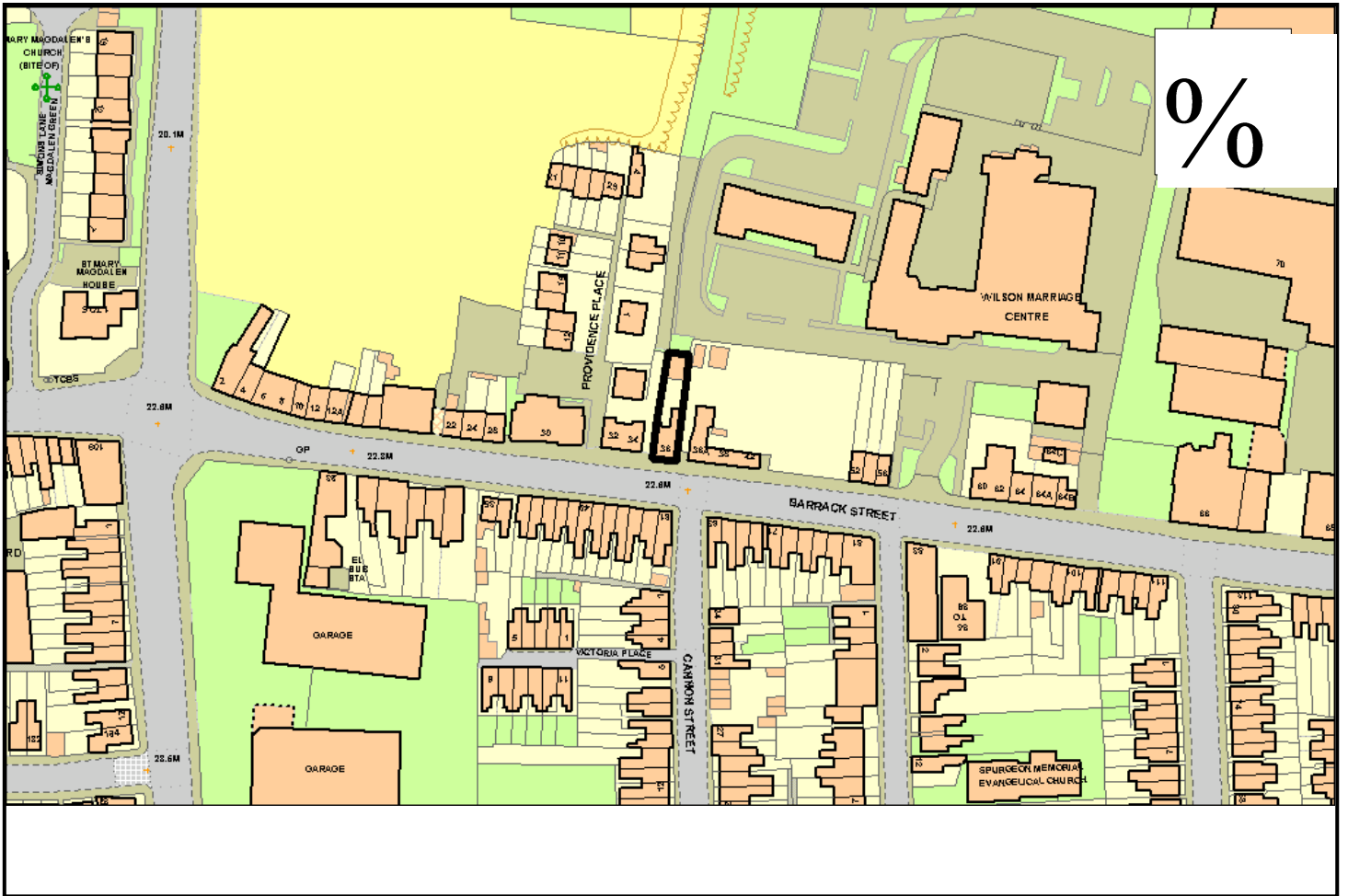
The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control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

All works affecting the highway should 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.

The applicant's attention is drawn to the following advice from the Environment Agency.

Advice to applicant

Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.



Application No: 101520

Location: 36 Barrack Street, Colchester, CO1 2LJ

Scale (approx): 1:1250

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7.14 Case Officer: Nick McKeever

OTHER

Site: 36 Barrack Street, Colchester, CO1 2LJ

Application No: 101520

Date Received: 27 July 2010

Agent: Design and Development Consultancy

Applicant: Mr Motin Miah

Development: Change of use from A1 shop to A5 takeaway food. New extension at first floor level over existing rear extension to provide new staircase to existing first floor flat. (Resubmission of application 100934)

Ward: New Town

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of objections from local residents.

2.0 Synopsis

2.1 This report will cover the issues raised in the submitted objections together with the planning considerations. The recommendation will be that permission should be granted subject to conditions.

3.0 Site Description and Context

3.1 The site is located on the north side of Barrack Street. It is a two storey Victorian building finished in red brick and render with a pantiled roof on the main building and a slate roof on the rear extension. The ground floor consists of a shop with storage in the basement. The shop is currently unoccupied. The first floor has been used as a one bedroom flat with access from the shop.

3.2 To the rear is a detached garage. Between this garage and the main building is a car parking area, accessed via a drive between numbers 34 and 36 Barrack Street. This car park serves number 36 Barrack Street.

3.3 The land falls away to north.

3.4 The site lies within a mixed use area. Numbers 32 & 34 Barrack Street are a pair of shops with residential accommodation at first floor level. No. 36A is a single storey building currently used as a shop. Number 30 Barrack Street is a more recent infill development consisting of commercial units on the ground floor with residential accommodation on the first and second floors. There are commercial properties to the north.

4.0 Description of the Proposal

4.1 The application seeks permission to divide the existing ground floor shop into two takeaway food outlets with the basement area being used for related storage. The floor plans show a customer area with trade counter within the ground floor area at the front of each of the two takeaway units, beyond which will be the kitchen areas. One of these new units (shown as Shop 2) is to be extended at the rear to form part of the kitchen area. The roof of this extension is to provide a balcony area of 7.4 sq.m for use of the first floor flat.

4.2 These plans show the provision of basement area as providing storage areas, shower rooms, two small office areas and a rear extension providing a stairway to the first floor flat.

4.3 The rear extensions are to be finished in vertical boarding to provide a contrast to the existing building.

4.4 Two car parking spaces are provided to the rear of the site, whilst the existing detached garage is to be used for cycle parking for the staff together with powered two wheel delivery vehicles.

4.5 The submitted application details the existing floorspace of the retail use as being 122 sq.m. The floor area of the proposed A5 use will be 124 sq.m.

4.6 The numbers of staff to be employed will be 8 full time and 4 part-time. The opening hours are stated as being 12:00 to 14:30 and 19:30 to 23:00.

4.7 The Design and Access Statement states that the new business uses will provide a phone and delivery service with the deliveries being carried out by powered two wheel vehicles. It is envisaged that the majority of the business will be by telephone orders with a delivery service or walk in customers.

