

Planning Committee

Town Hall, Colchester
6 October 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

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

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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 6 October 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 Plan 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 meetings held on 8 September 2011 and 22 September 2011 will be submitted to a future 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. 111511 Recreation Ground, Colchester Road, West Mersea, CO5 8RU
(West Mersea) **1 - 6**

Proposed tennis club pavilion.
2. 110608 St John Ambulance Site, Chapel Road, Wivenhoe, CO7 9DX
(Wivenhoe Quay) **7 - 23**

Proposed demolition of the superstructure of the existing single storey St John Ambulance Hall. Proposed erection of a two-storey, flat-roofed building comprising an artist's studio on the ground floor and two bedroom dwelling on the first floor.
3. 110609 St John Ambulance Site, Chapel Road, Wivenhoe, CO7 9DX
(Wivenhoe Quay) **24 - 29**

Proposed demolition of the superstructure of the existing single storey St John Ambulance Hall.
4. 111546 Fiveways Superstore, 25 Church Road, Tiptree, CO5 0LA
(Tiptree) **30 - 34**

Application for the variation of Condition 6 of planning permission COL/1361/86 to allow longer opening hours of 07:30 - 22:00 Mondays to Saturdays and from 10:00 - 17:00 on Sundays and Bank Holidays.
5. 110398 Sainsburys, Western Approach, Stanway, CO3 8AA
(Stanway) **35 - 43**

Alterations to layout of car park and an increase in the number of parking spaces.

6. 111016 Formalset House, 95 Church Road, Tiptree, CO5 0AB (Tiptree) **44 - 51**

Change of use of ground floor (58 square metres) and first floor (58 square metres) from B1(a) Office to Class A1 Retail or Class A2 Financial and Professional Services. Second floor (36 square metres) to remain as Class B1(a) Office use.

7. 111285 The Old Oyster Sheds, Coast Road, West Mersea (West Mersea) **52 - 60**

Variation of Conditions 5, 14 and 17 of planning application 071786 to raise the slipway to form level and safe area for the parking of cycles and the construction of a small compound to enclose heating/ventilation equipment and bins, to protect the visual amenity of the area.

8. 111364 25 Green Acres Road, Layer de la Haye, CO2 0JP (Birch and Winstree) **61 - 72**

New detached 3 bedroomed dwelling on land adjacent to existing dwelling for private use with vehicle access onto private drive. Resubmission of 110586.

9. 111366 114 The Avenue, Wivenhoe, CO7 9PP (Wivenhoe Quay) **73 - 78**

Retention of dormer windows with proposed modifications and retentions of gable extension.

- 8. Compliance with Condition 17 of Application 071786 // The Old Oyster Sheds, Coast Road, West Mersea** **79 - 86**

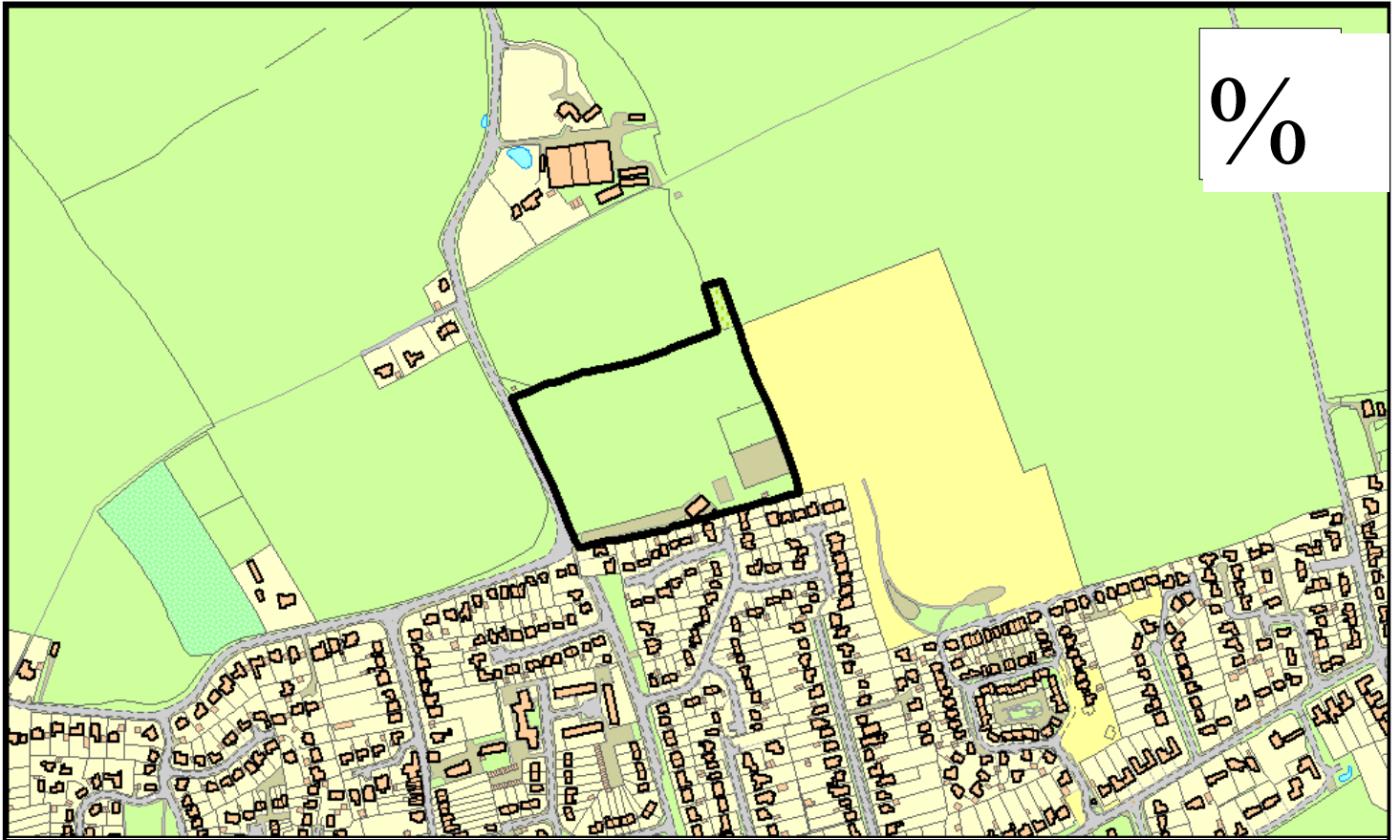
See report by the Head of Environmental and Protective Services.

