

Planning Committee

Town Hall, Colchester
28 July 2011 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

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Material Planning Considerations

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

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, 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 among the most common issues that 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
- effects on property values
- restrictive covenants
- loss of a private view
- identity of the applicant, their personality or previous history, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other 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. The legal context for this framework is for the most part set out in the Equality Act 2010.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
28 July 2011 at 6:00pm**

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Theresa Higgins.
Councillors Christopher Arnold, Peter Chillingworth,
John Elliott, Stephen Ford, Peter Higgins, Sonia Lewis,
Jackie Maclean, Jon Manning, Philip Oxford and
Laura Sykes.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Nick Barlow, Lyn Barton, Mary Blandon,
John Bouckley, Nigel Chapman, Barrie Cook, Nick Cope,
Annie Feltham, Bill Frame, Mike Hardy, Marcus Harrington,
Pauline Hazell, Michael Lilley, Sue Lissimore, Nigel Offen,
Ann Quarrie, Will Quince, Paul Smith, Terry Sutton,
Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

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

6. Minutes

The minutes of the meeting held on 14 July 2011 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. 110937 Tubswick, Mill Road, Colchester, CO4 5LD
(Mile End) | 1 - 19 |
| <p>Proposed replacement dwelling following the demolition of existing dwelling and the erection of eight additional dwellings, garages and associated works (Resubmission of withdrawn Planning Application 110503).</p> | |
| 2. 100442 Land adjoining no. 12 Mill Road, West Mersea
(West Mersea) | 20 - 26 |
| <p>Proposed two storey private dwelling.</p> | |
| 3. 110813 Oak Farm, Vernons Road, Wakes Colne, CO6 2AH
(Great Tey) | 27 - 31 |
| <p>Installation of 12 no. photovoltaic solar panels to the south elevation of the unlisted barn.</p> | |
| 4. 111058 Former Dairy Depot, Wimpole Road, Colchester, CO1
2DB
(New Town) | 32 - 38 |
| <p>Variation of condition 6 attached to planning permission 090551 regarding delivery times Monday to Saturday 07.00 to 19.00 Sundays and Bank Holidays 07.00 to 19.00 light goods vehicles (i.e. transit vans) 08.30 to 12.00 limited to 7.5 tonne vehicle maximum weight.</p> | |
| 5. 111064 66 Old Forge Road, Layer de la Haye, CO2 0LH
(Birch and Winstree) | 39 - 46 |
| <p>Retention of fence and trellis at reduced height of 2 metres and</p> | |

retention of side gate adjacent to the house.

8. Performance / Determination Performance monitoring and Appeals Analysis Update // Period 1 April 2011 - 30 June 2011 47 - 54

See report by the Head of Environmental and Protective Services.

9. Information Item // Progress report on actions to improve customer service - Period 1 April 2011 - 30 June 2011 55 - 67

See report by the Head of Environmental and Protective Services.

10. Exclusion of the Public

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



Application No: 110937

Location: Tubswick, Mill Road, Colchester, CO4 5LD

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **28 July 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Simon Osborn

Due Date: 03/08/2011

MINOR

Site: Tubswick, Mill Road, Colchester, CO4 5LD

Application No: 110937

Date Received: 8 June 2011

Agent: Mr David Rose

Applicant: Mr A Richardson

Development: Proposed replacement dwelling following the demolition of existing dwelling and the erection of eight additional dwellings, garages and associated works (Resubmission of withdrawn Planning Application 110503).

Ward: Mile End

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Introduction

1.1 This application is referred to the Planning Committee because the application has been "called-in" by Cllr. Anne Turrell on the grounds of overdevelopment and highway safety.

2.0 Synopsis

- 2.1 The application has been submitted in outline form with all matters reserved for a total of nine dwellings, but includes an indicative layout. The layout indicates a new vehicular access is intended, the existing to be closed. The report considers the layout proposed in the light of the Council's adopted policies and standards. It concludes that the layout as submitted is satisfactory and that there are no adverse highway safety issues. The application is recommended for approval.
- 2.2 Whilst all matters are reserved, outline planning applications still have to demonstrate that proposals have been properly considered in the light of relevant policies and the site's constraints and opportunities. Detailed consideration is required on the use and amount of development of the site whilst some basic information on the remaining issues (design, layout, scale etc) is required in the application. It is fair and reasonable that the amount of development and the indicative layout and scale parameters be considered. Therefore, the applicant is still expected to demonstrate that their proposed development can be suitably accommodated within the site and relates well to its setting even though the finer details may well be reserved. Similarly, the indicative access point should also suggest the point where access to the site will be situated.

3.0 Site Description and Context

- 3.1 The application site is a rectangular shaped parcel of land of size 0.35 hectares, with public frontages onto Mill Road (to the north) and the local recreation ground (to the east). The remains of a listed building sit centrally on the site, otherwise the site has largely been cleared save for a couple of trees and a hedgerow close to the boundary of the site with residential properties in Bolsin Drive (to the south). West of the site is a single-storey care home off Church Farm Way and the grounds of St Joseph Church. The application site lies on the opposite side of Mill Road from Myland Community Primary School.

4.0 Description of the Proposal

- 4.1 The application proposes nine residential dwellings on the site (that is eight new ones in addition to the existing use of the site for one dwelling). The application has been submitted in outline form with all matters reserved, but an illustrative layout has been submitted together with a full DAS, a Flood Risk Assessment, a Biodiversity Survey, an Arboricultural Survey and an Environmental Desk Study. The illustrative layout shows three dwellings facing toward Mill Road, but separated from it by a landscaped strip and service road, the remaining six dwellings facing toward the Recreational Ground. The development proposed is generally 2-storey in nature, although plot 3 (the corner plot) is indicated to be three-storey.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 100646 – Demolition of the remainder of severely damaged dwelling and associated garage – this was granted listed building consent on 12 January 2011, subject to one condition that prior to any demolition a programme of building recording works to be carried out by an appropriately qualified specialist and submitted to the Local Planning Authority.
- 6.2 110503 – Proposed replacement dwelling following the demolition of existing dwelling and the erection of eight additional dwellings, garages and associated works was withdrawn by the applicant because Officers had concerns regarding the proposed layout. The layout proposed differed from application 110937 in that it utilised the existing access point and envisaged dwellings set around a sinuous road form, which resulted in a poor layout.

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
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
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
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
DP25 Renewable Energy

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
Myland Design Statement

8.0 Consultations

8.1 The Highway Authority stated no objection subject to (14 conditions and 2 notes: these are reproduced in the recommended conditions).

8.2 Environmental Control recommended the Construction and Demolition Informative if permission is granted.

8.3 The Design and Heritage Unit (DHU) stated:

“This application represents a substantial improvement over the previous, withdrawn application. The road alignment, agreed with Highways, provides the opportunity to create a sense of place and layout fitting for this site and its constraints.

My only concern is the stagger between plots 6 and 7. Visually the relatively inactive side elevation of plot 7 could be either given stronger emphasis by placing the front door on this side, or plot 6 could be pulled forward to lessen the stagger between the two houses.

I believe the drawing submitted illustrates a brick wall to the rear garden of plot 3. It would be worth securing this at the outline stage because of its importance for the privacy of this garden.”

8.4 Colchester and Ipswich Museum Service asked for an archaeological watching brief condition commissioned by the applicant/developer from a professional archaeological contractor. The current listed fire damaged property dates from about 1750, but the famous author Daniel Defoe in 1722 was granted a lease for 99 years of the estate of Kingswood Heath or the Severalls together with Brinkley Farm and Tubswick. Thus it would appear that there may well have been an earlier property on this site perhaps of late Medieval date.

8.5 The Landscape Officer recommended that additional tree cover should be provided to the recreation ground boundary to help filter screen the development and single principal trees included to the northeast and northwest corners to help frame the development and soften 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 Parish Council Response

9.1 Myland Community Council objects to this outline planning application in the strongest possible terms.

The reasons for our objection are as follows:

1. The service road entrance is unsafe because:

- a. It feeds on to a narrow road (Mill Road) opposite Raven Way, effectively making a crossroad.
- b. It is within the no stopping zone outside Myland Primary School.
- c. Moving the access road to this position means that some pedestrians will effectively have to cross two roads to get to and from the school.
- d. It is too small, with poor visibility in both directions towards Mill Road traffic, especially when the 2 bus stops are occupied.
- e. The nine homes on the site will generate an unacceptable number (possibly 18+) of vehicle movements, in the mornings, right outside the school.
- f. MCC does not believe that the proposed raised table and reduced carriageway will improve pedestrian safety and could, in fact, add to the hazard. MCC's recommendation would be for a new zebra crossing and pedestrian barriers for the infant and primary school children to the site.
- g. It is incapable of providing safe access/egress for service and emergency vehicles.
- h. All the above will lead to a high risk to the safety of children and residents.

2. The service road design does not comply with the Essex Design Guide 2010 recommendations in that:

- a. it is too narrow for the traffic movements from nine homes, plus access for service and emergency vehicles.
- b. It appears that it may not be possible for two vehicles to pass within the site.
- c. the turning head does not comply with the Design Guide standards
- d. the winding road layout wastes space, introducing the risk that a later planning application will change the road layout to permit one or two more houses.

3. The architecture in this outline application is inappropriate in that:

- a. The housing density is equivalent to 25 units/ hectare which is unreasonably excessive for a site of this shape.
- b. It appears that no thought has been given to the public sensitivity and social importance of this highly prominent site, which lies between the centre of the village, Parish Church, primary school and recreation ground, as required in the adopted Myland Design Statement SPD.
- c. The Edwardian character of the adjacent architecture and the context of the previous listed building has been ignored.
- d. The need for a sensitive transitional site development between the school, church and the recreation ground has not been considered.
- e. The design cannot be described as 'secure by design'.

- f. The site has only been considered only as a maximum revenue generating opportunity for the owner and the Developer.

4. The proposed Outline Planning Application documentation gives NO indication of the following issues:

- a. The design of the street scene
- b. Visitor parking on site
- c. The building materials to be used
- d. Open space allocation
- e. Design and access statement,
- f. Landscaping plan
- g. Measures needed to preserve the privacy of the neighbouring properties in Bolsin Drive, where the ground level is considerably lower than on the Tubswick site.
- h. The Section 106/Community benefit provision for this development

Conclusions

- a. This application should be rejected.
- b. Had the applicant proposed a development of no more than three homes of high quality Edwardian architectural style which could satisfy our concerns about traffic volumes and child safety, whilst reflecting the importance of this site to this community, then the proposal would have received a much more sympathetic response.
- c. In the event that this application receives consent we request that the decision and the minutes of the meeting record that the layout plan, including the number of homes, is specifically described as “not indicative”.

10.0 Representations

10.1 Objections were received from Cllrs. Martin Goss and Anne Turrell and 7 local residents. These raised the following issues:

- Overdevelopment – too many properties for the site.
(Officer Comment: This is considered in the main body of the report)
- Gardens do not appear to meet minimum standards
(Officer Comment: This is considered in the main body of the report)
- Highway safety issues given proximity of schools and crossing point over Mill Road. The proposed road entrance is too close to cyclists.
(Officer Comment: This is considered in the main body of the report)
- Road seems too tight for dustcarts
(Officer Comment: The proposal shows a Type 3 Turning Head, which would be required to accommodate these sorts of vehicles)
- Insufficient car parking.
(Officer Comment: This is considered in Section 11 of the report)
- Plot 9 too close to 73 and 75 Bolsin Drive. The application site is on higher ground and there are overbearing and overlooking issues.
(Officer Comment: This is considered in the main body of the report)

- No community facilities provided.
(Officer Comment: The development is not of sufficient size to warrant the provision of community facilities on site. The Unilateral Undertaking includes a contribution towards community facilities in accordance with the adopted SPD)
- Noise impact on neighbouring gardens whilst construction in progress.
(Officer Comment: If approved, the Construction and Demolition Informative would be appended)
- Insufficient landscaping.
(Officer Comment: The Landscape Officer agrees with this. Were permission granted this would need to be a condition of the outline planning permission).
- No provision for saving historic graffiti bricks from Tubswick.
(Officer Comment: The previous listed building application dealt with the demolition of the fire damaged building)
- Six foot high boundary fencing should be provided along the boundary with the Church Farm Way development.
(Officer Comment: This can be secured by planning condition)

11.0 Parking Provision

- 11.1 Policy DP11 requires a minimum of 1 car parking space for 1-bed dwellings and a minimum of 2 car parking spaces for 2-bed dwellings and above, in addition to 0.25 spaces per dwelling for visitors. The illustrative plan submitted shows each of the proposed dwellings having three parking spaces, one of which is easily accessible to visitors.

12.0 Open Space Provisions

- 12.1 Policy DP16 accepts that a commuted sum in lieu of open space provision is likely to be acceptable on smaller developments of less than 0.5ha; in this instance the site is below this size at 0.35ha. The applicant has provided a Unilateral Undertaking for such a sum to be provided in accordance with the Council's adopted standards.

13.0 Report

Principle of Development

- 13.1 Tubswick is a listed building with historical associations to Daniel Defoe. However, listed building consent for the demolition of this dwelling was granted by the Council earlier this year. The site is within a predominantly residential area and the redevelopment of the site for residential purposes is therefore acceptable in principle subject to the details being in accordance with adopted policies and other planning guidance.

- 13.2 New residential development should accord with the minimum standards laid down in the policies in the Core Strategy and Development Policies. The Backland and Infill Development SPD can require in excess of minimum standards where this is appropriate to the site context. In this instance, whilst there are public buildings such as St Joseph's RC Church and Myland Primary School in the near vicinity, as well as the recreation ground to the east, the site is also adjacent to modern estate houses off the Northern Approaches Road and established dwellings along the Mill Road with relatively modest rear gardens. It is therefore considered appropriate that standards for the new dwellings meet those set out in the LDF policies.
- 13.3 The density of the proposed development equates to 25 dwellings per hectare. Table 2a in the adopted Core Strategy indicates that densities of over 40 dwellings per hectare will be acceptable within the urban area of Colchester. The adopted SPD on Backland and Infill Development makes a case for lower densities, where this is necessary to fit in with the character of existing development. Comparison with areas of existing residential development shows the application site having a similar amount of development. The DAS states the density of housing on Mill Road to the west of the site is between 31-34 units per hectare and the housing in Defoe Crescent is approx 30 units per hectare. The density proposed for the application site is therefore considered acceptable.

Design and Layout

- 13.4 The application has been submitted for a total of nine dwellings in outline form with all matters reserved. Nonetheless, the application includes an indicative drawing to show a layout with nine dwellings, which gives the Local Planning Authority an opportunity to consider whether or not a layout such as this would be acceptable or not. The layout still provides information on the approximate location of buildings, routes and open spaces proposed. It suggests an explanation as to how these principles, including the need for appropriate access will inform the detailed layout at the reserved matters stage.
- 13.5 The Myland Design Statement refers to eleven neighbourhoods within Myland. The site is on the periphery of what is referred to as Myland village (being the established area of Myland located around the local facilities) and the Northern Approaches (post 2000 development). Mill Road is a linear development pattern made up of a mixture of individual houses on generally tight plots, suburban semi-detached dwellings and short terraced housing in clusters of three to four dwellings. The school building opposite the site and the Recreation Ground to the east and the grounds of St Joseph's Church to the west provide a change to this development rhythm.
- 13.6 The linear pattern of development proposed, with active frontages looking towards Mill Road and the Recreational Ground, reflects the generally linear pattern of development within the surrounding area. The incorporation of a landscaped strip at the front of the terrace of three dwellings facing onto Mill Road will relate the development pattern to the green spaces either side of the site. It is not possible to consider the external appearance of the dwellings, as this is reserved for later consideration. Nonetheless, the principles put forward within the DAS and shown on the indicative layout drawing submitted are considered acceptable by Officers as appropriate to the area. The DHU is generally supportive of the proposal, subject to one small detail concerning the stagger between plots 6 and 7. This can easily be

remedied at the reserved matters stage, either by pulling plot 6 forward, or providing a front door in the side of plot 7 to provide a more

active frontage. The Landscape Officer is also satisfied with the content of the proposal subject to additional tree planting along the Recreation Ground boundary to help filter screen the development and single principal trees on the corners of the site with Mill Road: this is dealt with by planning condition.

- 13.7 Policy DP16 sets out minimum garden sizes for new development. These standards require 100 square metres for 4-bedroom houses, 60 sqm for 3-beds and 50 sqm for 1 and 2-bedroom properties. The indicative layout shows plots 5-9 providing in excess of 100 sqm of rear garden space, with plots 1-4 providing between 60 sqm and 100 sqm.
- 13.8 The application indicates that the proposed development is to be generally two-storeys high, although plot 3 (on the corner) features a 3-storey focal point. Plot 3 is shown on the indicative drawing to have a rear garden below 100 sqm in size. Whilst a 3-storey feature building may be appropriate within an otherwise two-storey development, this would only be appropriate if the amenity space associated with it was appropriate for the number of bedrooms within that unit. It is suggested this is drawn to the attention of the applicant/developer through an informative.