5.0 Land Use Allocation

5.1 Neighbourhood Centre

6.0 Relevant Planning History

6.1 19775 – Use of garage as carpenters workshop and subsequent renewals for this use. Multiple Decisions 18/07/1967

6.2 18588/4 - Installation of shopfront. Approved 08/02/1971

- 6.3 18588/2 - Erection of warehouse and offices for motor factors distribution. Withdrawn. 31/05/1969
- 6.4 18588/1 - Erection of warehouse and offices. Refused 27/06/1969
- 6.5 100934 – Change of use from A1 shop to A5 takeaway food. New extension at first floor level over existing rear extension to provide new staircase to existing first floor flat. Withdrawn 08/07/2010

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
 - Planning Policy Statement 1: Delivering Sustainable Development
 - Planning Policy Statement 4: Planning for Sustainable Economic Growth
 - Planning Policy Guidance 19: Outdoor Advertisement Control
 - Planning Policy Guidance 20: Coastal Planning
 - Planning Policy Statement 22: Renewable Energy
 - Planning Policy Statement 23: Planning and Pollution Control
 - Planning Policy Guidance 24: Planning and Noise
 - Planning Policy Statement 25: Development and Flood Risk

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
 - SD1 - Sustainable Development Locations
 - CE1 - Centres and Employment Classification and Hierarchy
 - CE2c - Local Centres
 - CE3 - Employment Zones
 - UR1 - Regeneration Areas
 - UR2 - Built Design and Character
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA3 - Public Transport
 - TA4 - Roads and Traffic
 - TA5 - Parking

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
 - DP1 Design and Amenity
 - DP7 Local Centres and Individual Shops
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP19 Parking Standards

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
 - Vehicle Parking Standards
 - Extending your House
 - The Essex Design Guide
 - External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority originally had concerns regarding parking within the highway and potential conflict with existing highway users. However given the information provided by the Applicant, the Highway Authority considers the proposal is not contrary to the policies within the Local Transport Plan 2006/2011. No objection is raised and no conditions are recommended.
- 8.2 Environmental Control comments that this is a predominantly commercial area with similar establishments nearby. Although there are some terraced residential properties opposite, there are none adjacent to the site or to the rear where the odour extraction system would be fitted. Some minimal odour from fugitive emissions may be expected at the properties across the road. There is concern that there is a residential unit located above the shop, which could potentially be affected by odours and noise. It is recommended that occupancy of this accommodation should be linked to the business. Conditions relating to noise and sound, fumes and odour control, light pollution and provision of grease traps should be required. The uses should not be open beyond 23:00 hours.

9.0 Representations

- 9.1 Five letters of objection have been received from local occupiers. The objections are summarised as follows:-
- The existing shops, including two take-away shops, one 24 hour shop an off licence etc, gives rise to noise & disturbance within a predominantly residential area.
 - Over concentration of shops, resulting in the breach of parking restrictions and traffic congestion, is a safety hazard to pedestrians.
 - Additional litter and detritus reducing the amenity of local residents.
 - Odour problems
 - Additional takeaway is not in the best interests of residents and shop owners
- 9.2 A petition has been submitted raising objection on the basis of disturbance, noise and inconvenience during very late hours, highway safety matters and oversupply of this type of use. This petition contains 153 signatures.
- 9.3 Two letters of objection have been received from Rose Kebab House, 4 Barrack Street, and New Town Fish Bar, 64 Barrack Street, raising the following objections:-
- Need to retain A1 shopping uses within Local Centres to meet local needs
 - Oversupply of takeaway outlets
 - Additional noise & disturbance within a predominantly residential area
 - Parking on the opposite side of Barrack Street is a highway safety hazard
 - Adverse impact upon local amenity.

10.0 Parking Provision

- 10.1 The application proposes the provision of two car parking spaces located within a hard surfaced area to the rear of the building. In addition it is proposed to provide cycle and power two wheeled parking within the detached garage at the rear of the site.
- 10.2 The floor area of the existing shop is given as 122 sq. metres. Under the current adopted parking standards (November 2009) the required standard for an A1 (non-food use) is 1 space for every 20 sq.m floor area. This is the same standard as the proposed A5: Hot food takeaway use. Therefore the proposal would generate a need for 6 spaces.
- 10.3 The 2009 standard states that a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and existing car parking facilities.
- 10.4 It is clear that the existing, as well as the proposed use, both fail to meet the required parking standard. The site is, however, located on a main bus route and within walking distance of the established residential areas in which it is located. It is also noted that, whilst there are parking restrictions in front of the site, there are currently no such restrictions on the opposite side of Barrack Street.
- 10.5 The Applicant has stated that it is the intention that the business will be based predominantly on a telephone/delivery basis, with some 'walk-in' customers. It is on this basis that a trade counter is to be provided. Clearly it would be impossible to prevent 'car-borne' users. Given the particular circumstances it is considered that the use is acceptable in respect of the provision of vehicle and cycle parking.
- 10.6 The standard for the one bedroom flat is 1 space. The residential use of the site currently exists and as such there is no change to these circumstances.

11.0 Report

Design and Layout

- 11.1 The property is currently unoccupied and according to information supplied by the Council Tax records it has been vacant for over a year. In this context it has a rather neglected and unkempt appearance. Notwithstanding this the proposed elevations to Barrack Street appear very similar to the existing. The ground and first floor extensions are, however, to be finished in vertical boarding to provide a contrast to the existing finishes. These extensions to the rear of the property will not have a significant visual impact when viewed from Barrack Street.
- 11.2 Given the physical separation from the residential accommodation at number 32 and 34 Barrack Street, the aforementioned extensions will not have any adverse impact in terms of overbearing or overshadowing. The proposed first floor amenity area will overlook the rear car parking area serving these residential units.

Impact upon the neighbouring properties and the amenity

- 11.3 The objections contain reference to this area being a predominantly residential area. In terms of the Core Strategy proposals this site forms part of a Local Neighbourhood Centre. In this context a commercial use is supported in terms of land use. It is noted that there are already a number of Take-away establishments and a restaurant use in the immediate vicinity.
- 11.4. The Applicant has agreed with the recommendation made by Environmental Control that the use should not be open after 23:00 hours. In this respect it is noted that other commercial uses in Barrack Street are open after this time. The Applicant has also agreed that the first floor accommodation would be occupied in association with the proposed A5 use.

Highway Issues

- 11.5 The Application is supported by a letter from a Civil and Traffic Engineering Consultant addressed to Essex County Council Sustainability & Highways Department. This letter advises that the proposed change of use will not materially increase the traffic that would be generated by the former retail use as a fancy dress hire shop. This former use would be likely to have attracted customers travelling to the shop by private car. A general retail use would be likely to attract more customers within the peak hours of the day. In addition it acknowledges that the Applicant's intention is to provide a take-away service that will be based mainly upon a local delivery service.
- 11.6 The letter also notes that unrestricted parking is available on the opposite side of Barrack Street, whilst parking outside of the premises is prohibited only between 8:00 am and 6:00 pm.
- 11.7 Having regard to all of these considerations, the Highway Authority has made their recommendation of no objection.
- 11.8 It must be acknowledged, however, that the floor plans show the provision of a customer area with service counter within the front part of the building. As such it is clearly envisaged that there will be customers calling-in at the premises. Furthermore restriction of the use to the Applicant (i.e. a personal consent) would not meet the tests of reasonableness given the financial outlay that is likely be involved in setting up the businesses.
- 11.9 In this context the potential for the premises to be occupied by a different use with Use Class A5 and not operating on a delivery basis has to be weighed against the fact that the site lies in close proximity to a predominantly residential area, together with its sustainable location on a main bus route.

Other Matters

- 11.10 The recently adopted policy DP7 seeks to safeguard the primary retail role of the Centre. It does however support other uses where they complement the existing role. The supporting text to this policy makes specific reference to other uses within the 'A' Use Class such as A2, A3 cafes, A4 pubs and A5 takeaways which may also be present.

11.11 In this context the policy test for these complementary uses are :-

- (a) Meets the needs of residents within the local neighbourhood and/or the district settlement.

11.12 In this context the site lies within close proximity to established residential areas, which are served by the existing take-away uses. The presence of these other establishments could reasonably demonstrate that there is a demand for take-away's.

- (b) Would not reduce the number of A1 retail units below 50% of the units used for commercial purposes.

In this respect the proposed use is marginal in that the numbers of A1 Uses currently operating within this part of Barrack Street is just above this threshold (i.e. 15 compared to 6 non A1 uses). These figures exclude units which are currently vacant, including this site. On this basis the proposal would only just comply with this part of policy DP7.