9. Exclusion of the Public

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

- . Amendment Sheet** **87 - 95**

See Amendment Sheet attached.



Application No: 111511

Location: Recreation Ground, Colchester Road, West Mersea, Colchester CO5 8RU

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **6 October 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: Bradly Heffer

Due Date: 20/10/2011

MINOR

Site: **Recreation Ground, Colchester Road, West Mersea, Colchester, CO5 8RU**

Application No: **111511**

Date Received: **25 August 2011**

Applicant: **Mr D Tucker**

Development: **Proposed tennis club pavilion.**

Ward: **West Mersea**

Summary of Recommendation: **Refusal**

1.0 Introduction

1.1 This application is referred to the Planning Committee because of the previous planning history of the site and the fact that it relates to a facility on public land, proposed by West Mersea Town Council.

2.0 Synopsis

2.1 The report will describe the development and the range of responses received. The recommendation to Members is one of refusal.

3.0 Site Description and Context

- 3.1 The site for this proposal forms part of a large recreation ground known as The Glebe, located off Colchester Road West Mersea. The site, which has an overall given area of approximately 3.4 hectares, is currently occupied by sports pitches, tennis courts etc. There is also a club house group of buildings on the site, located adjacent to the southern boundary.
- 3.2 The eastern and northern boundaries of the site are bounded by open undeveloped land. The western boundary is bounded by Colchester Road and the southern boundary abuts established residential development.
- 3.3 The site for the proposed pavilion is adjacent to the tennis courts which are located in the south-eastern corner of the site. There is currently a smaller flat-roofed building located on the site which this proposed pavilion would replace. The site is grassed and level and lies between the tennis courts and the rear gardens of dwellings in 'Garden Farm'.

4.0 Description of the Proposal

- 4.1 The proposed development is for the erection of a new pavilion building to serve the existing tennis courts. The building would be a weather-boarded structure with a hipped roof clad in felt tile shingles, coloured red. The dimensions of the building would be 17.3 metres long and 8.8 metres wide. The overall height of the building would be 3.9 metres. The submitted plans show that the building would contain a general amenity area and storage facilities.
- 4.2 The Design and Impact Statement submitted with the application is available for viewing on the Council's website. The following extracts are taken from the document:

'...The proposal forms an additional amenity building on an established recreational ground located on the outskirts of a village settlement area and as such the impact on the existing neighbourhood will be minimal...the scale and style of the proposals will sit comfortably within the curtilage of the existing recreation ground with no adverse effect on the amenities of the neighbouring domestic properties...The layout configuration and positioning of the building is pre-determined by the location of the tennis courts within the recreation ground...any overlooking issues with regard to adjacent domestic properties will be minimised by the design and configuration of the fenestration...'

5.0 Land Use Allocation

- 5.1 The site for this proposal is located in a recognised area of open space, and within a Coastal Protection Belt as allocated in the adopted Local Development Framework Proposals Maps.

6.0 Relevant Planning History

- 6.1 102210 – Proposed Tennis Club Pavilion – refused via notice dated 15th December 2010.
- 6.2 110549 – Proposed Tennis Club Pavilion – approved via notice dated 26th May 2011.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
Planning Policy Guidance 20: Coastal Planning
- 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
SD3 - Community Facilities
UR2 - Built Design and Character
PR1 - Open Space
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP10 Tourism, Leisure and Culture
DP15 Retention of Open Space and Indoor Sports Facilities
DP19 Parking Standards
DP23 Coastal Areas
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Community Facilities
Vehicle Parking Standards
External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority has referred to its consultation response made under application ref 110549 that confirmed it has no objection to the proposal.
- 8.2 Environmental Control would require the imposition of conditions and an informative on a grant of planning permission to cover issues of noise control, sound insulation and construction and demolition works.

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 The application is made on behalf of West Mersea Town Council.