Impact on Neighbouring Properties

- 13.9 The principle neighbour issue arising from the layout submitted is the proximity of the proposed dwelling on plot 9 to Nos. 73 and 75 Bolsin Drive, owing to a sudden drop in land levels of approx 1.3m from the application site to these existing properties. There is an established hedge close to this boundary, but the Tree Survey indicates this has been suppressed on the north side by trees that have since been felled. In order to achieve a sustainable boundary it is recommended this is removed and replaced with better quality hedging. The dwelling proposed for this plot has been modified since the previous submission. The proposed dwelling is sited to the north of the Bolsin Drive properties and is 3.5m away from the boundary at the nearest point and at least 8m away from the nearest wall of No.75 (which has no windows). There would be no loss of direct sunlight and the arrangement of first floor windows could reasonably avoid overlooking (other than from an obscure angle). The difference in land levels will require a new fence to ensure privacy is maintained. It is also suggested that a condition is imposed to remove permitted development rights for the dwelling plot 9 in view of the levels difference.

Highway Issues

- 13.10 For outline applications, where access is reserved, the application should still indicate the location of the point of access to the site and clearly explain the principles which will be used to inform the access arrangements for the final development. The application shows a new vehicular access, almost opposite Raven Way and proposes the existing access is closed off and an existing pedestrian refuge is replaced with a raised table and a locally reduced carriageway size.

13.11 The access road is approx 4.8m wide, which is appropriate to serve a Mews Court development for up to 12 houses from a cul-de-sac, in accordance with the Essex Design Guide.

13.12 Objections to the proposal have made reference to the proximity of the new access road to the school and also its proximity to the footway/ cycleway (which runs through the Recreational Ground). The proposal removes a small island crossing point in Mill Road and replaces it with a full-width raised table, with a reduced road width, and bollards. This is intended to provide a more pedestrian friendly environment. Whilst the new vehicular access runs parallel to the footway/cycleway in the Recreational Ground, the latter ends at Mill Road, so any users of this (including pedestrians and cyclists) will have entered a mixed pedestrian/road environment at the point where the new vehicular access is proposed. The Highway Authority has principal authority for considering the safety of the proposed arrangements. They have not objected to the proposal (subject to a total of 14 planning conditions and two informatives, which are included within the recommendation).

14.0 Conclusion

14.1 Whilst all matters are reserved for later consideration, the proposal submitted provides a layout that works and creates a “sense of place” with housing that looks toward the Recreation Ground and Mill Road, softened by a landscaped strip. The amount of development proposed in terms of density is similar to the density of other parcels of residential properties within the near vicinity. The Highway Authority has raised no objection to the proposal in terms of the proposed access arrangements to the site. The application is therefore recommended for approval.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; HA; HH; DHU; Museums; TL; PTC: NLR

16.0 Recommendation - APPROVE in accordance with the Unilateral Undertaking submitted and subject to the following conditions:

Conditions

1 - A1.1 Outl Perms (submission of reserved matters (1))

Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called “the reserved matters”) shall be obtained from the local planning authority in writing before any development is commenced.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

2 - A1.2 Outl Perms (submission of reserved matters (2))

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

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3 - A1.3 Outl Perms (time limit for subm of res matters)

Application for approval of the reserved matters shall be made to the Local Planning Authority before expiration of three years from the date of this permission.

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

4 - A1.4 Outl Perms (time limit for commencement of Development)

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

5 - Non-Standard Condition

The development hereby permitted shall be carried out in substantial accordance with the approved drawing no. 1029.L.004A dated May 2011, for a total of nine dwellings of generally two-storey form, unless otherwise agreed in writing by the Local Planning Authority.

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

6 - Non-Standard Condition

No development shall take place until the applicants or their agents or successors in title have commissioned from a professional and registered archaeological contractor an archaeological watching brief in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The watching brief shall be carried out in accordance with the agreed details.

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

7 -Non-Standard Condition

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

Reason: To harmonise with the character of existing development in the area.

8 - Non-Standard Condition

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 enable the Local Planning Authority to exercise proper and considered control over the development as whole and to protect the amenity of occupiers of adjacent properties.

9 - Non-Standard Condition

Prior to the commencement of any development details of [screen walls/fences/railings /means of enclosure etc] shall be submitted to and approved in writing by the local planning authority. The details shall include [the position/height/design and materials] to be used. The [fences/walls] shall be provided as approved prior to the [occupation of any building hereby approved] and shall be retained thereafter. The details to be submitted shall include the provision of a 1.8m high brick wall around the rear garden of plot 3 and shall ensure that a 1.8m high fence is provided along the boundaries of the site with any existing residential property, including the care home to the west.

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

10 - 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 (i.e. any extension, outbuilding, garage or enclosure) shall take place to dwelling plot 9 without the prior written permission of the local planning authority.

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

11 - 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.

12 - 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.

13 - 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.

14 - Non-Standard Condition

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.

The details to be submitted shall include a minimum of 5-6 equally spaced trees to the recreation ground boundary to help filter screen the development and single principal trees to the northeast and northwest corners of the site to frame the development.

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

15 - 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.

16 - 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.

17 - 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 90 metres to the east and 2.4 metres by 90 metres to the west, 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 inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

18 - 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 inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

19 - 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 accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

20 - 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 accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

21 - Non-Standard Condition

The existing access as shown on the site layout plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway footway and kerbing, to the satisfaction the Highway Authority immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway in the interests of highway safety to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

22 - Non-Standard Condition

Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

23 - Non-Standard Condition

Prior to 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 roads/footways are constructed to an appropriate standard in the interests of highway safety to accord with policies DM6 and DM7 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

24 - Non-Standard Condition

The carriageway of the proposed estate road 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. The carriageway shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. The carriageways in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety to accord with policies DM6 and DM7 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

25 - Non-Standard Condition

There shall be no doors or other entrances onto the new road within the first 8m. from the back of the footway. No windows shall open outwards nor shall rainwater goods or other piping project over the shared surface of the Mews/Mews Court or other areas to which the public have unimpeded access.

Reason: To ensure that Mews/Mews Courts are constructed to an appropriate standard and in the interests of highway safety to accord with policies DM6 and DM7 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

26 - Non-Standard Condition

The vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety to accord with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

27 - Non-Standard Condition

The vehicular hardstanding which is bounded by walls or other construction shall have minimum dimensions of 2.9 metres x 5.8 metres for each individual parking space.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety to accord with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

28 - Non-Standard Condition

All single garages should have a minimum internal measurement of 7m x 3m. and shall be provided with vehicular doors a minimum width of 2.3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and to accord with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

29 - Non-Standard Condition

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

30 - Non-Standard Condition

No works in connection with the proposed development shall commence until such time as the pedestrian refuge in Mill Road has been removed and replaced by a raised table including a narrowing of the carriageway and all other previously agreed associated works. These works will be provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for the additional vehicular movements as a result of the proposed development, to provide an improved pedestrian environment, and to accord with policy DM17 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

31 - 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 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.

Informatives

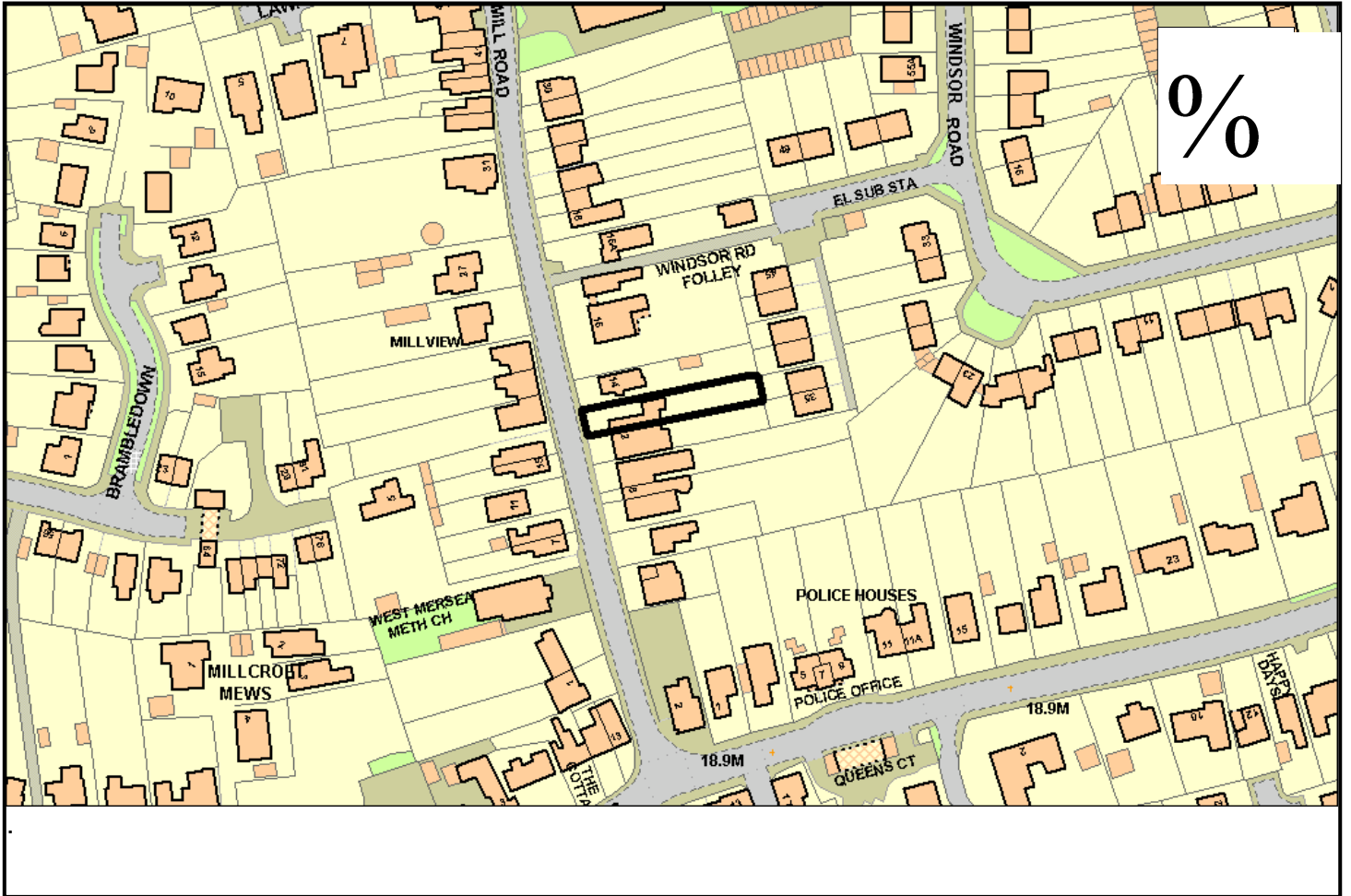
(1) The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental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

(2) 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 08456 037631.

(3) All housing developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to The Advance Payments Code, Highways Act, 1980. The Developer will be served with an appropriate Notice within 6 weeks of building regulations approval being granted and prior to the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway.

(4) Condition 30 requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

(5) The Local Planning Authority has noted that a 3-storey dwelling is proposed for plot 3. The Local Planning Authority reserve consideration of this until the reserved matters submission, but wish to point out that if this is acceptable in design terms, the number of bedrooms to be provided should be appropriate to the size of the private amenity area provided, in accordance with Policy DP16 in the adopted Development Policies Document.



Application No: 100442

Location: Land Adjoining No.12, Mill Road, West Mersea, Colchester, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: Nick McKeever

MINOR

Site: Land adjoining 12 Mill Road, West Mersea, Colchester, Colchester

Application No: 100442

Date Received: 10 March 2010

Agent: Whymark & Moulton Ltd

Applicant: Mark Skinner

Development: Proposed two storey private dwelling.

Ward: West Mersea

Summary of Application: Conditional Approval subject to Unilateral Undertaking

1.0 Introduction

1.1 This application is referred to the Planning Committee because of an objection by a local resident and as the application was received prior to the introduction of the new scheme of delegation.

2.0 Synopsis

2.1 This application seeks to address the reasons for the refusal of the planning permission 072445 and the grounds for the subsequent dismissed appeal. There were two reasons for the refusal of this permission:-

- (i) Poor design; and
- (2) Effect on highway safety

2.2 Ongoing discussions have taken place with your Officers and with the Highway Authority. This has resulted in the scheme that is now before the Planning Committee. It is considered that this scheme has successfully addressed these previous issues and permission is recommended accordingly.

3.0 Site Description and Context

3.1 The site lies within an established residential area containing dwellings of different heights, designs and architectural detailing. The site front dimension is relatively small but comparable to that of No.14 Mill Road. This adjoining dwelling is a two storey detached property.

4.0 Description of the Proposal

- 4.1 The application proposes the erection of a three bedroom, detached, two storey dwelling on a plot of land of approximately 0.028 ha. The building is set back behind the front elevations of Nos. 12 and 14 Mill Road.
- 4.2 It is to be constructed in facing brick with a slate roof.
- 4.3 The amended plans show the provision of two parking spaces on the site frontage, each space being a minimum of 2.9m x 5.5m, together with a vehicular turning facility to serve both the site and no. 12 Mill Road. Two parking spaces are shown for no.12

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 071379 Side two storey and rear first floor extensions, existing side single storey extension to be demolished. Approved 30/08/2007
- 6.2 072393 – Extensions and alterations. Approved 15/11/2007
- 6.3 072445 – 1 no. 3 bed dwelling. Refused 19/11/2007. Appeal dismissed 20/10/2008.

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
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
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
- 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 Environmental Control recommends the standard advisory notes on Demolition & Construction
- 8.2 The Highway Authority had initially recommended that the application should be refused in accordance with the original application (additional access onto this Main Distributor highway causing conflict with the passage of vehicles). The Applicant has however been involved with discussions with the Highway Authority culminating in the amended plan that is now presented to Planning Committee. Whilst the Highway Authority has been re-consulted on this new plan, their comments have not yet been received but will be reported 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 Town Council Response

- 9.1 West Mersea Town Council has no objections.

10.0 Representations

- 10.1 An objection has been received from a local resident. The objections are summarised as follows:-
1. Loss of light to a kitchen, conservatory and patio area.
 2. Problems arising from the building works – rubble, possible damage to boundary fence & foundations; loss of privacy; noise and dust.

11.0 Parking Provision

- 11.1 The application provides for two parking spaces within the site. Each of these spaces is to the required size i.e. 2.9m x 5.5m. The required visitor space can be accommodated within Mill Road as there are no parking restrictions on this road. On this basis the development complies with current standards.

12.0 Open Space Provisions

- 12.1 Not Applicable

13.0 Report

Design, Layout, Scale & Massing

- 13.1 The proposal is for a detached, two storey dwelling. This type of dwelling is considered to be acceptable in a road which contains dwellings of varied ages and designs, single storey and two storey. The appeal decision referred to this character and considered that the appeal site could accommodate an additional dwelling of an appropriate design.
- 13.2 The refused design was for a similar form of building but the front elevation was dominated by an integral garage, which occupied more than half the width of the ground floor. The Inspector considered that garage gave undue prominence to a utilitarian aspect of the scheme. In addition the main entrance was positioned to the side of the building. The combination of these two aspects was considered to compromise the relationship of the dwelling to the street. This integral garage has been deleted from the current scheme and the main entrance is now on the public facade. It is on this basis that the current scheme has addressed the two main design issues upon which the previous scheme failed.

Impact upon residential amenity

- 13.3 The objections submitted by the local resident reflect the objections submitted in respect of the previous application. The loss of amenity was not cited as a reason for the previous refusal. In arriving at her decision, the Planning Inspector considered that the impact upon the adjoining dwelling at No.14 Mill Road was acceptable. The distance between the two properties, and the relationship in terms of overlooking or overshadowing of the flank wall, was considered not to be unusual in this urban context. Some level of noise and disturbance during the construction of any new building was considered to be inevitable, but transient and unacceptable pollution could be controlled through Environmental Health legislation. The construction of foundations and development along a common boundary was deemed to be governed by the Building Regulations and Party Wall legislation.
- 13.4 Whilst the building as now proposed is set back further within the site, it complies with the adopted policy DP12 and associated SPD "Extending your house?", in terms of the 45 degree overbearing criteria. In terms of overlooking the two windows in the flank wall above ground floor level are for a bathroom and en-suite, both of which are deemed to be non-habitable rooms. Subject to these being obscure glazed, it is considered that there is no significant loss of amenity through overlooking.

Highway Matters

13.5 The appeal decision considered that, subject to achieving a layout which would enable vehicles to enter and leave the site in a forward gear, the limited increase in vehicular movements arising from the development would not prejudice highway safety on Mill Road.

13.6 The current scheme makes appropriate provision for vehicular turning to serve both No.12 Mill Road and the development site, as well as car parking to the current standard for these two dwellings. In this respect the scheme has addressed this aspect of the previously refused scheme.

14.0 Conclusion

14.1 It is considered that the amended scheme now before the Planning Committee has successfully addressed the two reasons for the previous refusal of planning permission. On this basis it is recommended that permission should be granted, subject to appropriate conditions.