12.0 Conclusion

12.1 The proposed site lies within a designated Neighbourhood Centre where a takeaway use is considered to complement the primary retail use. In this context it is observed that this property is one of at least three other commercial properties within the immediate vicinity which are currently unoccupied. Whilst the Council Tax records show that the retail use of 36 Barrack Street ceased on 31st March 2009, it is considered that a pragmatic approach could be taken in order to encourage an alternative use within this Centre.

12.2 There are issues relating to the impact upon the amenity of residential properties in the vicinity. It is noted, however, that Environmental Control have not raised any objection subject to appropriate conditions to regulate the use.

12.3 There are also objections relating to additional traffic hazards and highway safety issues. In this context these objections are not supported in terms of the recommendation made by the Highway Authority.

13.0 Background Papers

13.1 Core Strategy; LDF; SPG; HA; HH; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development shall accord with approved drawings numbers 12 Rev A, 15 Rev B, 16 Rev A, 17 Rev B, 18 Rev B, 19 Rev B, 20 and 21 rev A.

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

3 - Non-Standard Condition

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

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area by reason of undue noise emission and/or unacceptable disturbance.

4 - Non-Standard Condition

The use hereby permitted shall not operate/be open to customers outside of the following times:- no later than 23:00 hours.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area by reason of undue noise emission and/or unacceptable disturbance.

5 - Non-Standard Condition

The planning permission hereby granted requires that from the commencement of the use all doors allowing access and egress to the premises shall be self closing and maintained as such thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area by reason of undue noise emission and/or unacceptable disturbance.

6 - Non-Standard Condition

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

Reason: To ensure that the permitted development is not detrimental to the local amenity by reason of air pollution and odours.

7 -Non-Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone E3. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance.

Reason: In order to safeguard the amenity of neighbouring properties by controlling the undesirable, disruptive and disturbing effects of light pollution.

8 - Non-Standard Condition

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

Reason: To prevent pollution of the water environment.

9 - Non-Standard Condition

A minimum of two car parking spaces shall be provided within the site in accordance with the details contained in the submitted Design and Access Statement prior to the occupation of the building and thereafter maintained as such at all times thereafter.

Reason: In the interests of highway safety.

10 - Non-Standard Condition

A minimum of one cycle parking space, together with provision of powered two wheel vehicle parking, shall be provided within the site in accordance with the details set out in the submitted Design and Access Statement.

Reason: To ensure the satisfactory provision of cycle and powered two wheel vehicles within the site.

11 – Non Standard Condition

The first floor accommodation as hereby extended, shall only be occupied in association with the permitted use of the ground floor as A5 use.

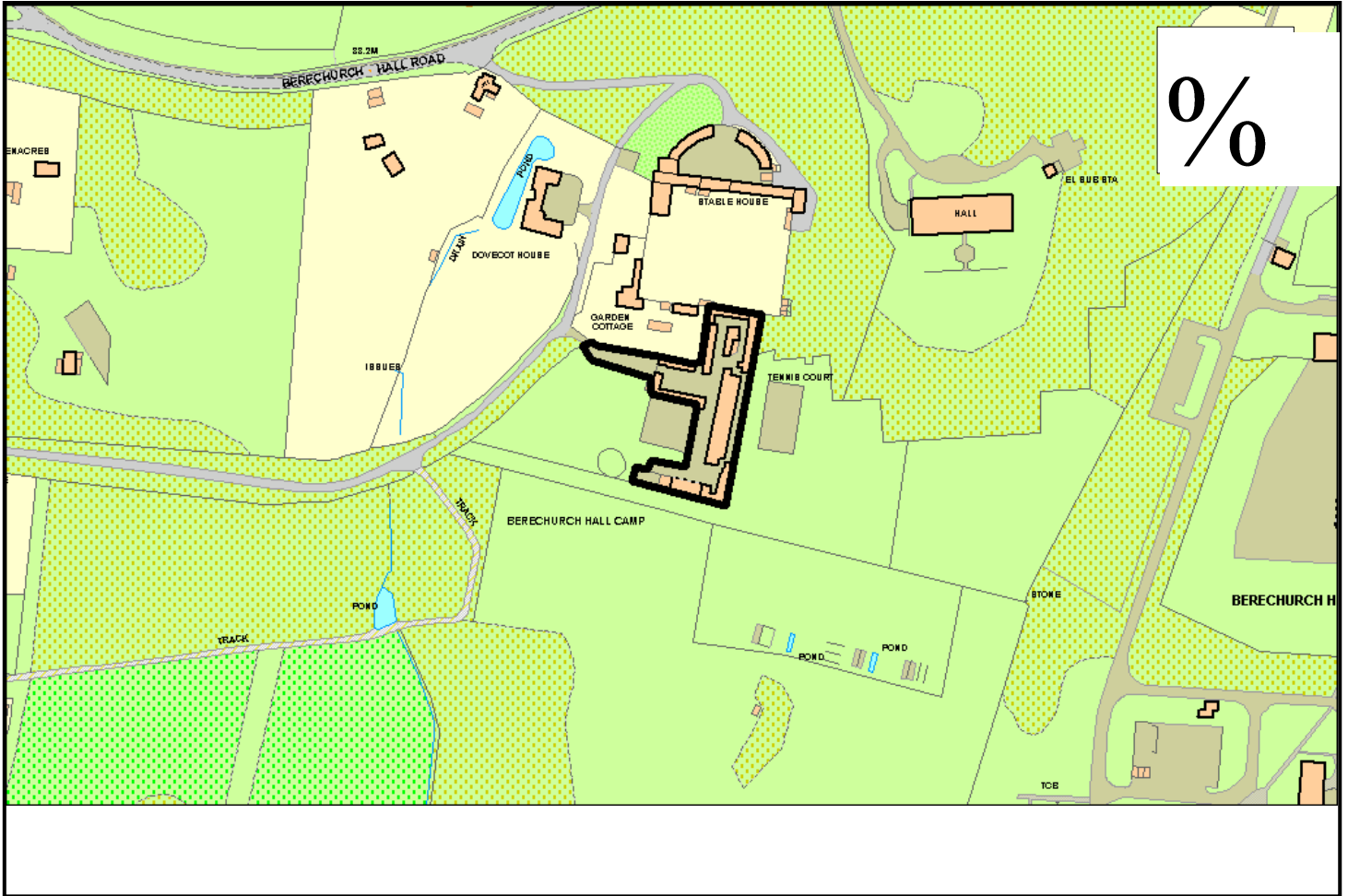
Reason: For the avoidance of doubt as to the scope of this permission.

Informatives

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

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

All works affecting the highway should 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: 101743

Location: Park Stables, Berechurch Hall Road, Colchester, CO2 9NW

Scale (approx): 1:1250

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7.15 Case Officer: John More

OTHER

Site: Berechurch Hall Road, Colchester, CO2 9NW

Application No: 101743

Date Received: 17 August 2010

Agent: Edward Gittins & Associates

Applicant: Mr & Mrs A Perry

Development: Change of use of land to site temporary mobile home for use and occupation by manager of riding school and stables.

Ward: Berechurch

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because approval is recommended and 3 letters of objection have been received.

2.0 Synopsis

2.1 The main planning issues in this case are whether the proposal provides sufficient justification in terms of the tests set out in Annex A of Planning Policy Statement 7, for the temporary siting of a mobile home on site for a period of three years for occupation by the stable manager. It is considered the proposal would satisfy the requirements set out in PPS7. The location proposed would ensure that no harm would be caused to the character and appearance of the area or the countryside in general. Accordingly the application for the change of use of land within the stable complex to site a mobile home for a temporary period of three years for occupation by the riding school manager is recommended for conditional approval.