10.0 Representations

10.1 At the time that this report was drafted, 9 letters in support and 2 letters of objection had been received.

10.2 The letters in support of the proposal make the following summarised comments:

- The proposed location of the pavilion would be symmetrical to the tennis courts and would be a sensible location, offering a view of all the courts.
- The approved position for the pavilion is not as good as it would create maintenance problems and would cause overshadowing of the court areas – potentially a health and safety issue.
- The club has been on site for an extensive period and a new pavilion is needed. The relatively low height of the building would mean that its impact on the amenity of local residents would be limited and not overly detrimental.
- The development would add to the rural charm of the area.

10.3 The points of objection can be summarised as follows:

- The proposed building is too close to the rear boundaries of properties in Garden Farm, immediately to the south.
- It is too high and potentially could have a floor added at a later date.
- The existing buildings on the site already suffer from vandalism and the proposed new building would create another attractor for vandals.
- The possibility of events being held within the building could cause noise nuisance to neighbours due to the location of the building.
- The proposal would appear out of character.
- The site does not have sufficient parking to cater for the development.

11.0 Parking Provision

11.1 Under the Council's adopted standards it is stated that this sort of development should be considered on its individual merit (Class D2 – Assembly and Leisure – Other Sports Facilities – page 67). It is noted that the overall Glebe recreation ground is served by an extensive parking area and the proposed building would utilise this area.

12.0 Open Space Provisions

12.1 No requirement under this planning application.

13.0 Report

13.1 Members will note from the site history that an initial application to locate a pavilion on this site was refused under delegated powers (ref 102210). The reason for the refusal was due to the detrimental impact that the building would have on the amenity of the occupiers of dwellings in Garden Farm. It was noted that the existing structure on the site does have some impact on visual amenity, but this is limited due to its relatively modest size. The proposed new building would have a significantly greater floor area and, hence, its impact on amenity would be materially greater.

13.2 Following on from the original refusal a meeting was held on site to establish whether an alternative location for the proposed pavilion could be found. Following on from this meeting it was agreed that the pavilion could be located towards the south – western corner of the tennis courts. This would enable a spatial relationship between the building and the courts to be maintained and also relocate the building away from the boundaries of properties in Garden Farm, thereby lessening the overall impact of the building on the residents of those dwellings. A formal application was submitted under application 110549 and this was approved under delegated powers. Members should note that although comments were made regarding landscaping and treatment of the building this revised scheme did not give rise to outright objection from neighbouring residents.

13.3 This current application follows on from the previously approved scheme. The applicant has advised that the revised position for the pavilion is not acceptable as it creates problems for maintenance and causes overshadowing. Also its position in relation to the courts is not appropriate as it does not allow surveillance of all the courts to take place. However, the position currently proposed is similar to that originally proposed under the refused application 102210. It is your officer's opinion that given the characteristics of the site, and the location of adjoining development, the proposed building in this position would appear visually oppressive and overbearing. It is fully acknowledged that the tennis club requires a new building and Members should note that the proposed pavilion is currently being stored on another site. However, it is felt that the position of the building in the location shown would be harmful to neighbours amenity and an alternative site has been approved by the Council.