15.0 Background Papers

15.1 PPS; ACS; CBDP; SPG; HH; PTC; NLR

16.0 Recommendation

(1) 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:

- The provision of a contribution towards Open Space and Community Facilities in accordance with the Council's adopted SPD

(2) 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 development shall be carried out in accordance with the approved drawings nos. 09/083-01B unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

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.

4 - Non-Standard Condition

Notwithstanding the windows shown on the approved drawing, no additional windows or other openings shall be inserted or formed above ground floor level in the flank walls without the prior approval in writing by the Local Planning Authority.

Reason: In order to safeguard the amenity of the adjoining dwellings.

5 - C12.2 Details of Walls or Fences

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

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

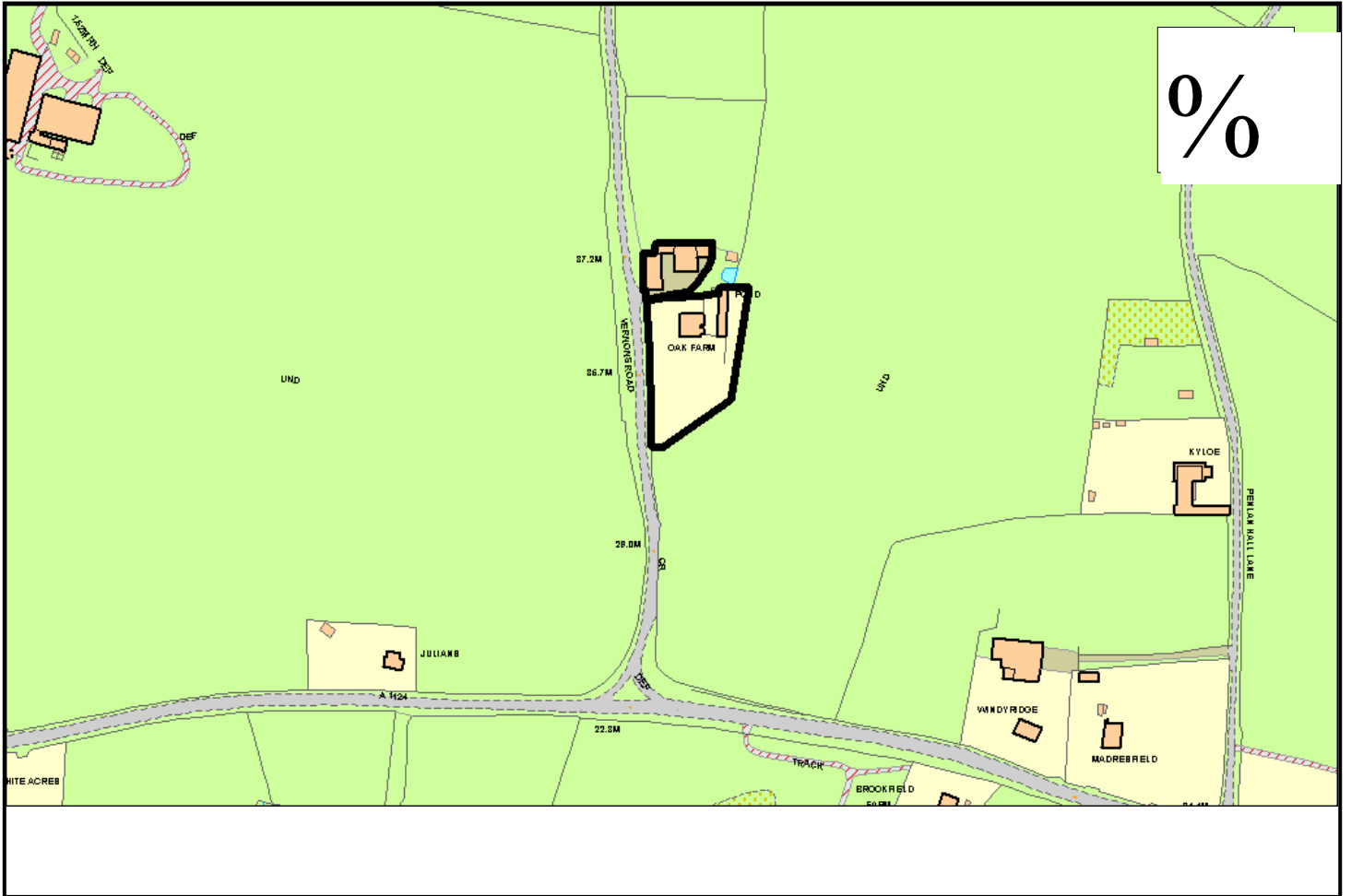
6 - Non-Standard Condition

Any other conditions which may be recommended by the Highway Authority and which are considered by the Local Planning Authority to be reasonable and necessary to ensure a satisfactory form of development.

Informatives

(1) 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.

(2) 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: 110813

Location: Oak Farm, Vernons Road, Wakes Colne Colchester, CO6 2AH

Scale (approx): 1:2500

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7.3 Case Officer: Jane Seeley

Due Date: 12/08/2011

OTHER

Site: Oak Farm, Vernons Road, Wakes Colne Colchester, CO6 2AH

Application No: 110813

Date Received: 17 June 2011

Agent: Mr Simon Bunker

Applicant: Mr Peter Chillingworth

Development: Installation of 12 no photovoltaic solar panels to the south elevation of unlisted barn

Ward: Great Tey

Summary of Recommendation: Conditional Approval subject to no objections being raised by the Design and Heritage Unit

1.0 Introduction

1.1 This application is referred to the Planning Committee because the applicant is a Colchester Borough Council Councillor.

2.0 Synopsis

2.1 This report gives consideration to an application which proposes the installation of photovoltaic panels on to a farm building adjacent to listed buildings. The visual impact on the setting of the listed building and the wider rural locality is given consideration. It is concluded that subject to no objection from the DHU, that the development does accord with policy and the impact on the setting of the listed buildings and landscape and amenity is acceptable. The recommendation is that, subject to receipt of a satisfactory consultee response that conditional planning permission be granted.

3.0 Site Description and Context

3.1 The application site is in an isolated position to the east of Vernons Road. There is a traditional barn dating from approx 1750 on the road frontage with a range of more modern farm buildings to the rear. Immediately to the south is Oak Farm and an outbuilding to the rear which are grade II listed buildings. The farmhouse and its domestic curtilage (garden) are separated from the agricultural buildings by a brick wall. The barns are considered to be within the curtilage of the listed building. However, the modern buildings post date 1948 and therefore are not deemed to be listed.

4.0 Description of the Proposal

- 4.1 It is proposed to install a block of 2 photovoltaic panels on the roof of a barn erected in 1999 at the rear of the application site. The building is constructed of black weather board with a dark black/grey corrugated sheet roof. The panels will be erected on the south elevation which faces towards the adjacent listed buildings. They are a dark blue/black colour set in a black framework.

5.0 Land Use Allocation

- 5.1 No notation
Adjacent house and outbuilding are Grade II listed buildings

6.0 Relevant Planning History

- 6.1 AG/COL/99/1584 - Determination as to whether prior approval of details is required for new building to replace pigsty

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 5: Planning for the Historic Environment
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:
UR2 - Built Design and Character
ENV1 - Environment
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
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 DHU – views awaited

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 Response

- 9.1 The Parish Council support the application and express no concerns beyond wishing that any neighbour is also content with the proposal.

10.0 Representations

- 10.1 None received

11.0 Parking Provision

11.1 Not relevant

12.0 Open Space Provision

12.1 Not relevant

13.0 Report

Design/Impact on setting of listed buildings

13.1 The photovoltaic panels will be on the roof plane of the buildings which faces towards the listed farmhouse and outbuilding. The range of agricultural buildings are clearly visible from the garden of the farm over the boundary wall. The panels sit on the top of the roofing material and project 5cm above it. Given the separation from the boundary wall is approx 18m and the panels are of a similar colour to the roofing materials it is your officer's opinion that their installation will not have a detrimental impact on the buildings. Comments from the DHU are anticipated prior to Committee. The applicant's agent has advised that the framework for the panels can be black; a condition to this effect is considered desirable.

Impact on the Surrounding Area

13.2 As the application building is set well back from the road and to the rear of the traditional barn and there is some frontage screening from planting in the garden of Oaks Farm is not considered that the photovoltaic panels will have any significant impact on the rural character of the locality

Other Matters

13.3 The provision of photovoltaic equipment is in line with Policy ER1 which supports and encourages renewable energy projects.

14.0 Conclusion

14.1 That subject to the receipt of a satisfactory outstanding consultation from DHU the installation of photovoltaic panels is acceptable as proposed and planning permission can be granted.

15.0 Background Papers

15.1 PPS; ACS; CBDP; DHU; PTC

15.0 Recommendation

15.1 That subject to no objection being raised by Design and Heritage Unit planning permission be granted 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 framework for the hereby approved photovoltaic panels shall be coloured black.

Reason: To ensure that the development does not harm the setting of the adjacent Listed Building or the rural character of the locality.

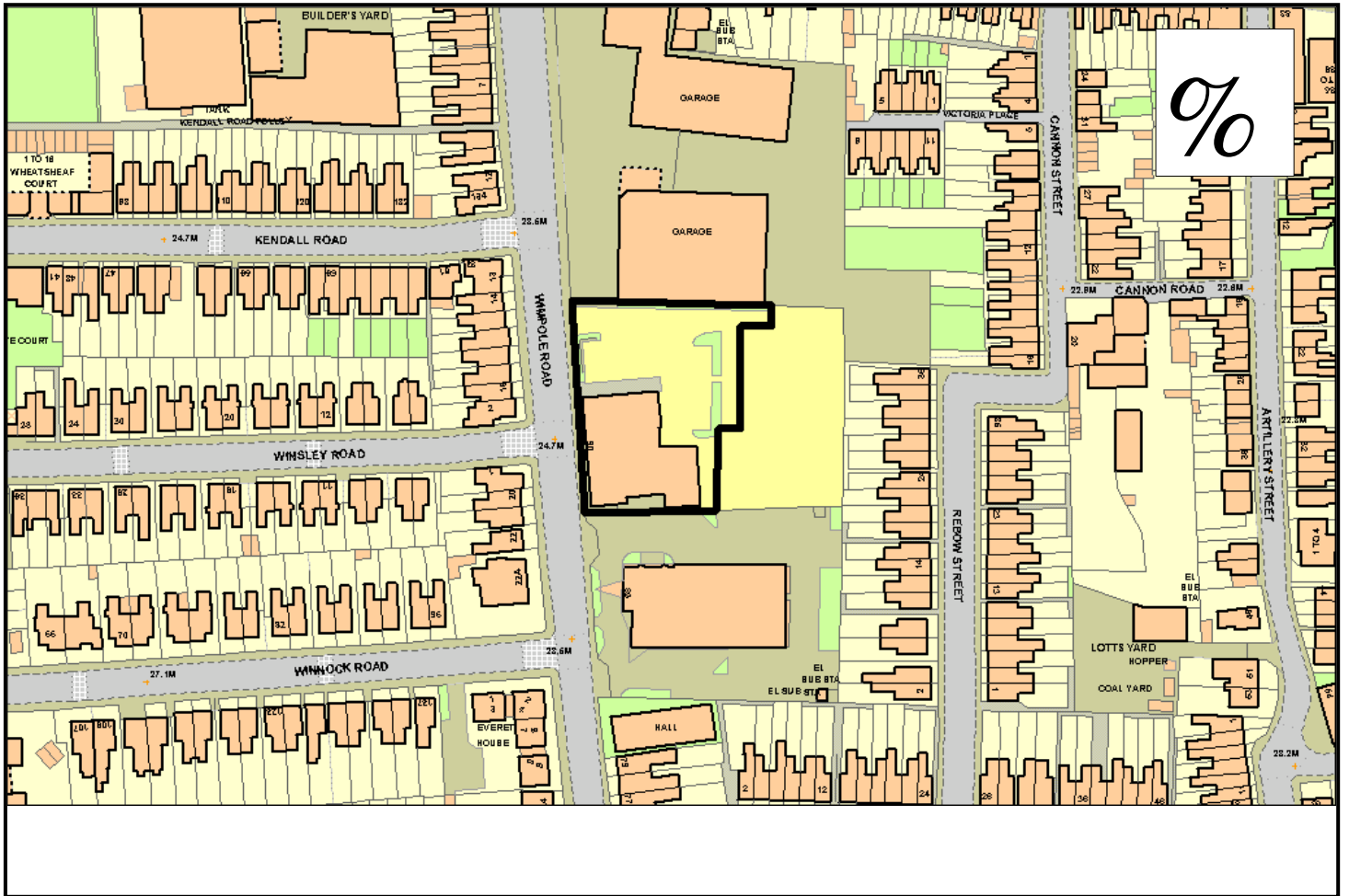
3 - Non-Standard Condition

The development shall be implemented in all respects strictly in accordance with the submitted plans/details as hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority. These include drawing numbers SKY-PV-1101-0062/P1 and the submitted technical data.

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

Informatives

(1) 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 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: 111058

Location: Former Dairy Depot, Wimpole Road, Colchester, CO1 2DB

Scale (approx): 1:1250

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7.4 Case Officer: Sue Jackson

Due Date: 02/08/2011

OTHER

Site: Former Dairy Depot, Wimpole Road, Colchester, CO1 2DB

Application No: 111058

Date Received: 7 June 2011

Agent: Mrs Catherine Pollard

Applicant: East Of England Co-Operative Society

Development: Variation of condition 6 attached to planning permission 090551 regarding delivery times Monday to Saturday 07.00 to 19.00 Sundays and Bank Holidays 07.00 to 19.00 light goods vehicles (ie transit vans) 08.30 to 12.00 limited to 7.5 tonne vehicle maximum weight.

Ward: New Town

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because it has been called in by Councillor Theresa Higgins for the following reason "Deliveries, whether in light vans or not, seems excessive in a mostly residential street. There will be clanging of doors, and other noise associated with deliveries that can have an adverse impact on the residential amenity of the residents."

2.0 Synopsis

2.1 The following report explains the proposal to vary a condition relating to delivery times at a recently constructed Co-op store in Wimpole Road Colchester. Reference is made to the history of the site and the representations and consultations responses received. It is recommended the wording of the condition is varied but with further restrictions on deliveries to safeguard residential amenity.

3.0 Site Description and Context

3.1 The site is a Co-op store in Wimpole Road. The store opened earlier this year. The site was previously occupied by the Co-op dairy and is adjacent to the Co-op funeral directors. The specific location is the east side of Wimpole Road some 100 metres from the traffic light controlled junction of Wimpole Road, Magdalen Street, Barrack Street and Brook Street. It is opposite residential properties with further residential properties to the rear. On the opposite side of the site is land used as car show rooms.

4.0 Description of the Proposal

4.1 The application is to vary condition 6 on planning permission 090551. This condition restricts delivery times and is currently worded as follows” No deliveries shall be made to (and no goods dispatched from) the site outside the hours of 07.00 to 19.00 hrs Monday to Saturday nor at any time on Sundays or Public/Bank holidays”

4.2 The application proposes the following revised wording

“No deliveries shall be made to (and no goods dispatched from) the site outside the hours of 07.00 to 19.00 hrs Monday to Saturday **deliveries on Sundays and Bank Holidays to be limited to 07.00 to 19.00 light goods vehicles (i.e. transit vans) 08.30 to 12.00 limited to 7.5 tonne vehicle maximum weight.**”

5.0 Land Use Allocation

5.1 Growth Area/Regeneration Area/Predominantly Residential

6.0 Relevant Planning History

6.1 102568 - 17/12/2010 - Co-Operative, Wimpole Road, Colchester, CO1 2DB
Proposed installation of 24 hour ATM cash machine into side elevation
Approved 3/2/11

6.2 090551 - 22/04/2009 - Full (13 Week Determination) - Former Dairy Depot, Wimpole Road, Colchester, CO1 2DB
Development of convenience retail store and 6 no. flats, associated
Approve Conditional - 22/07/2009

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 5: Planning for the Historic Environment
Planning Policy Statement 23: Planning and Pollution Control

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 The Highway Authority raises no objection.

8.2 Environmental Control has raised no objection to the revised wording subject to a further revision restricting the number of deliveries Sunday to one and Bank Holidays to four (this further revision is discussed in more detail in the report section).

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 Three letters of objection have been received. The objections raised are as follows

- The original permission was designed to protect residents amenity and does give us some respite from the disruption and noise generated by deliveries to the store.
- Wimpole Road is already a busy route and Sundays and bank holidays are the only quieter days.
- As deliveries are already permitted 12 hours a day there is no need to vary this. In deed the Co-op has already demonstrated its apparent inability to adhere to current restrictions in the 10 weeks since the store opened delivery times have been breached several times.
- Reference to the former use as a milk depot is not relevant as it has been many years since the depot was there.
- Residents can already hear noise from deliveries.

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

10.0 Parking Provision

10.1 The application raises no parking provision issues.

11.0 Open Space Provisions

11.1 The application raises no open space issues.

12.0 Report

12.1 The supporting information submitted with the application states

"Insofar as the retail use is concerned the store is clearly of a size that is intended to serve as a convenience store to local residents. It is in a location that comprises mixed development of commercial and residential and the previous use of the site was as a milk depot. Accordingly the use of Wimpole Road by commercial traffic is well established and continues throughout the 7 day week and is not restricted to Monday – Saturday activity.