3.0 Site Description and Context

3.1 The site is part of an established riding school and livery stables which comprises a developed area containing stable buildings and a yard area, a ménage together with a grassed paddock and an area hardstanding for parking. The existing buildings are loosely grouped around two courtyards on the western side of the site and include six ranges of stables/loose boxes.

3.2 In total the stables provide 48 individual loose boxes as well as tack room, feed store areas and a staff/client rest room. Other structures on site include an open fronted Dutch hay barn and a ménage/sand school enclosed by post and rail fencing.

3.3 Part of one of the stable blocks was once used as a dwelling by the previous owner (Mr Rodd) but was vacated following his death in 1995.

3.4 Access to the site is from Bounstead Road along a private track.

4.0 Description of the Proposal

4.1 The application proposes the change of use of land within the stable complex to site a mobile home for a temporary period of three years for use and occupation by the riding school manager (the applicant).

4.2 The proposal is supported by a Planning Statement and Technical Appraisal which can be viewed in full on the council's website.

4.3 The applicant has entered into a partnership with the landowner as business manager and intends to renovate and develop the business to provide additional and improved facilities to maximise income streams. They state that the principle shortcoming of the existing business is the lack of any permanent on-site human presence to satisfy the welfare needs of the horses. Given the lack of suitable or available accommodation in the immediate vicinity, the applicants indicate that it is their long term aim to construct a permanent dwelling on site using business income. At this stage however, in line with guidance contained in Planning Policy Statement 7 (PPS7) they are proposing the temporary siting of a mobile home for a period of three years until the financial justification for a permanent dwelling can be proven by business records.

5.0 Land Use Allocation

5.1 The site is unallocated white land, outside the settlement boundary for Colchester, in the countryside.

6.0 Relevant Planning History

6.1 Planning application 100946 for a "Replacement dwelling for private use and temporary caravan for use during construction of dwelling only" was withdrawn earlier this year.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 7: Sustainable Development in Rural Areas

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
ENV1 - Environment
ENV2 - Rural Communities

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP19 Parking Standards
DP24 Equestrian Activities

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Community Facilities
Vehicle Parking Standards

8.0 Consultations

8.1 Environmental Control have no comments.

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

9.0 Representations

9.1 3 letters of objection have been received. The planning issues raised are summarised below:-.

- Site not suitable for a house now or in the future.
- Volume of traffic using the site will increase and damage track further.
- Insufficient parking provided.
- The access drive is not wide enough for vehicles and riders to pass safely.
- Application will lead to a house in the future.
- Site has previously been managed without an on-site manager.
- Will the couple genuinely manage the stables?
- Business plan submitted does not show it generates an average agricultural wage for the 3 occupiers.
- Business plan does not have regard to present suppressed market demand.
- Additional traffic generation - safety issues.
- Lack of decent public transport serving the site.
- Any permission should be conditional only to be occupied by the stable manager.
- Is it reasonable to include income from DIY livery, without this the viability argument falls apart.
- Information on suitable alternative accommodation is lacking.
- The yard has operated successfully since 1995 without on site supervision.

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

11.0 Parking Provision

11.1 While there is no class for mobile homes in the adopted parking standards the use could generate a similar parking demand to a two bed dwelling. Therefore a minimum of 2 vehicle parking spaces are required with 1 visitor space. There is room on site for the parking of 3 vehicles with space available for 12 vehicles to park overall on the site.

12.0 Open Space Provisions

12.1 Not applicable

13.0 Report

13.1 The main issues in this case are considered to be as follows:

- Policy justification
- Impact on the Surrounding Area
- Impacts on Neighbouring Properties
- Access
- Other Matters

Policy Justification

13.2 Paragraph 10 of PPS7 states that “Isolated new houses in the countryside will require special justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to this PPS.”

13.3 Paragraph 32 of PPS7 indicates that horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming activities and help to diversify rural economies. It acknowledges that equine businesses play an important economic role and that local planning authorities should set out in LDDs their policies for supporting equine enterprises that maintain environmental quality and countryside character. These policies should provide for a range of suitably located recreational and leisure facilities and, where appropriate, for the needs of training and breeding businesses. They should also facilitate the re-use of farm buildings for small-scale horse enterprises that provide a useful form of farm diversification.

13.4 Paragraph 12 of Annex A states that essential accommodation to support a new farming activity, whether newly-created or an established one, should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. Paragraph 15 of Annex A goes on to recognise other rural based enterprises which can generate the need for on site accommodation. These too are required to satisfy the criteria set out in paragraph 12 (set out below).

13.5 All such proposals should satisfy the following criteria:

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
- (ii) functional need;
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) other normal planning requirements, e.g. on siting and access, are satisfied.

- 13.6 The council's review of the appraisal submitted concludes that a comprehensive and well substantiated argument is made in support of the proposal. It is considered that the above criteria (i) to (iv) are satisfied on the basis of the information submitted. In terms of some of the comments made by the objectors, it is not necessary for the proposal to demonstrate that it generates an average agricultural wage for the whole family. While the site has been managed without an on-site manager since 1995 the application provides a reasoned justification for the provision of on site accommodation again. In terms of suitable alternatives, it is considered the information put forward is acceptable. Criteria (v) (other planning requirements) are addressed below in the next section.
- 13.7 Development Policy DP24 for Equestrian Activities indicates that Planning permission will be supported for equestrian related development if it can be demonstrated that the proposal:
- (i) Cannot be located within existing buildings on the site through the re-use or conversion of buildings for any related equestrian use before new or replacement buildings are considered;
 - (ii) Is satisfactory in scale and level of activity, and in keeping with its location and surroundings;
 - (iii) Will not result in development leading to an intensification of buildings in the countryside and urban fringe or have a detrimental impact on the townscape setting or local landscape character;
 - (iv) Is related to an existing dwelling within the countryside or will not lead to pressure for the development of a new dwelling.
- 13.8 The proposal relates to an existing equestrian business which the applicants intend to develop further. Part of one of the stable blocks was once used as a dwelling by the previous owner (Mr Rodd) but was vacated following his death in 1995. That building and the other existing buildings are not considered suitable for conversion to provide habitable accommodation. The level of activity generated by this proposal would be in keeping with the existing business and by virtue of the location would not result in harm to local landscape character. This application is for temporary accommodation; however, the applicants have made it clear that it is their long aim to construct a permanent dwelling on site using business income. At this stage however, in line with guidance contained in Planning Policy Statement 7 (PPS7) they are correctly proposing the temporary siting of a mobile home for a period of three years until the financial justification for a permanent dwelling can be proven by business records.

Impact on the Surrounding Area

- 13.9 The proposed mobile home would be located in the northern part of the site between two existing stable blocks. In this location it would be well screened by existing buildings and trees surrounding the site and would not have a harmful impact on the character and appearance of the countryside. Further, only a temporary period is applied for, after which the use would cease and any mobile home would be removed from the site.

Impacts on Neighbouring Properties

- 13.10 Due to the location and the temporary period applied for, it is not considered the proposal would harm the amenities of neighbouring residential properties.

Access

- 13.11 Access to the site will be via the existing access track off Bounstead Road. The access track is a private track and is littered with pot holes. It is not considered the proposal would result in a significant increase in vehicle movements to and from the site as the site managers would be present as opposed to driving to and from their place of work. There would clearly be normal domestic vehicle movements resulting however, minus the normal vehicle movements associated with home to work travel.

Other Matters

- 13.12 The site is not well served by public transport. In all likelihood most journeys to the site would be made by private car or bike.
- 13.13 This application must be considered on its merits, what may or may not occur in the future is not a matter for this decision.

14.0 Conclusion

- 14.1 In summary it is considered the proposal would satisfy the requirements set out in PPS7 for the temporary siting of a mobile home for a period of three years until the financial justification for a permanent dwelling can be proven by business records. The location proposed would ensure that no harm would be caused to the character and appearance of the area or the countryside in general. Accordingly the application for the change of use of land within the stable complex to site a mobile home for a temporary period of three years for occupation by the riding school manager is recommended for conditional approval.