14.0 Conclusion

14.1 It is recommended that Members endorse the officer recommendation of refusal in this case.

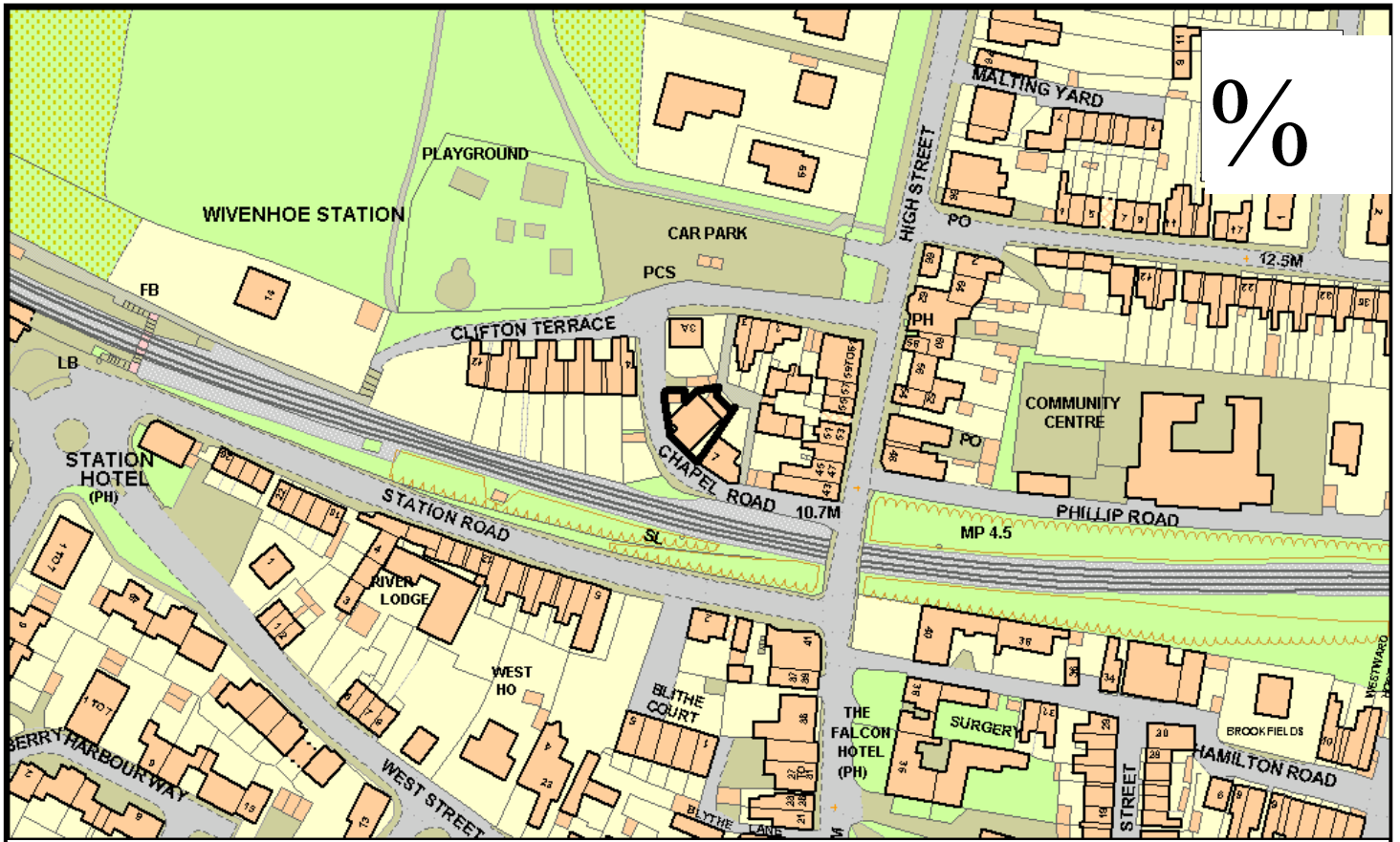
15.0 Background Papers

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

16.0 Recommendation - Refusal

Reasons for Refusal

Within the Local Development Framework Core Strategy (Adopted December 2008) Policy UR2 states, inter alia that '...Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported...' Leading on from this Local Development Framework Development Policy DP1 states, inter alia, that '...All development must demonstrate that they...protect existing public and residential amenity...' The Council considers that the proposed development would be contrary to the above identified policy aims in that it would result in a large new building (similar in size to a single storey dwelling) being located close to the boundary with adjacent dwellings. The Council acknowledges that the building would be utilised in connection with the established use of the site but its overall size and position in relation to rear boundaries would combine to create a visually overbearing and oppressive development that would not enhance the overall spacious character of this part of the site and would be detrimental to the amenity of the occupiers of the adjoining dwellings.



Application No: 110608

Location: St Johns Ambulance Site, Chapel Road, Wivenhoe, Colchester CO7 9DX

Scale (approx): 1:1250

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7.2 Case Officer: Simon Osborn

MINOR

Site: St Johns Ambulance Site, Chapel Road, Wivenhoe, Colchester, CO7 9DX

Application No: 110608

Date Received: 7 July 2011

Agent: Mr Laurie Wood

Applicant: Mrs Pru Green

Development: Proposed demolition of the superstructure of the existing single storey St. John Ambulance hall. Proposed erection of a two-storey, flat-roofed building comprising an artist's studio on the ground floor and two bedroom dwelling on the first floor.

Ward: Wivenhoe Quay

Summary of Recommendation: Refusal

1.0 Introduction

- 1.1 This applications subject of this and the following report were withdrawn from the committee agenda of 22 September 2011 as the Council received new information from the applicants on 19 September 2011 that had to be taken into account in the decision making process and for which it was not possible to consider properly at such late notice. A committee site visit was undertaken on 22 September 2011.
- 1.2 The application was originally called-in by Councillor Ann Quarrie on the grounds: "As a cosmopolitan town with well known artistic connections I feel it would be an asset to have a contemporary house and gallery in Lower Wivenhoe. Many styles of houses are already in situ and I feel this modern style will enhance the area. Enabling a cottage industry to expand".
- 1.3 Councillor Jon Manning also called-in the application if the Officer recommendation was approval, on the following grounds: "Design, impact on the conservation area, impact on residential amenity due to issues around parking and business use in residential area".
- 1.4 The layout of the report follows that of the original report, with a new section (14) summarising the additional information received and a further section (15), which gives further consideration to the issues raised. The report recommends refusal of the application, but minor changes to the wording of the refusal have been made to reflect the additional information submitted on 19 September 2011.
- 1.5 An application for conservation area consent to demolish the existing building has also been submitted and is subject of the following committee report.

2.0 Synopsis

- 2.1 The application has generated a large number of representations both for and against the proposal, with a clear difference of opinion as to the value of the existing building as an architectural structure and as a community asset, and the architectural merits and use of the proposed replacement building. The report considers the application in the light of Policy DP4 (which seeks to protect community buildings from change of use); design policies such as Policy UR2 (which do not exclude contemporary design within Conservation Areas); and, Policy DP1 (which seeks to protect existing residential amenity). It is concluded that whilst there is some merit to the proposed replacement building in architectural terms, this does not override the policy concerns identified and the adverse impact on existing residential amenity.