In order for the Co-op store to operate and serve the local community effectively it needs to take deliveries of bread, milk and newspapers before the store opens. In addition chilled food will also need to be delivered on Bank Holidays when they occur in order to meet its obligations for sell-by dates.

Insofar as deliveries are concerned, delivery vehicles would use Wimpole Road which as advised above is already used by commercial traffic serving the area. On entering the site the service bay is located to the rear of the store and therefore remote from residential properties in Wimpole Road. Insofar as the flats above the store are concerned that part closest to the delivery area comprises the amenity area of the first floor. Bedroom accommodation is provided at the second floor and is therefore remote from the delivery area.

Having regard to the above considerations a variation of condition 6 achieves a balance between safeguarding residential amenity having regard to the character of the area and also enables the Co-op store to operate affectively to meet the needs of local residents is proposed”.

- 12.2 Following comment from Environmental Control the following further comment was received on behalf of the applicant :-

“I attach a schedule of deliveries and you will note that the only anticipated delivery before 7.00am is a van delivering newspapers. You will also note that in respect of deliveries on Bank Holidays that the only deliveries relating to newspapers, milk and bread will occur and on Sundays the only deliveries are for newspapers. The revised condition could therefore place a limit of no more than 4 deliveries on Bank Holidays and only 1 delivery on Sundays.

Alternatively, the schedule could be referred to in the revised condition.

Insofar as complaints received are concerned, the Co-op have provided information concerning deliveries to the store to the Enforcement Officer. The Co-op also advised me that lorries servicing the adjacent car sales garages have also been using the site and this is a matter that the Co-op are currently seeking to resolve”.

A copy of the schedule of deliveries is produced in Appendix 1.

- 12.3 The condition restricting deliveries was imposed to give the LPA control over deliveries it does mean that any variation to the approved hours is automatically unacceptable.
- 12.4 The latest amendment which would restrict Sunday deliveries to one delivery only the size of the vehicle to be limited to a light goods vehicles (i.e. transit vans) between 07.00 to 19.00 and limited to a 7.5 tonne vehicle maximum weight.” between 08.30 to 12.00. On bank holidays the number of deliveries would be restricted to 4, the size of the vehicles to be limited to a light goods vehicles (i.e. transit vans) between 07.00 to 19.00 and limited to a 7.5 tonne vehicle maximum weight.” between 08.30 to 12.00.
- 12.5 The delivery area is located at the rear of the building and is approx 40 from the front wall of houses in Wimpole Road (and is screened from them by the building) and over 50 metres from the rear wall of houses in Rebow Street.
- 12.6 This limited number of deliveries on a Sunday and Bank Holidays is considered acceptable.

12.0 Conclusion

- 12.1 The revision to the wording of the condition as set out below is considered acceptable.

13.0 Background Papers

13.1 PPS; Core Strategy; CDBP; HA; HH; NLR

14.0 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

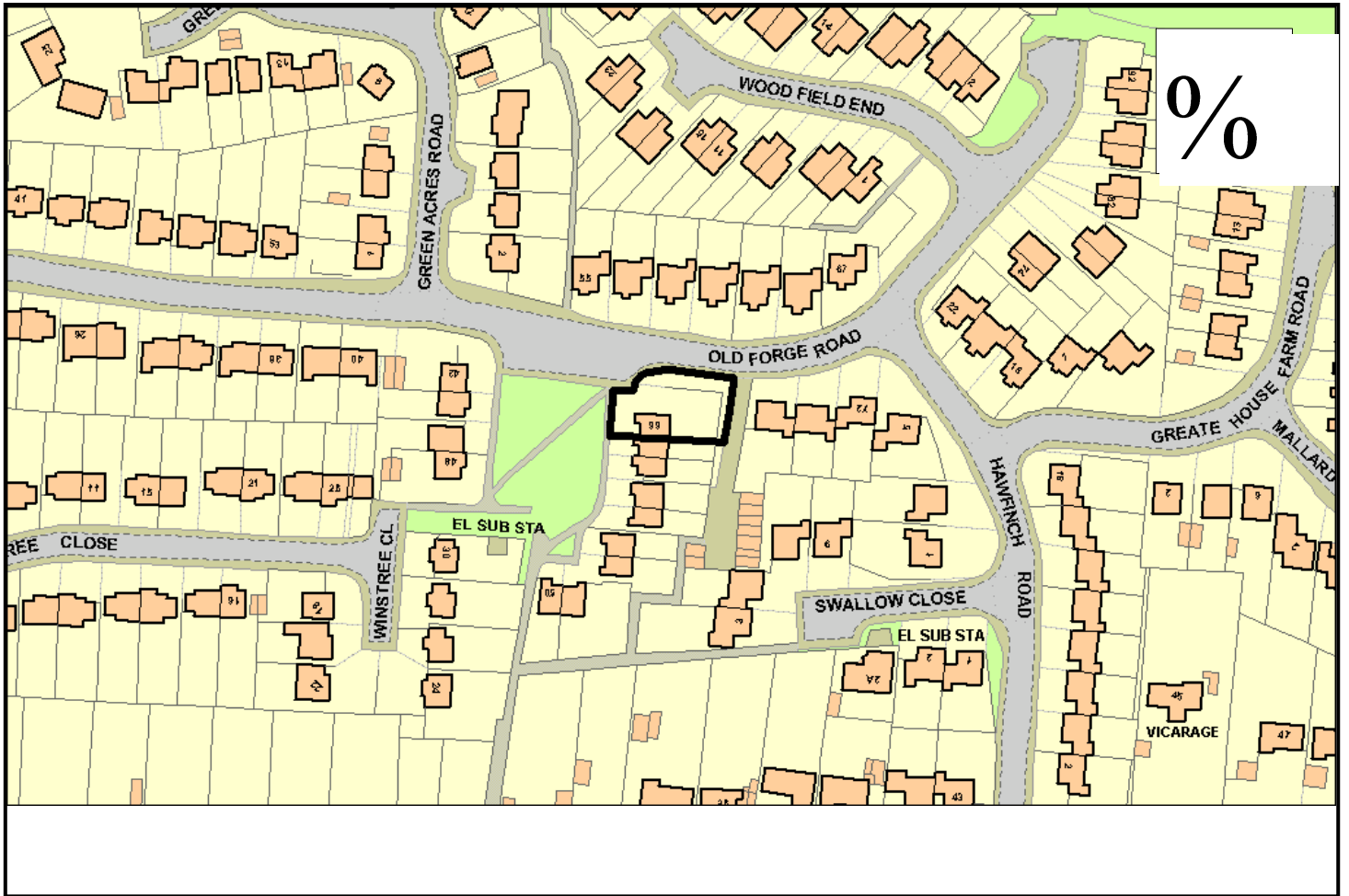
Condition 6 on planning permission 090551 is varied as follows:-

No deliveries shall be made to (and no goods dispatched from) the site outside the hours of 07.00 to 19.00 hrs Monday to Saturday. No deliveries shall take place on Sundays other than one delivery, the size of the vehicle to be limited to a light goods vehicles (i.e. transit vans) if between 07.00 to 19.00 and limited to a 7.5 tonne vehicle maximum weight.” if between 08.30 to 12.00. No deliveries shall take place on Bank Holidays other than 4 deliveries, the size of the vehicles to be limited to a light goods vehicles (i.e. transit vans) if between 07.00 to 19.00 and limited to a 7.5 tonne vehicle maximum weight if between 08.30 to 12.00.

All other conditions on planning permission 090551 remain in force are not amended by this permission.

Reason: To avoid doubt as to the scope of the consent hereby granted and to protect residential amenity.

<u>DAY</u>	<u>TYPE</u>	<u>VEHICLE</u>	<u>No. Vehicles</u>	<u>TIMING</u>	<u>NOTES</u>
Monday	Newspapers	Transit Van	1	between 5am and 8 am	Will include bank holidays
	Milk	7.5 Tonne Rigid	1	between 7am and 8 am	Will include bank holidays
	Bread	7.5 Tonne Rigid	2	between 7am and midday	Will include bank holidays
	Ambient	41 ft Artic	1	between 7am and midday	Not Bank Holidays
	greencore	Transit Van	1	between 7am and 9am	Not Bank Holidays
Tuesday	peacocks	Transit Van	1	between 7am and 9am	Not Bank Holidays
	Newspapers	Transit Van	1	between 5am and 8 am	Not Bank Holidays
	Milk	7.5 Tonne Rigid	1	between 7am and 8 am	
	Bread	7.5 Tonne Rigid	2	between 7am and midday	
	Chilled	40 ft Artic	1	between 8 am and midday	
Wednesday	greencore	Transit Van	1	between 7am and 9am	
	peacocks	Transit Van	1	between 7am and 9am	
	Newspapers	Transit Van	1	between 5am and 8 am	
	Milk	7.5 Tonne Rigid	1	between 7am and 8 am	
	Bread	7.5 Tonne Rigid	2	between 7am and midday	
	Ambient	40 ft Artic	1	between 7am and midday	
	Frozen	40 ft Artic	1	between 8 am and midday	
	greencore	Transit Van	1	between 7am and 9am	
	peacocks	Transit Van	1	between 7am and 9am	
	Newspapers	Transit Van	1	between 5am and 8 am	
Thursday	Milk	7.5 Tonne Rigid	1	between 7am and 8 am	
	Bread	7.5 Tonne Rigid	2	between 7am and midday	
	greencore	Transit Van	1	between 7am and 9am	
	peacocks	Transit Van	1	between 7am and 9am	
	Chilled	40 ft Artic	1	between 8 am and midday	
Friday	Newspapers	Transit Van	1	between 5am and 8 am	
	Milk	7.5 Tonne Rigid	1	between 7am and 8 am	
	Bread	7.5 Tonne Rigid	2	between 7am and midday	
	Ambient	40 ft Artic	1	between 7am and midday	
	greencore	Transit Van	1	between 7am and 9am	
Saturday	peacocks	Transit Van	1	between 7am and 9am	
	Newspapers	Transit Van	1	between 5am and 8 am	
	Milk	7.5 Tonne Rigid	1	between 7am and 8 am	
	Bread	7.5 Tonne Rigid	2	between 7am and midday	
	Chilled	40 ft Artic	1	between 8 am and midday	
Sunday	Frozen	40 ft Artic	1	between 8 am and midday	
	greencore	Transit Van	1	between 8 am and midday	
	peacocks	Transit Van	1	between 7am and 9am	
	Newspapers	Transit Van	1	between 7am and 9am	
	Newspapers	Transit Van	1	between 5am and 8 am	



Application No: 111064

Location: 66 Old Forge Road, Layer-De-La-Haye, Colchester, Colchester, CO2 0LH

Scale (approx): 1:1250

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7.5 Case Officer: James Firth

Due Date: 03/08/2011

HOUSEHOLDER

Site: 66 Old Forge Road, Layer-De-La-Haye, Colchester, Colchester, CO2 0LH

Application No: 111064

Date Received: 8 June 2011

Agent: Solicitors Linda S Russell

Applicant: Mr Gary Felton

Development: Retention of fence & trellis at reduced height of 2 metres and retention of side gate adjacent to the house.

Ward: Birch & Winstree

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because of a call in by Councillor Andrew Ellis should the application be recommended for approval. The reasons are given as overbearing impact upon neighbouring properties, the materials used appear out of character with the area, and the enclosure of the greensward is detrimental to the open nature of the development.

2.0 Synopsis

2.1 The application proposes the retention of the existing unauthorised fence and trellis at a reduced height of 2 metres and the retention of the side gate adjacent to the house. The proposed design of fence, as reduced, would comprise fence panels set between concrete posts located on a 300mm gravel board, 1.5 metre high timber fence panels, with 200mm of trellis above. This would give an overall height of 2 metres. The position of the fence is proposed to be retained in its current position on the site. This is closer to the road than the original wall which formed the original side boundary to number 66 Old Forge Road. The fence encloses a tree which was outside of the former wall but as stated in the supporting statement is on land which is within the applicant's ownership.

3.0 Site Description and Context

3.1 The application site is located on Old Forge Road within the village settlement boundary at Layer-De-La-Haye. Number 66 Old Forge Road is an end of terrace property which faces onto the small area of open space in this area of Old Forge Road. The side boundary of the rear garden of 66 Old Forge Road adjoins Old Forge Road and the rear boundary adjoins a private road providing access to the garages to the rear. The area includes a number of examples of other fences including timber fencing and trellis. There is some use of concrete posts and gravel boards although timber fencing is predominant.

4.0 Description of the Proposal

4.1 The application seeks permission for the retention of the existing unauthorised fence at a reduced height of 2 metres. The materials used in the fence would remain the same and would consist of fence panels set between concrete posts located on a 300mm gravel board, 1.5 metre high timber fence panels, with 200mm of trellis above. This would give an overall height of 2 metres. The position of the fence would be retained as is already in place on the site. This would retain a small grass strip on the outside of the fence and would enclose the existing tree into the rear garden of number 66 Old Forge Road. The original side boundary to the garden of number 66 Old Forge Road consisted of a 2.1 metre high wall situated considerably further from the road. The supporting statement indicates the fence is approximately 1.5 metres further out than the original wall although representations and photos indicate that the distance is likely to be greater than this at approximately 2.5 – 3 metres. The current position of the fence does not run directly in line with the edge of the footway and so the distance to the footway varies. It is however approximately 0.5 to 1.5 metres from the edge of the footway along its length adjoining Old Forge Road.

5.0 Land Use Allocation

5.1 White land located within the Layer-De-La-Haye village envelope

6.0 Relevant Planning History

6.1 110835 – 42 Old Forge Road – Erection of New Fence – Approved Conditional 16/06/2011.

6.2 110816 – 2 Green Acres – Lawful Development Certificate for existing fence – Approved 12/07/2011.

7.0 Principal Policies

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

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

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
The Essex Design Guide

8.0 Consultations

8.1 Highways Authority:

“As the fence adjoins the existing access track to garages behind the application property the Highways Authority were consulted on this application. They are content that sufficient visibility splays are retained and state that the Highway Authority would not wish to raise an objection to the above subject to the following condition;

- The existing clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the west for the existing access track east of the proposed fence shall be retained free of any 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 to accord with policy DM1 of the Highway Authority’s Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

They also recommend a standard informative regarding works affecting the Highway. “

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 Response

9.1 At the time of writing no objection had been received from Layer-de-la-Haye Parish Council.

10.0 Representations

10.1 2 letters of support were received. The issues raised in the representations are summarised as follows:

- The fence is much nicer than the old brick wall which was an eye sore and was nearly falling down. The new fence is so much nicer and makes the street look a lot neater.
- Prior to the new fence being erected, we looked out onto a brick wall that was unsightly and in need of repair. The small area of grass in front of the ivy covered wall was always completely overgrown. The new fence has in our opinion made the area look much smarter and has also encouraged the applicant’s neighbours to smarten up the private road area which we also overlook and keep the area much looking far tidier than it did before.

10.2 4 objections were received. The issues raised in the representations are summarised as follows:

- The fence is visually unattractive, obtrusive, dark and far too high. It does not blend in with the brickwork of the surrounding houses. The greensward has totally disappeared. There is no room left for planting to soften its aspect and it is so near the pavement, it literally looms over passersby.
- The fence restricts visibility for drivers turning into and coming out of the private road which runs along the back of the Applicants property to the garages.
- The fence would result in a loss of visual amenity, something which covenants were meant to protect.
- Allowing the application would set a precedent for other similar applications
- The wall was not in a state that necessitated urgent repair/replacement
- Children have not been seen attempting to climb the tree and it therefore did not require enclosing by the fence on these grounds.
- The fence is approximately 2.5 to 3.0 metres further out than the original wall not approximately 1.5 metres as stated in the supporting statement.
- The fence would cause a loss of visual amenity and would be an oppressive, obtrusive feature in the street scene.
- The fence is out of character with the rest of the estate where covenants prohibited fences and walls showing the estate had an open character.
- There is no room to plant shrubs or climbers on the road side of the fence.
- The fence causes a danger to traffic using the private access to the garages.
- Other fences in the area have not had planning permission granted and are therefore irrelevant. Some of the examples given by the supporting statement are not on the residential estate but on the main road. The fences at 2 Green Acres and 42 Old Forge Road are opposite an open area and road junction respectively and therefore do not impact on residential properties.
- The concrete posts and gravel boards are not suitable a road frontage for the residential estate.

11.0 Parking Provision

11.1 The proposed fence does not affect parking provision at the property.

12.0 Open Space Provisions

12.1 The proposed fence would enclose a greater amount of the applicant's land into the rear garden of number 66 Old Forge Road. In this respect it would increase the amount of usable private amenity space at the property. It would, however, enclose an area of open space that, although within the applicant's ownership, had previously formed a green area between the footway and the side wall of the garden.