15.0 Background Papers

- 15.1 PPS; Core Strategy; DPD; SPG; HH; NLR

Recommendation - Conditional Approval

Conditions

1 - Non-Standard Condition

The use hereby permitted shall be cease, any mobile home be removed and the land restored to its former condition on or before the date three years from the date of this permission.

Reason: The applicant has only proposed a temporary use and has only sought a temporary permission. A permanent permission would not be appropriate and would be contrary to policy contained PPS7 and countryside protection policies.

2 - Non-Standard Condition

The occupation of the caravan shall be limited to a person solely or mainly employed in the stables and riding school business carried out at Park Stables, occupying the land edged red and blue on the attached plan, and any resident dependants.

Reason: The temporary accommodation is only required to facilitate the needs of the enterprise at Park Stables and its unconnected occupation would be contrary to countryside protection policies.

3 - Non-Standard Condition

The temporary change of use hereby permitted relates solely to the land edged green on the plan logged on the 17th August 2010, stamped approved and returned herewith.

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

4 - Non-Standard Condition

No development shall take place until full details of the temporary accommodation hereby approved which shall be in the form of a mobile home have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out as approved and retained as such for the period of this permission.

Reason: To ensure that the development does not prejudice the appearance of the locality. The application as submitted does not include sufficient detail of this aspect of the proposals.

5 - Non-Standard Condition

No more than one mobile home shall be stationed on the land at any time.

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

Informatives

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



Application No: 101920

Location: 1 Spring Chase, Wivenhoe, Colchester, CO7 9QP

Scale (approx): 1:1250

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Case Officer: Nick McKeever**Site:** 1 Spring Chase, Wivenhoe, Colchester, CO7 9QP**Application No:** 101920**Date Received:** 17 September 2010**Agent:** Mr Michael Bowler**Applicant:** Mr & Mrs Craig Sutton**Development:** Proposed extension and alterations**Ward:** Wivenhoe Quay**Summary of Recommendation:** Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because the Applicants are related to an elected member

2.0 Synopsis

2.1 The application is for a modestly proportioned single storey rear extension and the recommendation made is that it should be approved.

3.0 Site Description and Context

3.1 The property is a semi-detached, two storey dwelling located within a 1960's estate development. The adjoining dwelling at No.3 Spring Chase has a single storey, flat roof extension at the rear. The western boundary adjoins the rear gardens of properties in Vanessa Drive.

4.0 Description of the Proposal

4.1 The proposal is for a single storey, flat roof extension on the rear elevation to provide a study and a new kitchen area. The dimensions are approximately 6770mm (width) and 3300mm (depth). It is to be built in facing brickwork to match the existing.

4.2 The application also includes a small cloakroom 3100mm x 1650 mm flat roof extension to the west facing side elevation.

5.0 Land Use Allocation

5.1 Residential/Potential Contaminated Land

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 4: Planning for ??

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

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:

Extending your House

The Essex Design Guide

External Materials in New Developments

8.0 Consultations

8.1 Environmental Control note that the site is located within an area of filled land and recommend that an informative is attached relating to the incorporation of precautionary measures within the extension or carry out a site investigation to ensure that the land is free from significant levels of contamination.

9.0 Town Council's Views

9.1 Wivenhoe Town Council have stated that the views of the neighbours should be taken into consideration.

10.0 Representations

10.1 None Received

11.0 Parking Provision

11.1 Not applicable

12.0 Report

Open Space Provisions

12.1 Not applicable

Design, Layout, Scale, Height and Massing

13.1 The proposed rear extension is similar in appearance to the flat roof extension at its immediate neighbour, No.3 Spring Chase, and is shown as projecting beyond the rear elevation to the same extent as this adjoining extension. The flat roofs on the rear extension and the cloakroom reflect the style of the existing 1960's buildings with flat roof garages and porches being a characteristic feature.

Impact on the Surrounding Area and Neighbouring Properties

13.2 The extensions are both at the rear of the dwelling and do not have any significant impact upon the public domain. As the neighbouring dwelling has a similar rear extension, it will not have an impact upon the amenity of this adjoining dwelling. The properties in Vanessa Drive are located a reasonable distance from the extension and their back gardens, rather than the dwellings themselves, adjoin the site. As such there is no adverse impact upon residential amenity.

13.3 There are no other matters to be considered

14.0 Conclusion

14.1 The extension is acceptable in terms of its design, scale and impact upon residential amenity and in this respect it complies with the policies DP1 and DP13 as well as the associated SPD. Permission is recommended accordingly.

15.0 Background Papers

15.1 Core Strategy; LDF; Supplement Planning Documents; PTC; DPD; HH

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 shall be carried out in accordance with the approved drawing no. 5260/10/2.

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

Informatives

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

Contaminated Land Informative

(within known filled land, no other contamination concerns):

The applicant is advised that the site to which this planning permission relates is located within an area of filled land. Under Approved Document C of the Building Regulations you will be required to consider this when designing the foundations of the development and precautionary measures should be incorporated to minimise risks from any ground gases.

Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The Local Planning Authority should be given prior notification of any proposed remediation scheme. The applicant is advised that this must be conducted in accordance with current official guidance, including Approved Document C of the Building Regulations, DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR11*' and the Essex Contaminated Land Consortium's '*Land Affected by Contamination: Technical Guidance for Applicants and Developers*'.

The Local Planning Authority determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

REASON

The site lies within a former (or suspected) landfill site and Environmental Control wish to ensure that development only proceeds if it is safe to do so. This informative should not read as indicating that there is any known danger from landfill gas in this locality.

18 November 2010

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce 282452
Title	Reporting of planning application 090342 314 Cowdray Avenue approved 5 Aug 2009		
Wards affected	Castle		

This report is presented to members as the application was determined under delegated authority although the applicant was an employee of the Council contrary to the code of conduct.

1.0 Decision Required

- 1.1 Members to agree if so minded that had the application come before the Planning Committee it would have been approved. (and approved with those conditions applied to the delegated decision made 30 September 2009).

2.0 Background

- 2.1 An application made on 4 August 2009 for a two-storey front extension and single storey rear extension at 314 Cowdray Avenue was approved under delegated authority on 30 September 2009.
- 2.2 The application was submitted by a Council employee (not in the Planning Service) who had properly indicated in question 9 on the standard planning application form that he was a council employee. Code of conduct requires that such applications are determined by the Planning Committee
- 2.3 The application was the subject of normal neighbour consultation (nos 312 and 316 Cowdray Avenue) and no objections were received.
- 2.4 Ordinarily simple applications of this type can be determined under delegated authority even where objections have been received.
- 2.5 Unfortunately the fact that the applicant was a council employee had been overlooked.

3.0 Reasons for Decision

- 3.1 This report is presented in order to afford the Planning Committee the required opportunity to determine the application as is required by the code of conduct.

4.0 Alternative Options

- 4.1 Members could after reviewing the merits of the proposal determine that had the matter have come before them they would have refused the application. Members would then need to consider whether the permission should be revoked. (which means rescinded)

5.0 Supporting Information

- 5.1 The officers delegated report, the approved application drawing and planning permission decision notice are attached as an appendix

6.0 Consideration

- 6.1 It is clearly regrettable that the application did not come before the Planning Committee as was required however the Planning Service Manager is fully satisfied that the recommendation of the case officer and the subsequent decision to grant planning permission was sound.
- 6.2 There is no evidence that the procedural flaw was anything other than a genuine error. The fact that the matter has been reported in this way when the situation came to light hopefully reinforces the fact that the Service looks to deliver the highest levels of probity.
- 6.3 In order to tackle the issue a procedural fix has already been put into place for the future.
- 6.4 Judged on its merits the two storey extension to the front reflects many similar gables that have been built along Cowdray Avenue and reflects that on the attached adjacent dwelling. This juxtaposition and the careful design will avoid the creation of amenity issues.
- 6.5 The modest single storey rear extension does not raise any amenity issues for neighbours.