3.0 Site Description and Context

- 3.1 The application site is an irregular shaped parcel of land, fronting onto an unadopted road, in close juxtaposition to a number of residential properties and within the Wivenhoe Conservation Area. The property is close to the heart of the town and although within a predominantly residential area, is also to commercial outlets along the High Street, which form part of the Rural District Centre designation.
- 3.2 The application site is largely occupied by a rectangular-shaped hall of utilitarian form and appearance. A small corrugated-metal garage is located within the NW part of the site. Part of the site is overhung by a mature tree, the trunk of which is positioned immediately to the north of the application site.

4.0 Description of the Proposal

- 4.1 The application looks to remove the existing buildings on the site and to create a new 2-storey building of modern design and appearance, comprising a ground floor with a potter's studio, gallery, office and kiln room, with 2-bedroom residential accommodation on the first floor.
- 4.2 The documentation submitted with the application includes a DAS with 3D views of the proposal accompanying the text and a Heritage Statement.

5.0 Land Use Allocation

- 5.1 Conservation Area
Predominantly Residential Area

6.0 Relevant Planning History

- 6.1 WIV/10/48 – change of use of church hall to furniture store and showroom, approved 1948;
- 6.2 WIV/3/57 – change of use from furniture showroom to builders yard, approved 1957;
- 6.3 WIV/14/60 – change of use from builders workshop to St Johns Ambulance HQ and store, approved 1960;

- 6.4 WIV/26/60 – additions to provide storage, kitchen and toilet accommodation, approved 1960;
- 6.5 110609 – proposed demolition of the superstructure of the existing St John Ambulance hall, pending (see following report).

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
 - Planning Policy Statement 1: Delivering Sustainable Development
 - Planning Policy Statement 3: Housing
 - Planning Policy Statement 4: Planning for Sustainable Economic Growth
 - Planning Policy Statement 5: Planning for the Historic Environment
- 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
 - SD3 - Community Facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
 - DP1 Design and Amenity
 - DP4 Community Facilities
 - 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
- 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 ECC Highways stated:

“Whilst it is noted the parking provision on site is substandard this Authority does not feel that the proposed use of the site will alter the trips associated with the building. It is assumed that the current building could be reopened and used by the public for the function of the St John Ambulance without further recourse to the planning process. In this regard the Highway Authority would not wish to raise an objection to the proposal”.

8.2 Network Rail stated:

“No objection against the principal of the application however due to the close proximity of the proposal it is useful to inform railway personal of development occurring adjacent to the railway therefore Network Rail would like the following informative to be inserted into the decision notice: *Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement*”.

8.3 Environmental Control advised that if planning permission were granted, details of the extraction/ventilation system for the kilns and the proposed disposal procedure for potentially contaminated water used in the pottery process should be submitted. They also recommended the standard Demolition and Construction informative.

8.4 Planning Policy stated:

“This application is located within the village envelope of Wivenhoe and is designated on the Proposals Map as a predominantly residential area. It lies within a conservation area. The building which is proposed to be demolished was last used as a training centre for the St John Ambulance. Planning permission was granted for this use in 1960. From the many representations of support and objection to this application there is a clear difference of opinion as to whether the building is a community building. Policy DP4 of the Development Policies DPD seeks to protect community buildings from change of use. The supporting text to the policy recognises that the importance of particular facilities will vary between communities; it appears from the representations to this application that numerous members of the community value the importance of this building as a community facility.

A chronology of the use of the building has been provided by a local resident. It is understood that this chronology has been put together with assistance from other members of the community. The chronology shows that since the building was taken over by St John Ambulance it was regularly hired out for various local activities such as designing and painting scenery by the Gilbert and Sullivan Society, weddings, family occasions and music practice. Since 2007 when the St John Ambulance put the building on the market it has been used by the Gilbert and Sullivan Society and by a music group for weekly rehearsals.

This evidence certainly suggests that the building was last used for multi purposes, including for community purposes. Policy DP4 is therefore relevant. This policy states that proposals that would result in the loss of a site or building currently or last used for the provision of facilities, services, leisure or cultural activities for the community will only be supported if the Council is satisfied that:

- (i) an alternative community facility to meet local needs is, or will be, provided in an equally or more accessible location within walking distance of the locality; or
- (ii) it has been proven that it would not be economically viable to retain the site/building for a community use; and
- (iii) the community facility could not be provided or operated by either the current occupier or by any alternative occupier, and it has been marketed to the satisfaction of the Local Planning Authority in order to confirm that there is no interest and the site or building is genuinely redundant; and
- (iv) a satisfactory assessment has taken place that proves that there is an excess of such provision and the site or building is not needed for any other community facility or use.

An alternative community facility will not be provided and whilst there are other community facilities in Wivenhoe evidence from local people suggests that these are at capacity. It has not been proven that it would not be economically viable to retain the building. Whilst the application makes reference to a scheme for a cinema being rejected this is not sufficient evidence to prove that retaining the building is not viable for community purposes. It is accepted that the building has been on the market since 2007; however no information of this marketing appears to be available in support of the application. A number of representations to this application state that a local group has put together a business plan to purchase the building as a community resource. However, the building has been on the market since 2007 and so it is queried why a business plan was not put together earlier.