13.0 Report

Design, Layout and Impact on the Surrounding Area

- 13.1 The design of the proposed fence comprises of fence panels set between concrete posts located on a 300mm gravel board, 1.5 metre high timber fence panels, with 200mm of trellis above. This would give an overall height of 2 metres. The choice of materials including concrete posts and gravel boards are relatively bright and the fence is therefore more conspicuous than many of the other fences in the area which are in the main of timber construction with timber posts and gravel boards. There are, however, some other examples of similar concrete post fencing on the estate including along the rear boundary of the application site which borders the existing private access track to the garages, as well as other examples such as at Wood Field End and Martin End. This fencing at the rear boundary of the application site is not adjacent to a highway and therefore fencing up to 2 metres in height in this area would not require planning permission. The use of trellis appears to be a common feature of fences on the estate. The gate adjoins the existing property and is not unduly harmful.
- 13.2 There are a considerable number of examples of other fences in the area which are detailed in the supporting statement submitted with the application and available to view on the Council's website. Some of the fences face onto Malting Green Road outside of the main part of the estate itself and therefore cannot be considered particularly relevant to the character of the estate. There remain, however, a number of other examples of fencing in the estate itself including a recently permitted application at number 42 Old Forge Road, and an approved lawful development certificate application at number 2 Green Acres. Although the other fences are not subject to planning approval many appear likely to have been in location for a period of longer than 4 years and would therefore be immune from enforcement action. Whilst the estate may originally have had a more open character with few examples of fencing it is considered that fencing has now become a relatively common feature on the estate. It is therefore considered difficult to substantiate a refusal on grounds of the previous open character of the estate.
- 13.3 The applicant's agent has confirmed that they would accept a planning condition to secure landscape treatment on the northern and western facing boundaries. Planting in these areas would help to break up the form of the fence and ensure it appears in-keeping with the character of the area and with other similar sites such as number 42 Old Forge Road where there is vegetation facing towards the open space area to the front of the site and a condition has been imposed to secure planting/screening on the boundary with the road. Although parts of the fence proposed under this application is situated close to the edge of the footway the space remaining is considered sufficient to provide for planting along the majority of the fences length. The west facing boundary onto the open space provides considerable space for planting which would ensure the fence appears similar to that on 42 Old Forge Road when viewed from the area of open space to the front of the site. Having regard to the above considerations, the presence of similar materials on some fences in the area, and the appropriate use of landscaping and planting to be secured by condition, the proposed materials are not considered sufficiently incongruous in order to justify a refusal.

- 13.4 The position of the fence is proposed to be retained in its current position on the site. This is closer to the road than the original wall which formed the original side boundary to number 66 Old Forge Road. The fence encloses a tree which was outside of the former wall but as stated in the supporting statement is on land which is within the applicant's ownership. Having regard to the other examples of fencing in close proximity to footways and roads on the estate the position of the fence is not considered to be unduly harmful having regard to the reduced height of 2 metres and the proposed use of landscaping.

Impacts on Neighbouring Properties and Amenity Provisions

- 13.5 The proposed fence faces towards residential properties on the opposite side of Old Forge Road. Although it is clearly visible from these properties, giving consideration to the height of the fence at 2 metres and the proposed use of landscaping, the fence is not considered likely to be unduly overbearing or oppressive on visual amenity.

Highway Issues

- 13.6 The Highways Authority has been consulted and is satisfied that the position of the fence retains sufficient visibility splays for the access drive to the garages behind. It is proposed that these splays are secured by way of condition.

14.0 Conclusion

- 14.1 In conclusion, having regard to the other examples of fencing in the area and the potential for landscaping and planting to be secured by condition, the proposed fence is not considered to be sufficiently incongruous in order to justify a refusal. The design is considered to be sufficiently in keeping with the character of the area. The fence is not considered to be unduly overbearing or oppressive on visual amenity. The Highways Authority has been consulted and raises no objection subject to condition.

15.0 Background Papers

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

15.0 Recommendation – Conditional Approval

Conditions

1 - Non-Standard Condition

Within two months of the date planning permission is granted the works to reduce the height of the fence hereby permitted as set out in the supporting statement shall be fully implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure the current fence is reduced in height in a timely manner in the interests of amenity.

2 - Development in Accord with Approved Plans (Non-Std. Wording)

The development shall be implemented in all respects strictly in accordance with the submitted plan and supporting statement as received by the Council 08 June 2011, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - C11.14 Tree / Shrub Planting

Within two months of the date of planning permission is granted, details of 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 approved planting die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

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

4 - Non-Standard Condition

The existing clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the west for the existing access track east of the proposed fence shall be retained free of any 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 to accord with policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011

Informatives

(1) 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.

(2) 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.

Planning Committee

28 July 2011

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce 282452
Title	Planning application determination performance monitoring, and an appeals analysis update for the period 1 April 2011 – 30 June 2011		
Wards affected	All wards		

This report provides: details of the performance of the Planning Service judged against Government National Indicators and local indicators and summarises the details of 'allowed' appeals for the period 1 April 2011 – 30 June 2011.

1.0 Decision Required

1.1 Members to note the performance record of the Planning Committee and Planning Service.

2.0 Summary of performance report (Headlines)

- ◆ 'Major' application performance was significantly above the Government and higher local targets in the period and at 100% cannot be bettered (15 out of 15 cases). ✓
- ◆ 'Minor' and 'other' application performance exceeded the relevant Government targets in the same period. ✓
- ◆ The number of planning applications in the quarter (2011) were up (6%) on those for the same period in 2010. ✓
- ◆ The delegated decision rate at 92.9% was just above the 90% target ✓
- ◆ Appeals record (formerly BV204) was better than the national average ✓

3.0 Reasons for Decision

3.1 This report is presented as part of the Service's ongoing commitment to comprehensive performance management and in response to Members' desires to monitor the performance of the Planning Service as judged against key National Indicators (NI's) and important local indicators.

4.0 Alternative Options

4.1 Not applicable

5.0 Supporting Information

5.1 None

6.0 Performance Assessment

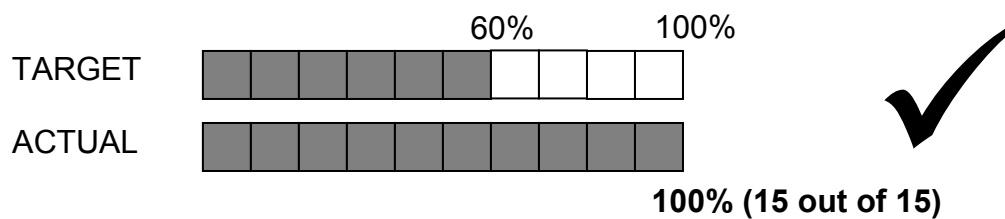
6.1 This report will review performance against the following performance indicators

- NI157 (8 and 13 week performance)
- Former BV188 (delegated decisions)
- Former BV204 (appeals upheld)

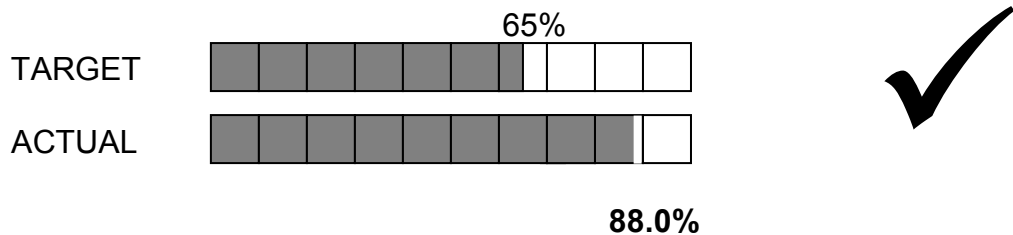
■ NI 157 (8 and 13 week performance) Quarter 2. (2011) (Apr-Jun)

6.2 Performance levels for the period 1 April 2011 – 30 June 2011 were as described below:-

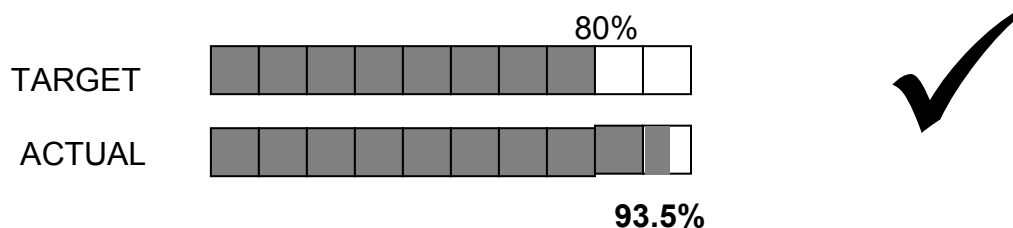
MAJOR application performance (national target against actual)



MINOR application performance



OTHER application performance



HOUSEHOLDER application performance



FIGURE 1: NI 157 by type (1 April 2011 – 30 June 2011)

(note: there is no national target for householder applications (part of others) but this is a useful indicator as to how quickly the majority of users get a decision, as householder applications form the largest proportion of all applications)

■ **NI 157 (8 and 13 week perf.) Qtr 2 2011 (April-June)**

6.3 The excellent news at the end of the quarter is that the Planning Committee and the Planning Service together delivered above national target performance in all three categories of NI157.

MAJOR 100%

MINOR 88.0%

OTHER 93.5%

H/holder 97.50%



6.4 This good performance was achieved in the context of:-

- (i) a 6% increase in the number of applications received compared to the equivalent period in 2010. (Figure 2 below highlights the trends from 2009)
- (ii) fewer staff within the Planning Service & PSU than in recent previous years,
- (iii) the launch of enhanced parish council liaison sessions and interviews involving all staff as part of a major customer service improvement initiative within E&PS (Environmental & Protective Services),
- (iv) Preparations for timesheet recording as a pre-cursor for local fee setting
- (v) a radical national transformation of the planning system.
- (vi) An increasing take-up by developers of the Planning Performance Agreement (PPA) approach which involves extensive pre-application negotiation which is resource intensive but does mean the most complex applications are subsequently taken out of NI 157 calculations.

6.5 These better than ever results evidence the consolidation of improvements recorded in 2010-2011 and continue to demonstrate that the Service is delivering sustained high performance which is enhancing the reputation of the Service and that of the Council. It also demonstrates the continued commitment of Members of the Planning Committee and staff in the Planning Service and Professional Support Unit (PSU) to raising performance levels.

Applications received by qtr. 2009-2011

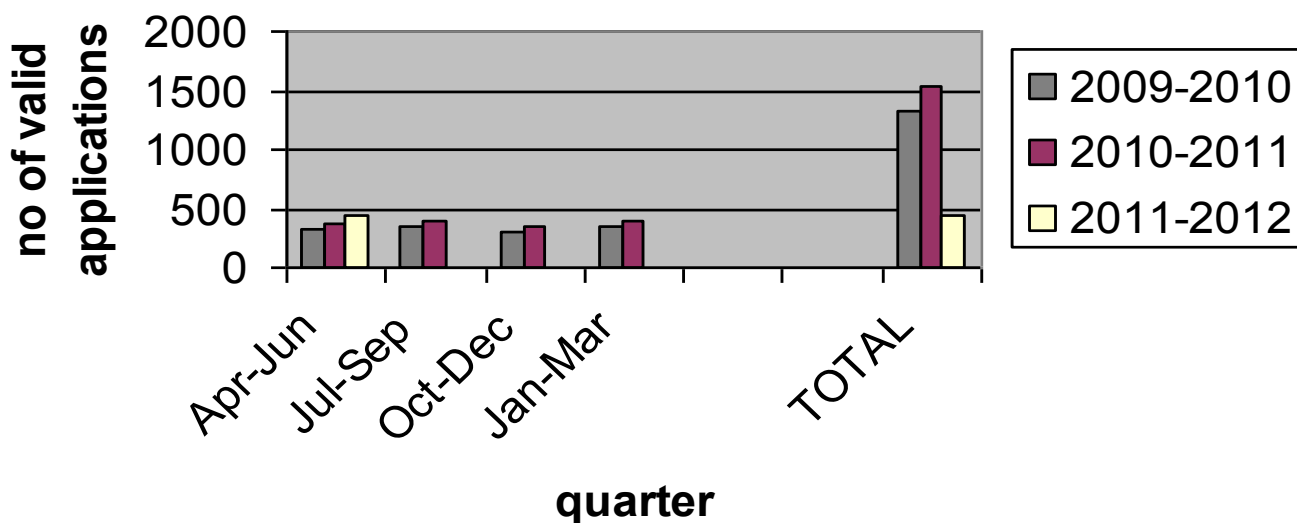


FIGURE 2: Applications received by qtr. (1 April – 30 June 2011)

6.6 This overall improvement in performance has not been achieved by accident and the following have amongst others, all had a beneficial impact on and made a significant contribution to driving up performance levels:-

(A) Intense weekly individual 1:1 case load management sessions with all officers

This has ensured that most potential issues with a proposal are identified at an early stage and a triage system used to identify solutions and the way forward with time to allow amendment where appropriate and the application remains in time

(B) Adoption of a Customer Service Improvement Plan within the Planning Service and associated action delivery plan

The focus on improving the customer experience of the Planning Service has already identified a number of process improvements which have contributed to improved performance. It is also worth noting that staff workshops on customer excellence have energised all staff to see that the need for speed need not come at the cost of quality and that timeliness and good feedback to customers can increase performance by allowing better collaboration within mutually accepted timescales. More work is being done in this area and the accompanying Customer Service performance report also on the agenda covers this area in greater detail.

(C) Amended Scheme of Delegation

This has allowed the Planning Committee to concentrate on the more complex or controversial applications by freeing up agenda time with consequent performance benefits. (and the member call-in system has ensured that the democratic process has not been prejudiced)

(D) The introduction of significant levels of new public self-help and monitoring capability via the planning web-site

This has increased capacity of planning officers who now spend less time taking routine calls from customers wanting to know the who? What? Where? and when? of particular planning applications. It should also be noted that the Council's Customer Service Centre (CSC) and its telephone advisors continue to intercept and handle a vast number of routine planning enquiries, again increasing capacity.

(E) Introduction of pioneering Planning Performance Agreements (PPAs)

The successful increasing take-up of this service as offered by the Planning Service has seen a significant number of complex major applications taken out of NI157 statistics as allowed by the Government. Indeed PPAs are encouraged by the Government as a way of securing good collaboration. For Members who are new to Planning a PPA is in effect an agreement between a developer and the Council to intensively project manage a proposal from pre-application stage to submission of a planning application. A PPA does not guarantee an approval but what it does do is commit all sides to an agreed timetable and requires agreed turn-round times on consultations. It also makes provision for a pre-agreed meeting schedule and an action driven approach to such meetings. This helps to keep negotiations on track and avoids delays.

(F) Delivery of planning workshops for Members & Parish Councillors

May and June saw the successful delivery of a series of half day and whole day workshops designed to enhance the understanding of the planning system and increase the influence that councillors at all levels have on decision making by targeting the key material planning issues around planning applications. This year almost 30 Borough Councillors took part in the sessions including a number who were required to undertake the mandatory every two year planning 'refresher' training to continue to be eligible to sit on the Planning Committee as a standing member or as a substitute member (as prescribed by the Council's Constitution. All parish councillors from every Town & Parish Council were able to attend the parish sessions if they wished and a number of parishes made arrangements with the Planning Service for 1:1 sessions.

■ Delegated decision making

6.7 **93.5%** of all the decisions made during the period 1 April 2011 – 30 June 2011.

■ Upheld appeals

6.8 The quarterly figure for upheld appeals (ie: those where the Council lost the case) was **25%**. This is an excellent result as the latest national average 2010-2011 is 32%.

6.9 Members may recall that in the previous quarterly report the following question was posed:- "Are applications being unreasonably approved just to boost NI157 performance and minimise the risk of losing appeals?" The report went on to say:-

“The natural inclination is to say of course not but it is a question that needs further analysis and backing up with real evidence and is not something that has been reported on before. By using such a phrase the reader will probably have already realised that this report does not have the answers this time round. However it is intended to explore this area in time for the next quarterly report. The first reference point will be to compare approval rates (as a percentage of totals) with other authorities to gauge if the Council’s figures are in–line or out of sync with general averages. The next step will be to compare the performance of the Service against any nationally established best practice. At that point any investigation will need to quantify and qualify the value added by the Service in terms of negotiating sub-standard applications/proposals to secure improvements that make them acceptable. The implication being that pre and parallel application negotiation reduces the number and frequency of refusals. (assuming that such negotiation is routinely undertaken and does result in acceptable amendment”).

- 6.11 Since that report was presented additional research has been undertaken which reveals that Colchester’s approval rates are in line with the national average and the East of England average. Approximately 1 in every 6 applications is currently refused by the Council.