7.0 Conclusion

- 7.1 The proposal remains acceptable and planning permission is recommended

7.0 Financial implications

- 7.1 Revocation could result in a claim for compensation

8.0 Strategic Plan References

- 8.1 The Council seeks to delivery high quality services delivered with the highest probity

9.0 Risk Management

9.1 The report has described how it is hoped to build in safeguards to the system to prevent this type of procedural error from occurring in future. The main risk is to the Councils and the Planning Service's reputation

10.0 Publicity Considerations

10.1 None

11.0 Human Rights Implications

11.1 None.

12.0 Community Safety Implications

12.1 None.

13.0 Health and Safety Implications

13.1 None.

Background papers. Officers report, approved plans, decision notice

Appendices follow:-

CASE OFFICER's file notes: (delegated report)

DELEGATED REPORT FORM	Application Number	091034
	Expiry date	30 September 2009
ADDRESS: 314 Cowdray Avenue, Colchester, CO1 1YA		
PROPOSAL: Two storey front extension and single storey rear extension		
Drawing Numbers:		
Recommendation: Approve		
Conditions		
<ol style="list-style-type: none"> 1. A05, R1E 2. C82, RGE 		
Amendments Received: Yes /No		Value added: Yes /No

Case Officers initials and date: <i>HH 30/9</i>	Team Leader sign off : <i>D.J. Wymper 30/9/09</i>
--	--

DC5000DR

Site Description:	
The site is located on the north side of Cowdray Avenue. The area is residential in character with a mix of two-storey dwellings. The property on the application is a two-storey terraced dwelling	
Relevant History:	
None.	
Relevant Policies:	
Local Plan: DC1, UEA11, UEA13	
Core Strategy: SD1, UR2	
East of England Plan: ENV7	
PPS1	
Consultations:	
None.	
Correct neighbours notified? Yes/No?	Expiry date 29 August 2009
Assessment (main planning issues/constraints- continue on separate sheet if necessary)	
<u>Introduction</u>	
The main considerations within this application are:	
<ul style="list-style-type: none"> • Design and Character • Residential Amenity • Other Considerations 	
<u>Design and Character</u>	
<p>The proposed two-storey front extension is of a similar design to that of the neighbouring property's front extension. Although, the proposed front extension extends slightly beyond the line of the neighbouring property, this is considered acceptable in this location. <i>Example of hanging files in locality so not out of context.</i></p> <p>The proposed rear addition has a flat roof, which is not good in design terms. However, the rear extension is not publicly visible and would not harm the character or appearance of the area. As there is no demonstrable harm caused, it is considered that the rear addition is also acceptable.</p>	
<u>Residential Amenity</u>	

DC5000DR

The proposed two-storey front extension would not have an adverse impact on neighbouring residential amenity due to its siting and design. The single storey rear addition would also not impact on neighbouring amenity due its siting, design and height.

Overall, the proposals are acceptable in terms of its impact on residential amenity.

Other Considerations

No objections have been received.

Conclusion

The application proposal is acceptable on its merits and should be approved.

DC5000DR

PROGRESS FORM

Application No: 091034

Site Inspection Notes:

Team Leader Comments
Initials & date.....

Have the correct neighbours been notified: Yes/No

Retrospective: Yes/No

2-storey terrace in residential area.
long narrow garden backing onto railway
line

Property to west has a 2-storey single storey
rear addition.

Property to east has a 2-storey front extension
Case Officer initials & date: AH

Impact on character of Conservation Area: Yes/No Impact on setting of Listed Building: Yes/No

Environmental Impact Assessment required: Yes/No Direction for more information req'd: Yes/No

Additional Consultations/Neighbour Notifications/Publicity required: Yes/No

New Expiry Date:

Representations received: Yes/No Date.....
Amendments received: Yes/No Date.....
Renotified: Yes/No Date.....
New Expiry Date:

DELEGATED ONLY

Main planning issues/constraints:

Policy:

Design:

Amenity:

Highways:

Other:

See Report.



Colchester Borough Council

Environmental & Protective Services

PO Box 889
Town Hall
Colchester
Essex
CO1 1FL

Notice of Planning Decision

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

In pursuance of the powers exercised by it as District Planning Authority this Council, having considered your application to carry out the development detailed below in accordance with the plan(s) accompanying the said application, DOES HEREBY GIVE NOTICE of its decision to GRANT PERMISSION for the said development subject to additional condition(s) set out below.

APPLICATION NO: 091034
APPLICATION DATE: 5 August 2009
PROPOSAL: Two storey front extension and single storey rear extension
LOCATION: 314 Cowdray Avenue, Colchester, CO1 1YA
APPLICANT: Mr S Taylor, 314 Cowdray Avenue, Colchester

1. 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. The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the development does not prejudice the appearance of the locality.

Date: 30 September 2009

Signed:

Beverley Jones
Head of Environmental & Protective Services

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

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

DC1001MWD

DC1 Development Control Considerations
UEA11 Design
UEA13 Development Adj. Existing or Proposed Residential Property
SD1 - Sustainable Development Locations
UR2 - Built Design and Character
ENV7-East of England
PPS1

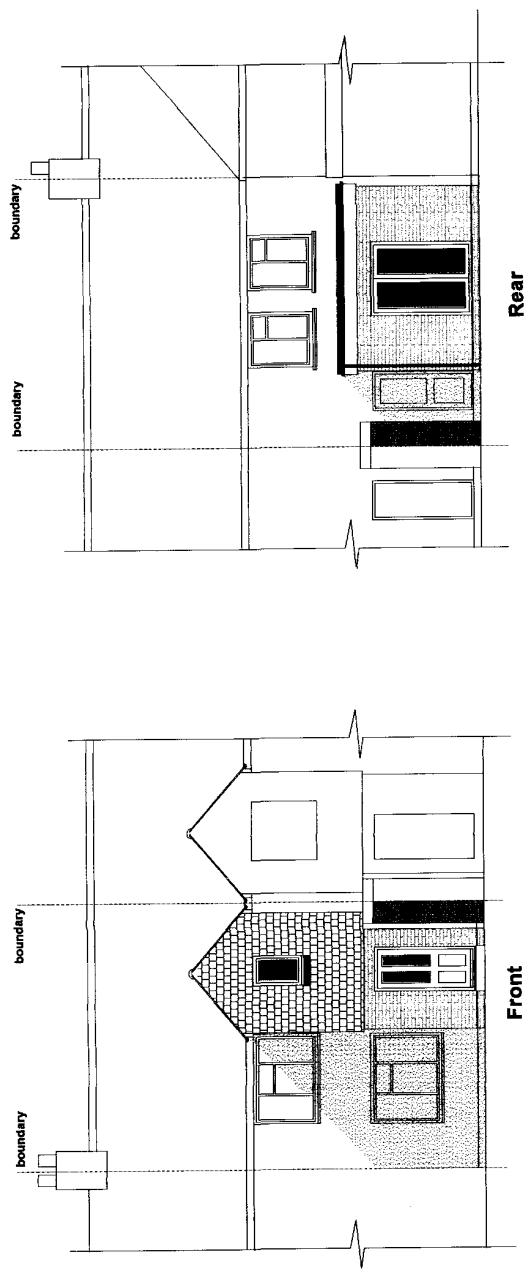
Reasons for granting permission

A

The proposal accords with the relevant policies in the Statutory Development Plan (as set out above/below).

Having had regard to all material planning considerations the Council is of the opinion that the proposal will not cause any harm to interests of acknowledged importance.