Finally, an assessment has not been made that proves that there is an excess of such provision in the locality and comments from representations would suggest that there is a shortage of spaces for community use in Wivenhoe.

Policy CE1 of the Core Strategy states that the Council will encourage economic diversity and business development to facilitate SME. This proposal would allow the expansion of a small local business, which is something that planning policy supports. The building is designed to be highly sustainable and the DACS states that it is aspiring to achieve level 5 of the Code for Sustainable Homes. Policy ER1 encourages the use of sustainable design and construction measures and the attainment of a minimum of level 3 of the Code for Sustainable Homes.

Planning policy is concerned that no garden is provided, although it is accepted that there is a large park nearby. Policy DP16 requires a minimum of 25m² per flat communally.

To summarise, evidence has not been submitted to justify the loss of this community facility and without this evidence the proposal does not comply with policy DP4”.

8.5 The Design and Heritage Unit recommended approval of the application and made the following comments:

“The building is situated in the Conservation area of Wivenhoe, with a number of listed buildings and buildings of townscape value in the immediate vicinity. The building itself was a timber framed late 19C parish hall, but its original appearance has now much changed, to the detriment of its appearance and the overall appearance of the sensitive conservation area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality.

The proposal is for a modest scale contemporary building of simple, but bespoke design. The design form utilises the existing footprint and relates well to the constrained site. The setback of the studio area and entrance from the street provides a better relation to the public realm than the existing situation.

The proposed use for potter’s studio and gallery open to members of the public, as well as a living space provides richness and interest and will be a positive asset to the image of Wivenhoe as an ‘artist’s colony’.

There are some distant views to the site from across the rail line, currently largely obscured by vegetation on the sloping rail sidings. The proposed building addresses these views well, with an active and interesting frontage. An active frontage follows the curve in Chapel Road, providing an improved townscape and interesting short views.

The Council is not against contemporary methods and materials and encourages high quality, creative design and showcases of innovative sustainable construction methods – this is well formulated in the Core Strategy, Policy UR2. The Council is equally committed to enhancing the historic built character with well built, distinctive developments that are both innovative and sympathetic to local character.

The contemporary architectural approach, although in contrast to the traditional forms in the Conservation area, is refreshingly different and contemporary, while the massing, scale and proportion achieves a domestic feel sympathetic to the surrounding area.

The building demonstrates good proportions and balanced openings, and provides visual interest from all sides. The use of two contrasting materials is successful, reflecting the contemporary form of the building, while attention to detail will provide aesthetic quality. The palette adds to the variety of forms and finishes already present in the conservation area.

The building is of its time, it is considered that it will improve what has become an unsightly corner and will enhance the character of Wivenhoe as a whole.

It is unclear from the plan where the 1.8m high fence (shown on SW elevation drawing) would be positioned – this is acceptable as a rear boundary treatment, but not at the frontage to Chapel Road. All boundary treatment should be indicated on the plans”.

8.6 The Arboricultural Officer recommended refusal of the application as submitted because the application fails to consider the large tree to the rear of the site. This will require the submission of a Tree Survey in line with BS 5837.

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 Wivenhoe Town Council stated:

“Although Wivenhoe Town Council welcomes and encourages businesses and individuals in ventures such as this Policy DP14 states that development affecting the historic environment “should seek to preserve, or enhance the heritage asset ” new development should “enhance the historic environment in the first instance”. This is not the case in this application, which is the demolition of a 140 year old historic building within Wivenhoe’s Conservation Area.

Policy DP 1 states that development must “positively contribute to the public realm, identifying, preserving or enhancing the existing sense of place, townscape or streetscape, key views, roofscapes” DP1 (i) states that the development will “respect and enhance the character of the site, its context and surroundings in terms of architectural approach” DP1 (iii) states “Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight”.

The development must enhance and improve what is already there, this application does not.

This application is therefore contrary to Policies DP1 and DP13 of the Adopted Colchester Borough Development Policies Development Plan Document (2010), and Policy UR2 of the Adopted Colchester Borough Core Strategy (2008).

Other points:

- It constitutes a Change of Use category from D1 to C3 residential and B1 business but this is not stated in the application;
- Under quota for parking standards - Planning Standards Design and Good practice September 2009 states that a 2+ bedroom dwelling needs a minimum of 2 car parking spaces;
- Ownership of land adjacent to garage is in question therefore planning permission cannot be granted;
- Loss of permeable land;
- The existing plans have insufficient detail in them, no dimensions, in particular there is an overhang on the 1st floor, where it is unclear whether this projects over the existing footplate. If it does then it may present problems for traffic in this already narrow road;
- North is in the wrong place on the plans;
- Use of two kilns a serious concern as kiln-dust fall out will be produced and create major consequences from toxins. There was no report on how the waste debris from pottery glazes would be dealt with to prevent them being washed down into the main sewer.
- There is no provision for outdoor space. Although this may be unimportant to the applicant, successive owners may use the car parking space or the flat roofed garden. Either putting more vehicles on the road or creating a further privacy problem for neighbours”.