National average rate of approval	=	86%*
East of England rate of approval	=	86%*
Colchester rate of approval	=	85%*

**[taken from DCLG Performance Table P133 District Planning Authorities – applications received, decided, granted and delegated, environmental statements received and flow of applications by authority Jan-Mar 2011. web-link:-
<http://www.communities.gov.uk/planningandbuilding/planningbuilding/planningstatistics/livetables/livetablesondevelopmentcontrolst/>]*

- 6.12 In the light of this result it is possible to conclude that the excellent record of the Service for winning appeals can be put down to the high quality of decision making rather than manipulation of appeal statistics by ensuring that refusal rates remain artificially low. It also suggests that the excellent appeal record is not being achieved simply by approving everything that comes in.
- 6.13 That said the Committee and the Planning Service has always prided itself in demanding and achieving high quality schemes from the planning system. Here quality has always meant good standards of design in terms of both the built form and urban design principles (the interaction and relationship between buildings spaces and activity).
- 6.14 In order to enhance the value of this quarterly performance report the Service is currently developing its own design quality audit process and Members will be updated as to how this is progressing and when it will be formally introduced in coming months. The idea being to provide a score for new developments when completed based on a set of agreed ‘quality indicator’ criteria. It is hoped to then survey new residents a year after full occupation to get direct feedback on how it feels to live there and also to take members on site visits to share lessons that arise from changed approaches to estate layout.
- 6.13 This report will now consider the summarised detail of the upheld decisions for the period 1 April 2011 – 30 June 2011.

1.

Reference: 102110

Address: **18 Scarletts Road**

Proposal: Erection of rear extension following removal of existing

- Delegated decision.

Summary of Inspector's Letter (decision dated 3rd May 2011).

Inspector : Hilary Lock BA (Hons) DipTP MRTPI

Main Issue

The main issue in this case was the effect of the proposal on the living conditions of the occupants of 16 Scarletts Road, with particular reference to outlook.

Considerations

The Inspector noted that the existing wings to the appeal property and its neighbour already breach the 45% rule and create enclosure therefore any further breach would not be so significant an infringement as to justify a refusal.

■ Planning Performance Agreements (PPA's)

6.14 In the period between 1 April 2011 and 30 June 2011 the Planning Service has entered into one new Planning Performance Agreement (PPA) relating to significant 'major' proposals:-

- Cannock Mill, Old Heath

6.15 Members will be aware that any planning application that is the subject of a PPA is then excluded from NI157 calculations which in the case of the schemes above should be beneficial as each is likely to take more than 13 weeks to determine because of their complexity. (& possible need for S106 Agreements).

7.0 Costs awards against the Council

7.1 No award of costs was agreed in the quarter.

8.0 Ombudsman

8.1 During the quarter 3 case reviews arising from formal complaints were decided by the Local Government Ombudsman. In no case/s did the Ombudsman feel there was a case to answer.

8.2 Complaint 1: "My final decision is that it is appropriate to exercise the Ombudsman's discretion not to investigate the complaint."

8.3 Complaint 2: "My final decision is that some of the matters complained about are outside the Ombudsman's jurisdiction. I also do not consider that the Council was at administrative fault for the other matters complained about. I therefore have decided not to investigate the complaint."

- 8.4 Complaint 3: “I have now discontinued my investigation and closed my file on the complaint” The investigator whilst deciding that there was no case to answer did comment that the Council may wish to provide funding via NAPS to tackle anti-social behaviour issues that arise on new estates and that the Council possibly place more weight on designing out crime. The issue here was the impact that a riverside footpath was having on residents living in new properties with rooms visible from the riverside path. This was a conflict between the needs to improve pedestrian and cycle access around the town and the amenity of residents. The need to strike the right balance between providing privacy within private spaces from view from public space is the learning point here.

9.0 Financial implications

- 9.1 None beyond the outstanding costs claim

10.0 Strategic Plan References

- 10.1 Improving the performance of the Planning Service (Development Management) has been identified within the Service as a priority. The Planning Service contributes to all of the Councils key objectives.

11.0 Risk Management

- 11.1 There are no risk management issues to report this quarter.

12.0 Publicity Considerations

- 12.1 None

13.0 Human Rights Implications

- 13.1 None.

14.0 Community Safety Implications

- 14.1 None.

15.0 Health and Safety Implications

- 15.1 None.

Background papers.

Appeal decision notices relating to the appeals quoted in the report

28 July 2011

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce X282452 Sarah Fleming survey analysis
Title	Information item. The second in a series of quarterly progress reports on actions to improve customer service within the Planning Service covering the period 1 April 2011 to 30 June 2011.		
Wards affected	All wards		

This report concerns the reporting of progress within the Planning Service on improving the quality of customer service it delivers

1.0 Decision Required

1.1 Members are asked to note this report

2.0 Reasons for Decision

2.1 This relatively new reporting subject is presented to Members in line with the Planning Service's long standing commitment to report on and comprehensively manage all aspects of its performance. Officers are perpetually mindful of the Planning Committee's well established desire to monitor the operation and effectiveness of the development management function and its goal to encourage continuous improvement and responsiveness to changing demands.

3.0 Alternative Options

3.1 Not reporting such matters when it is committed to transparency would undermine the credibility of the Service just when there is clearly a changing national environment of greater public scrutiny and expectation that is being driven by the 'Localism' agenda. Such an option has not been countenanced by the Service.

4.0 Supporting Information

4.1 Planning Service Improvement Plan 2011. (as updated Jun '11)

5.0 Introduction

5.1 In the interest of being accountable to the public and because of a desire to be the most open and accessible service within the Council the Planning Service presents a quarterly report to the Planning Committee detailing the progress it is making in terms of improving the quality of customer service it provides.

5.2 The report will look at a number of indicators and outcomes to gauge how well it is doing and these will focus on an analysis of feedback from users of the service rather than self-

appraisal. The idea being regular, systematic and comprehensive customer satisfaction testing and subsequent changes to further respond to changing customer expectations.

5.3 So what sort of things will the report look at?

- A look at new initiatives introduced to improve accessibility to information
- Analysis of complaint monitoring data.
- Customer questionnaire analysis
- Customer service centre (CSC) performance (Planning Service related)

6.0 Update on actions

6.1 Within the past 3 months the following steps have been taken along the road to improving the quality of the service provided by the Planning Service (this list is not exhaustive but gives a flavour of the breadth of such initiatives):-

6.2 Staff:

- Staff end of year performance appraisals completed. (action being taken where performance was below expectation)
- New personal & performance objectives set for the year ahead (2011-2012)
- Each planning officer has been out and had 1:1's with parish clerks as the first stage of building new working relationships with parish & town councils.

6.3 Complaints:

6.4 Table 1 below provides the full breakdown customer complaints handling in respect of the Planning Service. No other service within the Council reports such information or makes it publicly available via a report such as this. This report is also published on the Council's Planning Service web-site.

Complaints 1.6.11 – 30.6.11				Action required	Overall since 1.4.11				
Comp rec'd	No. resolved in time	No. resolved outside	Out standing but in time	Out standing and out of time	Total received	Total resolved	Tot res in time	% in time	% in time for same period last year
4	1	0	2	1	7	9	7	78%	54%

TABLE 1: 'Complaints handling' performance analysis (latest month + from 1 April

6.5 The Service has continued to improve its performance in terms of ensuring that customers who have made a complaint get a timely response. (It should be noted that 'resolved' does not mean an acknowledgement or holding reply was sent. To qualify as 'resolved' the complainant has to have been sent a full and detailed reply). This dramatic improvement has been the result of comprehensive performance management of the complaint process and staff awareness training.

6.6 It is interesting to take a look at a breakdown of the types of complaint being received because the picture has always been distorted somewhat by complaints made in respect

of the final planning decision taken being included within the statistics for complaints about service quality or process errors. Members familiar with the planning system will know that the planning system frequently raises passions, frustrations and anger that are not easily calmed if a decision doesn't go in the favour or one of the parties involved.

- 6.7 The analysis of complaint types is shown in Table 2 below. It should be noted that two-thirds of complaints related to matters within the control of the Service and after investigation it was found that of the four cases that fell into a category over which the service has control the complaint was valid in 2.5 of them. (0.5 = part upheld part dismissed). I.e 62.5%. Appropriate action was taken in each case which included an apology to the customer.

Type of complaint	No.	% of total	Complaint upheld (U) Dismissed (D)
Unhappy with officer's attitude	2	33.3	2 (U)
Unhappy with level of customer service given	2	33.3	1 (U) 0.5/0.5 (U/D)
Allegation of procedural mistakes	0	-	-
Unhappy with decision/outcome	1	16.6	1 (D)
Escalated complaint	0	-	-
Unhappy with system policy or procedure	1	16.6	1(D)

TABLE 2: Type of complaint 1 April – 30 June 2011

6.8 Planning workshops

- 6.9 On 31 May, 1 June and 14 June well attended Member planning workshops were held by the Planning Service (a series of either half day or whole day interactive sessions). Members serving on the Planning Committee (or wishing to act as substitutes) are required to receive such training/refresher workshops every two years by The Council's Constitution in order to be or remain eligible in such a capacity. The Planning Service presented a similar session for members in one of the Kent authorities.
- 6.10 Members who attended the sessions and are therefore up to date with training are, Councillors:-

Christopher **ARNOLD** (X)
 Nick **BARLOW** (*)
 Lyn **BARTON** (*)
 Kevin **BENTLEY**
 Mary **BLANDON**
 John **BOUCKLEY**
 Nigel **CHAPMAN**
 Peter **CHILLINGWORTH** (X)
 Barrie **COOK**
 John **ELLIOTT** (X)
 Annie **FELTHAM** (+)
 Stephen **FORD** (X)
 Continued.....

<p>Note: (x) denotes currently serving Planning Committee member (*) Cabinet member (+) new councillor</p>

Bill **FRAME**
 Mike **HARDY**
 Marcus **HARRINGTON (+)**
 Pauline **HAZELL**
 Peter **HIGGINS**
 Theresa **HIGGINS (X - Deputy Chairman)**
 Sonia **LEWIS (X)**
 Michael **LILLEY**
 Sue **LISSIMORE**
 Jackie **MACLEAN (X)**
 Richard **MARTIN**
 Ann **QUARRIE**
 Will **QUINCE (+)**
 Henry **SPYVEE**
 Laura **SYKES (X)**
 Julie **YOUNG**

<p>Note: (x) denotes currently serving Planning Committee member (*) Cabinet member (+) new councillor</p>
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6.11 Parish and town council liaison

6.12 May and June saw the inaugural liaison sessions with the following councils all of whom accepted an invitation to join the new initiative:-

Abberton & Langenhoe
 Aldham
 Chappel
 East Donyland
 Eight Ash Green
 Fingringhoe
 Great Horkesley
 Langham
 Layer de la Haye
 Little Horkesley
 Messing-cum-inworth
 Wakes Colne
 West Mersea
 Winstred Hundred

6.13 The initiative stems from feedback from what tend to be the smaller councils at the Town & Parish Forum that sometimes Planning resource seems to get concentrated on the urban areas or larger town & parish councils where new development levels are significant. The aim is to meet at least twice a year (at 6 monthly intervals) to share information, explore particular local planning issues, communicate changes in process and/or legislation, explain particular aspects of the planning system, build effective lines of communication, foster good working relationships, put faces to names and to listen to feedback about how the quality of service delivery by the Planning Service to parish councils can be improved.

6.14 Arrangements are currently being made with the parishes that previously attended for the December 2011 round of sessions.

6.15 CSC' (Customer Service Centre) – Planning related performance

6.16 The Customer Service Centre (CSC) based in Angel Court is in many ways the Planning Services front-line when it comes to direct customer contact. The CSC

provides huge support to the Planning Service in that it intercepts and resolves a significant number of what tend to be general planning enquiries from customers. The sheer volume of traffic successfully handled varies from 500 calls to 1000 calls per month and this has provided the Planning Service with capacity to improve its own performance in other areas and has given the public quick and easy access to general advice. The CSC and Duty Planner system complement each other. Regular users of the Planning Service and applicants have access to direct dial telephone numbers for planning officers and so do not have to go via the CSC as their enquiries tend to be specific. The Planning Service continues to benefit from the excellent support delivered by the CSC.

6.17 Tables 3 & 4 below reveal just how much support is delivered by the CSC and this is all contributing to delivering better and better service quality. This allied to the self help capability of the planning web-site is delivering greater and easier access to planning information.

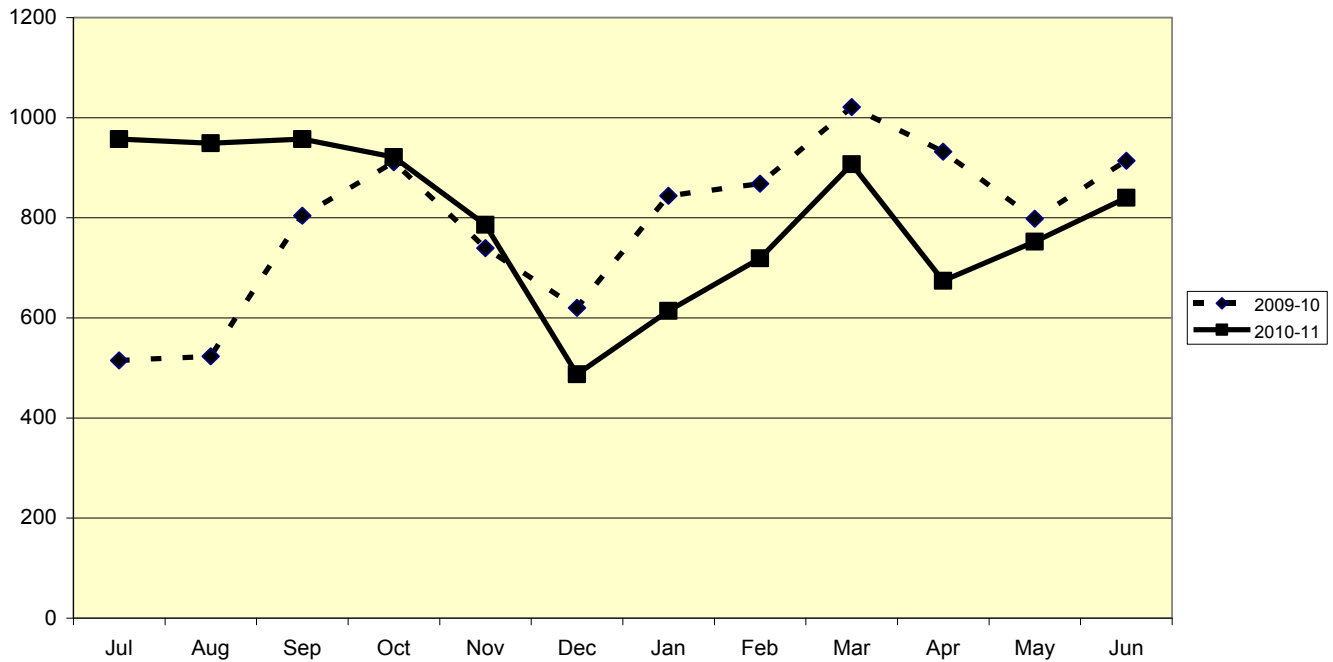


TABLE 3: Planning calls answered by the CSC

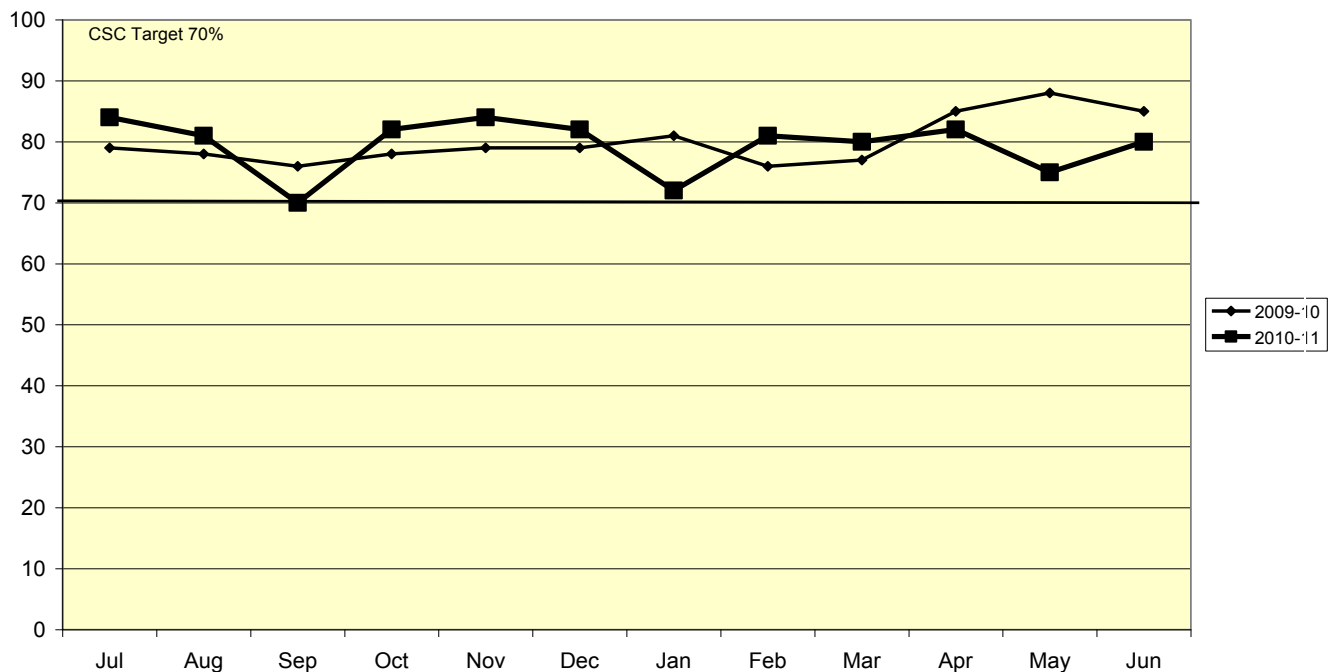


TABLE 4: Planning calls resolved by the CSC

6.18 Customer Surveys

6.19 The quarter under review saw the completion of a pioneering set of customer surveys undertaken as the first stage of regular sampling by the Planning Service with support from the E&PS Customer Relationship Officer, Sarah Fleming.