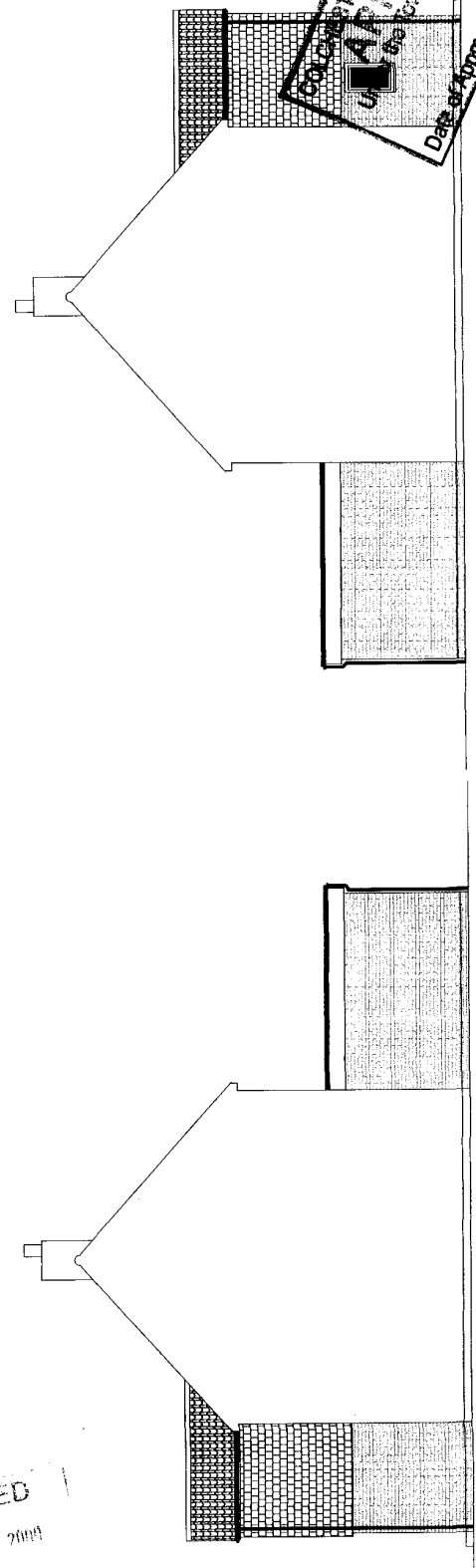
SCANNED
05 AUG 2009



Rear

Front

LODGED
- 5 AUG 2009



Side

Side

COLCHESTER BOROUGH COUNCIL
APPROVED
Date of Approval 30 SEP 2009
Urban Regeneration & Country Planning
App.

Do not scale

PPS Ltd.
Architectural Design.
Linden House Perry Lane Langham
Colchester Essex CO4 5PH
Tel: 01206 323275 07981 045085
Email: planpreparation@aol.com

Proposed Elevations
Drawing No: 31479/PE
Scale: 1:100
Date: 17/7/2009

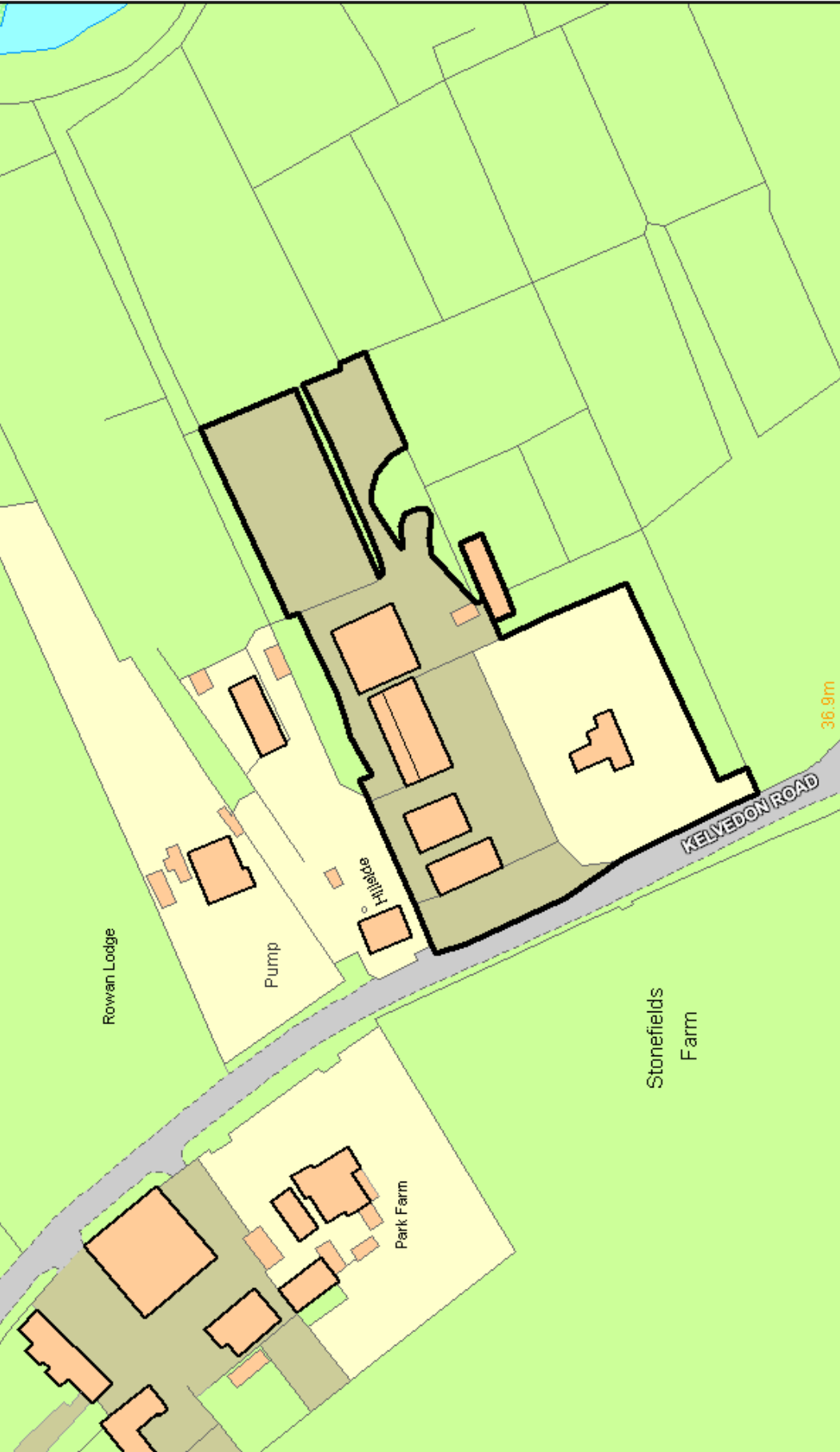
Extensions to
314 Cowdray Avenue
Colchester



330



Photographs of frontages including and close to 314 Cowdray Avenue



Site Location Plan

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Complaint Reference: 199734

Site Location Address: Kelvedon Road, Inworth, Colchester, CO5 9SH

Date Produced: 10 November 2010

(MAP NOT TO SCALE)

Planning Committee

Item
9

18 November 2010

Report of	Head of Environmental & Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	Stonefield, Kelvedon Road, Inworth		
Wards affected	Birch and Winstree		

This report concerns two unauthorised marquees being used in connection with the greengrocery/village shop at Stonefield, Kelvedon Rd, Inworth

1.0 Decision(s) Required

1.1 Members authorised the issue of an enforcement notice requiring the removal of two unauthorised marquees being used in connection with a greengrocery/village shop.

2.0 Reasons for Decision(s)

2.1 The marquees are a visually unsatisfactory form of development, and therefore contrary to policies DP1(i) and DP9(B) in the Adopted Development Policies DPD.

3.0 Alternative Options

3.1 If no action is taken the marquees will eventually become lawful development, which could be as soon as April 2011 in the case of one of the marquees.