10.0 Representations

10.1 134 representations objecting to the proposal were received and 55 representations in support of the proposal.

10.2 The following issues were raised by the objectors:

1. Loss of a community asset. There is a desperate shortage of community buildings in Wivenhoe. The building is structurally sound. There are funds available to bring it back into appropriate and viable community use.
2. The Hall is a simple Nineteenth-century building which makes a contribution to the character and appearance of the Conservation Area. The building has religious and social significance in Wivenhoe's history.
3. Application site encroaches on land outside the applicant's ownership.
4. Insufficient garden space and parking in accordance with the Council's standards for the occupants of the proposed building.
5. Overbearing impact on adjacent properties (particularly Clifton House and 2 Clifton Terrace). Loss of sunlight and ambient daylight to house and gardens of neighbours. Increased height of building compared with existing. North orientation wrongly shown on applicant drawings, which may mean sun path and shadow drawings are incorrect.
6. Overlooking of Clifton Terrace properties.
7. 2 kilns in close proximity to neighbouring residential properties likely to result in noxious fumes.
8. Flat roof design and general appearance out of keeping with sloping roof designs of new and old surrounding buildings.
9. Mature sycamore will suffer damage; Tree Survey required.
10. Overhanging upper storey could be dangerous to high-sided vehicles.

10.3 The following points were made by supporters of the proposal:

- A. The existing building has no merit and is gradually falling into greater dereliction.
- B. The proposed building is of good modern design and will be a refreshing change to the street scene.
- C. The proposed use will cause less noise and disturbance than an alternative community facility.
- D. The building is not viable as a community facility. The building has been on the market since 2007 and only the Wivenhoe Cinema Project has taken a serious interest until this application. The cinema project would have required a virtual rebuild at an unacceptably high cost.
- E. The applicant is an artist of international stature and the proposal will enhance Wivenhoe's reputation.

11.0 Parking Provision

- 11.1 The proposal makes provision for 1 car parking space. This is below the standard recommended by the adopted Parking Standards SPD (spaces for a 2-bedroom dwelling and 1 space per 30 square metres for a Class B1 commercial proposal). However, the existing site makes no provision for off-street parking.

12.0 Open Space Provisions

- 12.1 The proposal does not generate a requirement to provide on-site public open space. However, a Unilateral Undertaking has been submitted to provide a contribution towards public open space, sports and recreation facilities (and community facilities) in accordance with the Council's adopted standards.

13.0 Report

Principle of Redevelopment for Non-Community Use

- 13.1 From the many representations of support and objection to this application there is a clear difference of opinion as to whether the building is a community building. Policy DP4 of the Development Policies DPD seeks to protect community buildings from change of use.
- 13.2 From the representations received, it would appear that the building was originally constructed in 1871 as a Wesleyan Chapel and sold around 1901 to St Mary's Church as a church hall. During WWII, it was used as an overspill school for evacuees. In 1948 its use changed to a furniture/antique showroom, until 1958 when it was sold to a Wivenhoe builder. From around 1960 the building was used by St John Ambulance as a Training Centre. It has also been suggested that during this period it was used for safety training for Sailing Club cadets and various local activities, including occasional weddings and family occasions, and the Gilbert and Sullivan Society for designing and painting their scenery and rehearsals in connection with their annual production. In December 2007, the site was put on the market by the St John Ambulance organisation and they vacated the building. Since then with the permission of St John Ambulance, it is suggested the hall has been used by the local Gilbert and Sullivan Society for several months a year for designing and painting their scenery and to the In Accord Sacred Music group for weekly rehearsals.
- 13.3 The Heritage Statement indicates that a study was recently carried out to investigate suitability of the building for conversion into a cinema. It was concluded that major alterations would be needed to meet current building, fire and health and safety regulations and the cost of conversion for this project was estimated at £400,000, which did not make it viable. Another local architect has suggested that it would cost £100,000 to carry out simple remedial work. On the other hand, it has also been suggested that a small group of local people wish to purchase the hall for it to be continued to be used by community groups at no cost to the public purse.
- 13.4 The Heritage Statement suggests that intermittent hire to other groups and that failure to offer facilities for general public use that comply with all current regulations does not make this a "community building". Paragraph 3.11 in the explanatory text to DP4 indicates that a wide variety of buildings including local shops, leisure and cultural centres, churches, etc should be regarded as community facilities. The Planning Policy response to the application is printed in full in paragraph 8.4 of this report and draws attention to the need to consider Policy DP4 where proposals involve the loss of a community facility. This representation suggests it has not been proven that it would not be economically viable to retain the building. Whilst the application makes reference to a scheme for a cinema being rejected this is not sufficient evidence to prove that retaining the building is not viable for community purposes. It is accepted that the building has been on the market since 2007; however no information of this marketing appears to be available in support of the application. Finally, an assessment has not been made that proves that there is an excess of such provision in the locality and comments from representations would suggest that there is a shortage of spaces for community use in Wivenhoe.