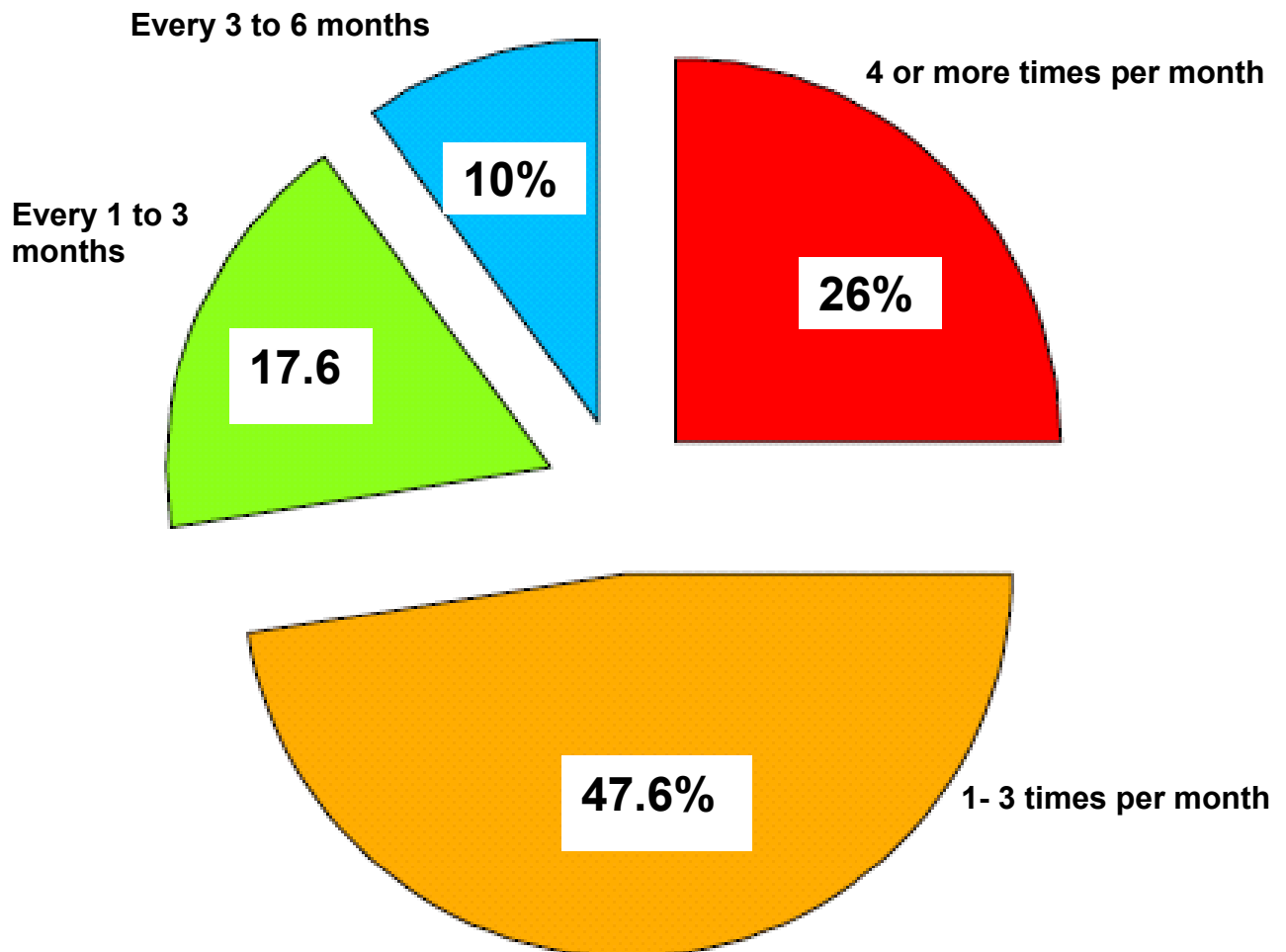
6.20 Those surveyed were:-

- The Cabinet
- All other members
- All Town & Parish Councils
- Major Developers working in Colchester
- Planning Agents working in Colchester

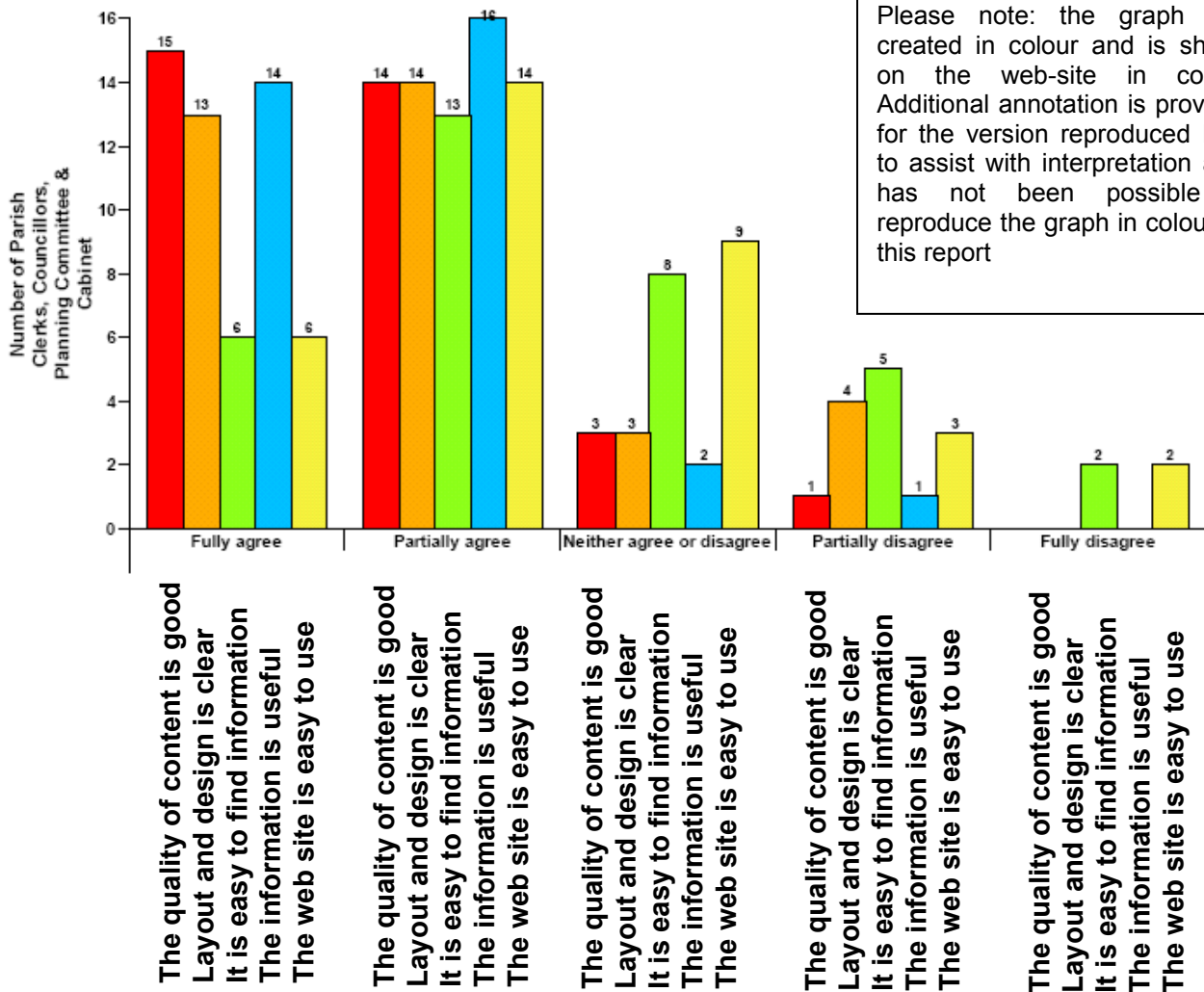
It is intended to re-survey each of the above in 6 months to chart progress in improving the quality of service delivered by the Planning Service. Survey data was collected in a variety of ways between the various groups and consisted of face to face interviews, on-line questionnaires and postal questionnaires.

and ongoing surveying of applicants post decision and complainants is underway.

6.21 This report will take a closer look at the combined analysis of results from Cabinet, other members and town & parish councils via a series of graphs and comments panels.



A. How often do you contact the planning service?



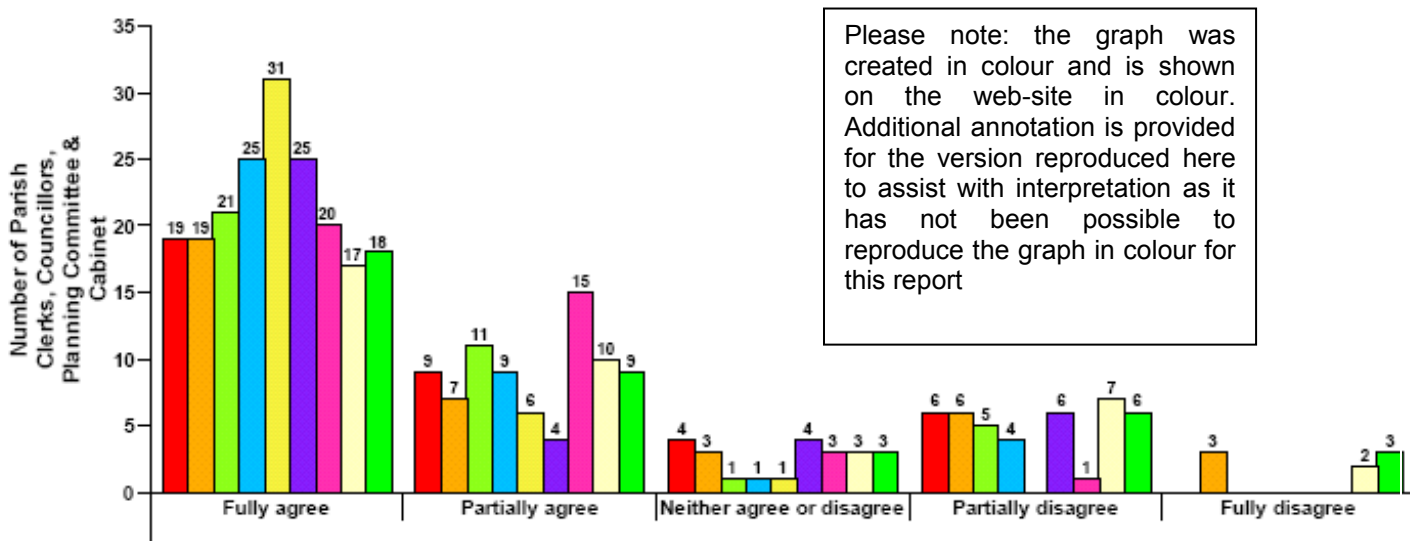
Please note: the graph was created in colour and is shown on the web-site in colour. Additional annotation is provided for the version reproduced here to assist with interpretation as it has not been possible to reproduce the graph in colour for this report

Ratings for various qualities of the planning web site

Please elaborate on the ratings above where you wish to give actual examples

- The Website is hard to explain to others, it's difficult to view the plans online and difficult to get to the plans in the first place (too many steps)
- It takes time to locate information but once found the information is useful
- Not used enough to elaborate
- Better than Tendring & Essex County Council
- The website is too big, not up-to-date
- Old maps were a lot better. New maps more difficult to use
- The links to application documents often do not work. There are many pages of the website that have large white areas at the top of the pages
- No
- Not easy to find the particular application you are seeking, and it often crashes. Once found, the system is good but availability is a problem
- Sometimes problems when system 'down'. Cannot access or view planning applications
- Difficulties with finding contact details for persons/departments
- When click on email alerts plans are not available. Pointless - not up to date, wait until it is up to date
- Generally ok. It was difficult to find planning applications, but this is now better (perhaps too many clicks- isn't this the most sort after info? Shouldn't it be on front page?) Difficult to find info like - "is it a listed building?"

- 1. Website would be easier to read if documents were in date order. 2. Comments which are received electronically are difficult to read due to format
- The website is excellent when it's working; it sometimes goes down at mysterious times (e.g. Sunday evenings)
- Decision notice not always available. Some larger apps are difficult to navigate through - amendments not always clear. Plans need to be properly identifiable. Useful if info gets lost in post
- The files can be very big and slow to load -- pictures would be useful
- The first time one tries to use the website it is very difficult to find the relevant information. I had this difficulty even though I was on The Planning Committee. It must be very difficult for the public especially those not comfortable with computers and in my experience that is a lot of people
- The website is cluttered, poor and slow. For instance some of the pages within planning have massive white space at the top of the page and you have to scroll down to find the info
- Has improved. Now pretty good. Sometimes on-line applications are not up to date and plans difficult to download
- Application summaries would be good - brief description of application so don't need to click through all the links. Loading PDF's not always quick (especially on dial up) also if using mobile device
- Answers above in the context of viewing apps
- Within the new applications screens you get blank screens that you need to scroll down to get to information - not everyone knows that and residents give up



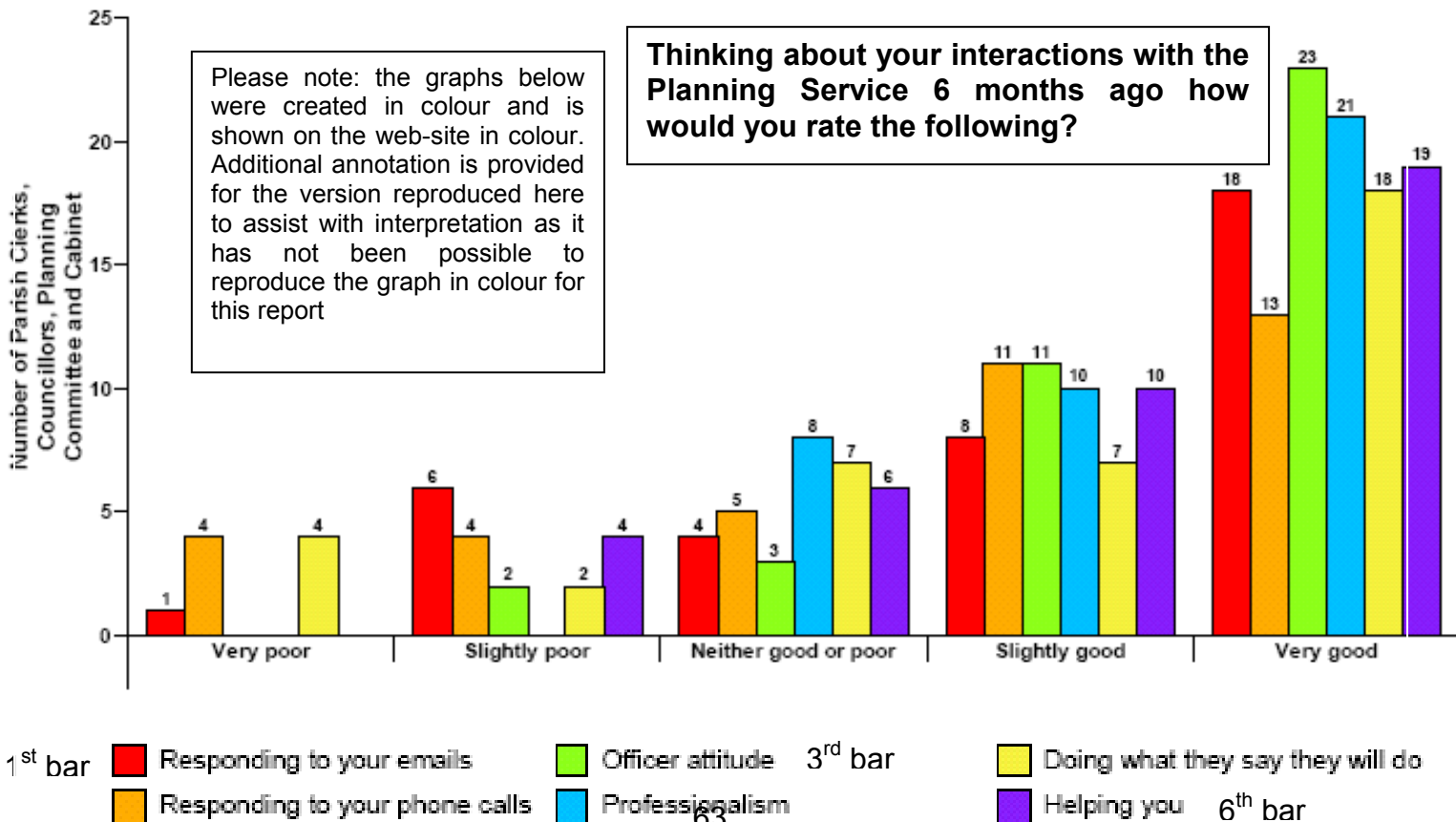
Please note: the graph was created in colour and is shown on the web-site in colour. Additional annotation is provided for the version reproduced here to assist with interpretation as it has not been possible to reproduce the graph in colour for this report