3.2 The owner is understood to be considering the erection of a small wooden extension to replace the marquees. However, this may not occur and if enforcement action is not taken the marquees will eventually become lawful and enforcement action would not be able to be taken.

4.0 Supporting Information

4.1 A complaint of various planning breaches was received in late 2008. One of the complaints concerned two marquees which were being used in connection with the greengrocers shop at the front of the site. There was access through the shop into the rear marquee which was being used as an extra sales area. The second marquee, which had been erected further forward was being used for storage.

4.2 At the time of the complaint, the authorised use of the shop building was as a garden centre. An application for the change of use of this building from garden centre and ancillary village shop to greengrocery and ancillary shop was approved on 7 September 2010. However, the marquees were not shown on the submitted plans and a planning condition was imposed which stated *“The permission hereby granted shall apply solely to the ground floor of the existing building as shown outlined in red on the 1:1250 scale Location Plan and the 1:100 scale Ground Floor Layout drawing. The use shall not be carried out within any other part of the site including the existing and unauthorised marquee attached to the northern elevation of the building.”* The reason given for this condition is: *“For the avoidance of doubt as to the scope of this permission and in the interests of the amenity of this rural area”*

4.3 The condition prevents the marquees being used in connection with the shop, but it does not require the marquees to be removed. A breach of condition notice could be served requiring the use of the marquees to cease, but would not result in them being removed from the site. An enforcement notice is required if the marquees are to be removed.

5.0 Proposals

5.1 An enforcement notice is issued requiring the marquees to be removed.

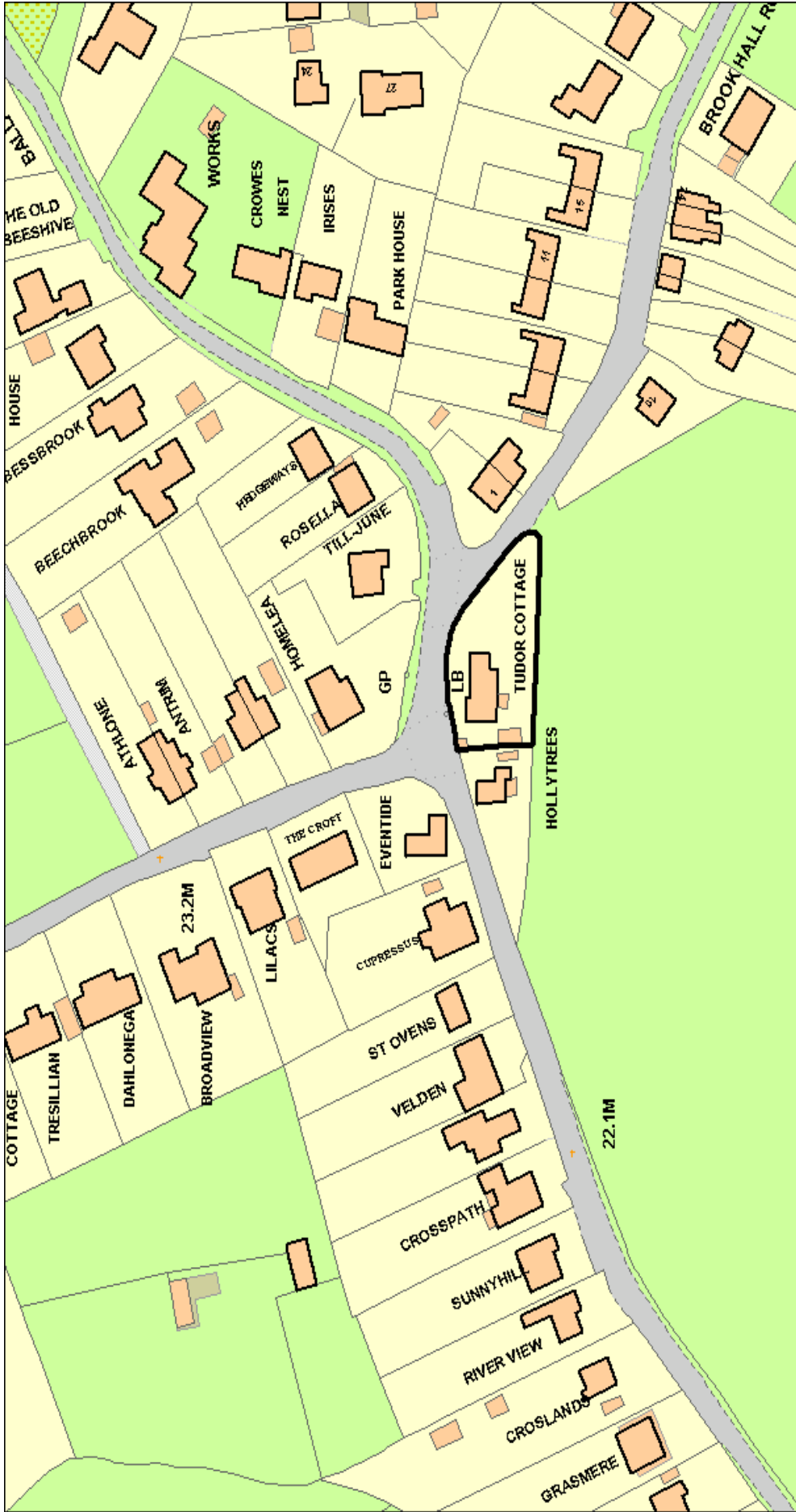
5.2 A period of 28 days is considered a sufficient length of time to comply with the notice. The marquees themselves will not take long to remove. The sales currently taking place within one marquee could be redistributed within the building. The owner of the business has indicated that he will use a van for storage of stock if the second marquee, which is used for storage has to be removed.

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. 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: 225337

Site Location Address: Tudor Cottage, Church Road, Fingringhoe, Colchester, CO5 7BJ

Date Produced: 10 November 2010

(Map Not to Scale)

Planning Committee

Item
10

18 November 2010

Report of	Head of Environmental & Protective Services	Author	Sarah Hayes ☎ 01206 282445
Title	Tudor Cottage, Church Rd, Fingringhoe		
Wards affected	Pyefleet		

This report concerns the erection of a fence which is unauthorised because it is within the curtilage of a Listed Building and because it exceeds one metre in height in a position which is adjacent to the highway

1.0 Decision(s) Required

- 1.1 Members authorise the issue of an enforcement notice requiring the removal of the fence.

2.0 Reasons for Decision(s)

- 2.1 The fence is visually unacceptable and contrary to policy ENV2 of the Adopted Core Strategy and policy DP1 of the Adopted Development Policies DPD. In addition the fence is considered to adversely affect the setting of Tudor Cottage, which is a Grade II Listed Building and is therefore also contrary to policy DP14 of the Development Policies DPD. These policies are in accordance with Planning Policy Statement 5: Planning for the Historic Environment (March 2010)

3.0 Alternative Options

- 3.1 If no action is taken, after a period of four years the fence would become lawful and no action could be taken to have it removed. The fence was erected approximately six months ago.

4.0 Supporting Information

- 4.1 In April 2010 a complaint was received that a fence had been erected at Tudor Cottage. The owner had recently purchased the property, which is a Grade II Listed Building and in need of renovation.
- 4.2 The owner was advised that retrospective planning permission was unlikely to be granted for the fence. She was advised that a wall was more likely to receive planning permission, or alternatively a hedge would not require planning permission. The owner's offer to plant a hedge outside the line of the fence is not realistic due to the amount of space available.
- 4.2 The owner stated that she would submit an application despite advice it was unlikely to be approved. However, no application has been received.

5.0 Proposals

- 5.1 Service of an enforcement notice requiring the fence to be removed.
- 5.2 A period of two months is considered to be sufficient for compliance with the notice.

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.

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.