- 1st bar: I find it easy to contact the Planning Service
- 2nd bar: When I contact, I am happy with the length of time it takes to respond
- 3rd bar: Everything is explained in a way which is easy to understand
- 4th bar: Staff have the right level of knowledge to help me
- 5th bar: Staff are friendly and polite
- 6th bar: I feel I am treated fairly by the Planning Service
- 7th bar: I feel the Planners work in a professional manner
- 8th bar: I am satisfied with the service I receive
- 9th bar: My calls are returned or enquiry dealt with when promised

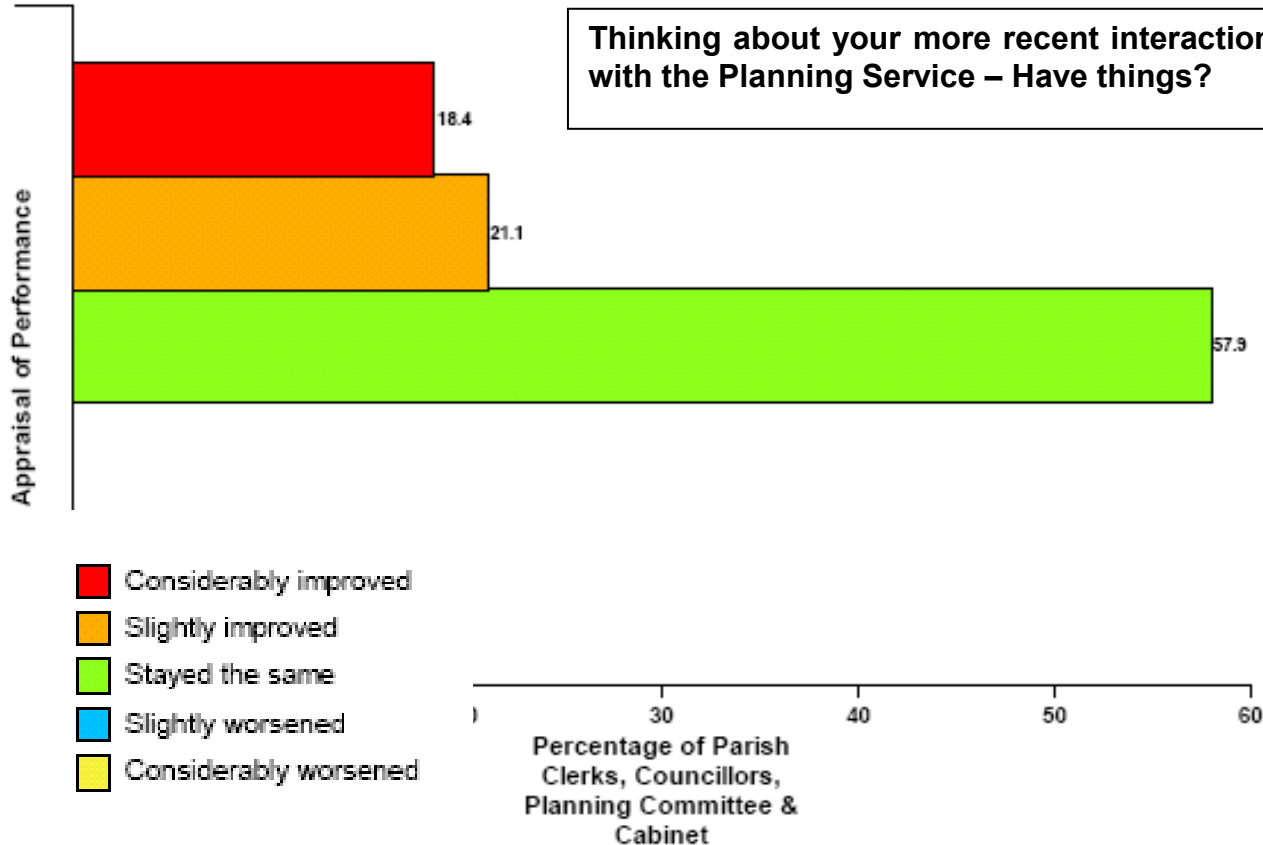
Ratings based on contact with the Service

Please elaborate on the ratings above where you wish to give actual examples

- Frequently Parishes are not consulted when they should be e.g. Fairfields Farm app in Fordham
- No. 7 & 8. The parish clerk is generally very happy with the service provided by planning there is however a recent incident which casts a shadow this relates to the non-attendance of the Planning Services Manager at the recent Annual Parish Assembly. (otherwise these would be fully agree)
- No. 5. Switchboard polite but don't have knowledge
- No. 7. Don't feel I can comment on this
- No. 1. Very rarely get to speak to officers immediately
- Frustrations arise when promised phone call is not made or emailed questions are not answered
- Generally replies are good. Karen Syrett V. good. Sometimes no reply from DC officer. When commencing on apps, Parish gets a standard reply rather than substantive reply
- Depends who is available at time
- Sometimes email queries are not responded to in timely manner
- E mails are often answered slowly -- have we enough staff?
- Service levels are generally poor and I have genuinely seen no improvement in the 4 years I have liaised with the department
- I have fully documented my past complaints to Vincent and Beverley
- Sometimes a sharper response would be appreciated
- Phone call responses are often slow or non existent. Depending on the application we feel you get different treatment
- I have found that calls aren't always returned, but this has improved recently
- Depends on who you speak to, some good/some tardy and have failed to get back. Leadership and management have recently improved
- Easy to contact as a 'Leader'. Different experience as a Cllr. Differs by officer - not achieving consistency
- Difficult to get hold of and don't call back. Worries about response residents must get if a Cabinet Member can't get answers. Messages on out of office that say back 3rd March and its 20th March, in this day and age why can't the officers carry mobiles?

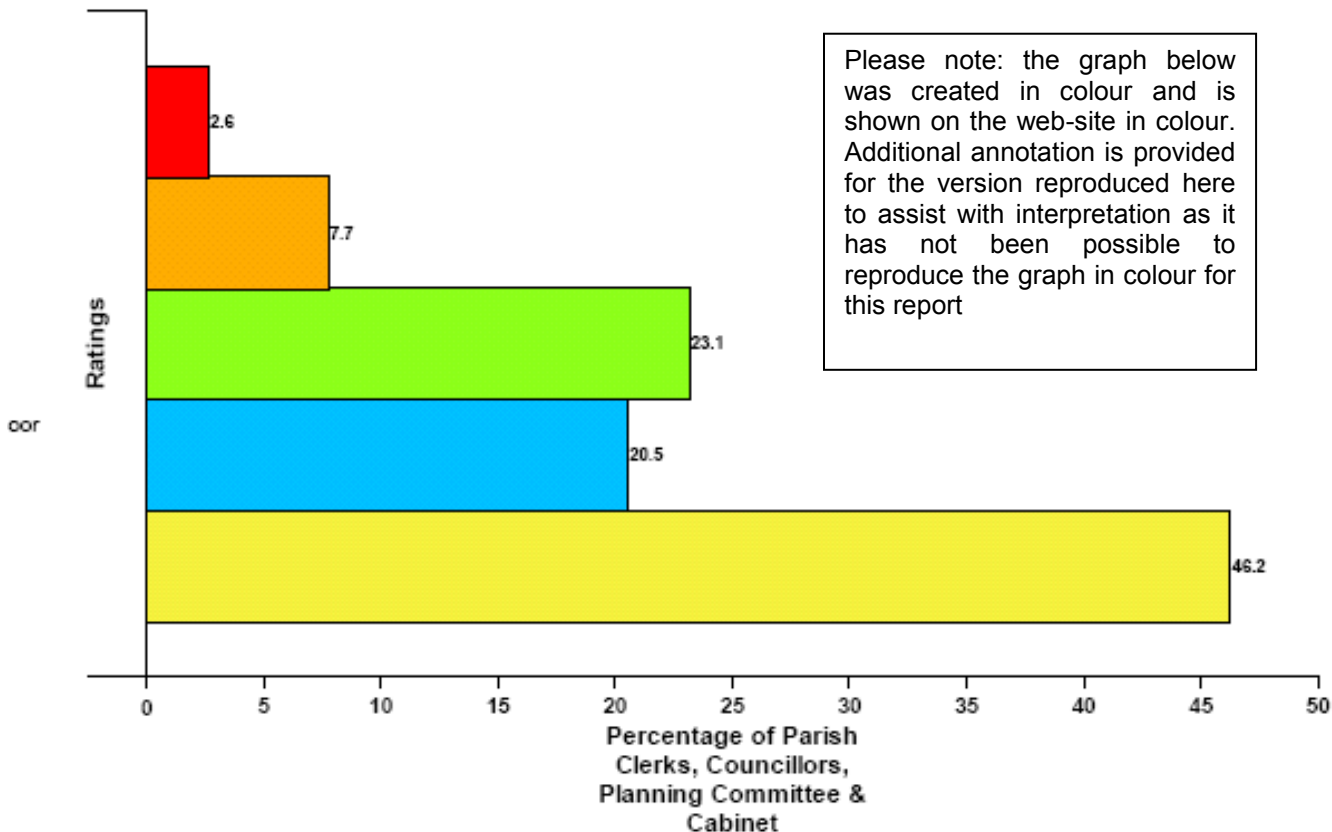


Thinking about your more recent interactions with the Planning Service – Have things?



- Considerably improved
- Slightly improved
- Stayed the same
- Slightly worsened
- Considerably worsened

Please note: the graph below was created in colour and is shown on the web-site in colour. Additional annotation is provided for the version reproduced here to assist with interpretation as it has not been possible to reproduce the graph in colour for this report



- Very poor
- Slightly poor
- Neither good or poor
- Slightly good
- Very good

Overall how would you rate the Planning Service?

- 6.22 So what do the surveys indicate? Well it is clear that the Service is beginning to build its reputation for delivery of improved customer service performance and that in many areas the Service is strong but still too much of the quality rating sits in the band that can be considered satisfactory. The aim of the service is to excel in all areas of customer service even with the pressures and challenges that face it.
- 6.23 Some pockets of less than expected performance have arisen and these are being pursued but overall there is very little evidence of poor overall performance. Further customer service initiatives are planned for the months ahead and it will be interesting to see what trends emerge in terms of the Services ability to perform at a high level of customer service.
- 6.24 Members will also have noted from the companion planning performance report that planning application performance is now at the highest level it has ever been and this in itself reflects a high level of customer service to all those who have been submitting applications this year.
- 6.25 The survey group being considered in this report was asked for training topic ideas for the forthcoming year and these are listed below:-

If you answered 'How to use the planning website' what in particular would you want to focus on?

- Members need to know more. Train members how to find and look at an application on-line. (Clerk has certificate of Higher Education in Local Policy; some clerks have this, but not all)
- How to make the system easier to use
- How all information relating to Wivenhoe can be accessed in 'one' hit
- How Planning Officers think
- How to log and check on line

If you answered 'Planning Policy' what in particular would you want to focus on?

- Members need to know how previously made policy decisions effect decisions made on applications
- An update on LDF's
- The Parish Council commented on LDF and suggested extension to VE Boundaries but had no further feedback and explanation why suggestions were not included
- Why are applications allowed when there is a policy preventing the development
- Up-dates on latest policy
- Development Policy
- Great Horkesley e.g. is the village design statement still valid?
- How policy impacts on application/decision making
- Degree of rigidity/flexibility with which core strategy and SASD are applied
- Understand the policies more as this gives confusion in meetings
- Matching the policy against peoples expectations
- If I didn't know I'd go look and would know where to look, could be a way of training Members – point at info don't try and teach it all. Try levels of Training – Novice, Intermediate, Planning Committee Member

If you answered 'Other' please give details

- Others more relevant to the Councillors. Councillors should have good knowledge of all

7.0 The planning web-site

7.1 The planning service web-pages are the most frequently accessed of any operated by the Council. The number of 'hits' (the times that a page is accessed) during 2010-2011 varied between 140000 and 165000. That is phenomenal traffic and represents a huge level of accessibility. It is therefore unsurprising that occasionally (2 -3 times a month) we receive a complaint about the web-site. Tables 5 & 6 below describe the trends.

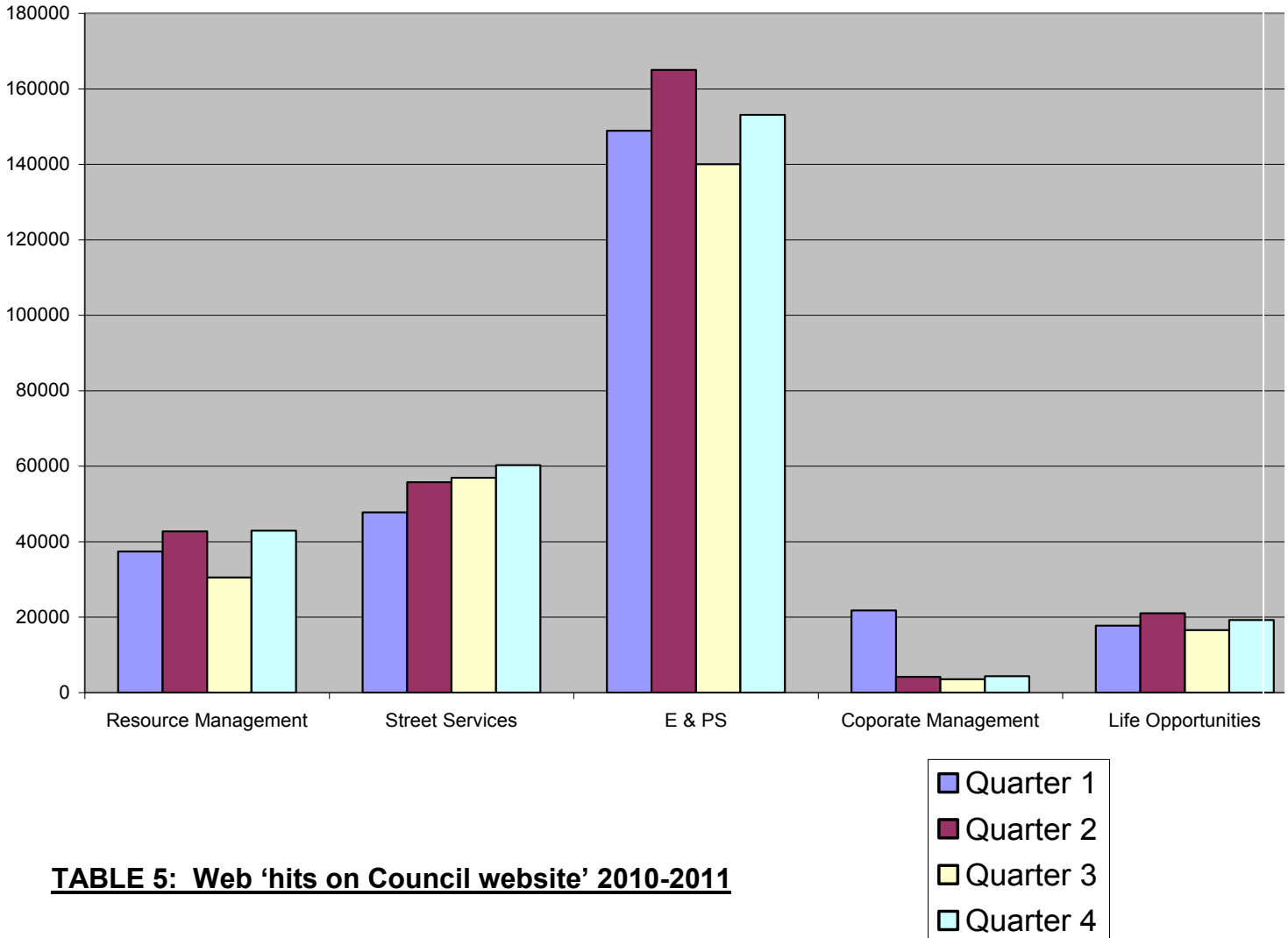


TABLE 5: Web 'hits on Council website' 2010-2011

	2009	2010	2011
1st	Jobs	Planning	Planning
2nd	Planning	Jobs	Jobs
3rd	Recycling & Waste	Council Tax	Recycling & Waste
4th	Council Tax	Housing	Council Tax
5th	Tour Series	Elections	Housing

TABLE 6: Most popular web areas on Council web-site 2009,2010 & 2011

8.0 Financial implications

8.1 None

9.0 Strategic Plan References

9.1 Further improving the customer service performance of the Planning Service (Development Management) has been identified within the Service as a priority. The Planning Service contributes to all of the Councils key objectives.

10.0 Risk Management

10.1 The risks associated with this report mainly revolve around reputation of the Service and knock on consequences for the Group and The Council by association.

11.0 Publicity Considerations

11.1 None

12.0 Human Rights Implications

12.1 None.

13.0 Community Safety Implications

13.1 None.

14.0 Health and Safety Implications

14.1 None.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



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.