- 13.5 There is a clear difference of opinion from the representations received as to whether or not the building should be considered as a community building and if community use is viable on this site. However, there is evidence that the building has been used in the past by a variety of groups in the community (although again the frequency and regularity has not been fully demonstrated) and given this it is considered that the application site not adequately demonstrated compliance with Policy DP4. This does not mean that the Council accept that the alternative local group's intention to purchase the building and run it as a community hall is viable. However, as far as the current proposal is concerned, it has not been shown to demonstrate compliance with the requirements of this adopted policy.

Impact on Character of Area

- 13.6 Policy UR2 in the Core Strategy and DP14 in the Development Policies promote high quality design, particularly where it would have adverse impacts on heritage assets such as Conservation Areas. There is a clear difference of opinion (again) from the representations received as to whether or not the proposal is harmful or beneficial to the character of the surrounding area, which is in fact part of the Wivenhoe Conservation Area. The proposal will result in the loss of an existing building dating to the Victorian period (and a small dilapidated corrugated metal garage/shed). The proposed replacement structure is of modern design and differs in terms of the form of the building and the palette of materials proposed; in particular, the proposed flat roof form contrasts with the pitched roof forms of buildings within the surrounding area.
- 13.7 The Council's DHU recommends approval of the application in design terms. This response suggests the original appearance of the existing building has now much changed, to the detriment of its appearance and the overall appearance of the sensitive conservation area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality. The contemporary architectural approach, although in contrast to the traditional forms in the Conservation area, is refreshingly different and contemporary, while the massing, scale and proportion achieves a domestic feel sympathetic to the surrounding area. The building demonstrates good proportions and balanced openings, and provides visual interest from all sides. The use of two contrasting materials is successful, reflecting the contemporary form of the building, while attention to detail will provide aesthetic quality. The palette adds to the variety of forms and finishes already present in the conservation area.

Impacts on Neighbouring Properties

- 13.8 Policy DP1 seeks to protect existing residential amenity and adopted SPD (Backland and Infill Development, Essex Design Guide and Extending Your House) provide further guidance on the consideration of issues such as overbearing impacts, overshadowing and overlooking. The existing building is of similar overall height to the proposed replacement building; however, whilst the eaves level of the existing building is relatively high at 3.3m, the pitched roof form means it slopes away from the adjacent property. The proposed replacement building has sought to compensate for the 2-storey form by proposing a flat roof and setting the rear part of the first floor structure further in from the nearest neighbour boundary (at 7 Chapel Road).

- 13.9 The Essex Design Guide suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of an existing window being within a combined plan and section 45 degree overshadowing zone. Measurements taken from the nearest ground floor window on the rear elevation at 7 Chapel Road will result in such an obstruction (whereas the existing building just avoids this). This guidance tool is commonly considered by officers and the non-compliance of the proposal in this respect is considered to be a sound reason for refusal. Representations against the proposal have been received from this neighbour, who also objects to loss of sunlight and overbearing impact upon their small rear garden resulting from the proposal. The latter aspects are more difficult to assess as the path of the sun varies throughout the year. The rear garden of 7 Chapel Road is generally positioned to the east of the proposed building, so loss of direct sunlight could only occur during the late afternoons or early evening hours. The roof form of the replacement building is no higher than the existing building, but whereas the existing roof form slopes away from that property, the proposed replacement structure will have greater solidity at first floor level. It is considered likely that there will be some additional impact on the enjoyment of this garden area resulting from the proposal resulting from the greater bulk at first floor level. A representation on similar grounds was also received from 2 Clifton Terrace; the rear private amenity of this area is positioned NE of the building. Again, it is considered likely that the additional bulk of the building at first floor level will have some impact upon the enjoyment of this amenity area, although the variation in the path of the sun throughout different days of the year and the fact that this amenity area is not immediately adjacent to the proposal building mean the impact is likely to be less than the impact on 7 Chapel Road in particular on the grounds of loss of daylight and sunlight.
- 13.10 Policy DP1 and the associated SPD also seek to protect the amenity of existing residential property from unreasonable overlooking. Although the proposed building generally avoids overlooking from first floor windows, the proposal includes a first floor sitting-out area above the south-west part of the ground floor. This sitting-out area forms the main amenity area for the new studio dwelling. It is positioned approx 6m from the rear garden of 4 Clifton Terrace and just above the level of the boundary wall to this property. It is noted that the occupants of this property have not objected to the proposal; nonetheless, the Council has to have regard to the impact of proposals in terms of its adopted policies. The part of the garden overlooked by the balcony is the patio area immediately to the rear of that house, which is the area that adopted guidance looks in particular to protect from overlooking. Whilst there is an element of overlooking from the rear bedroom window of 5 Clifton Terrace, that is relatively oblique, whereas the new first floor sitting-out area is the main amenity area for the new property and faces directly toward the garden of 4 Clifton Terrace. As such it is considered the proposal results in unreasonable overlooking of the existing property, 4 Clifton Terrace.

Amenity Provisions

- 13.11 Policy DP16 requires a minimum of 50 square metres (sqm) of private amenity space for 1 and 2-bedroom houses, or 25 sqm for flats, as a secure and useable space. The proposal includes a balcony/ first-floor sitting out area of approx 10 sqm, but little other useable amenity space. This is clearly well below the Council's adopted minimum standards. However, in mitigation, the site is very close to a large area of parkland and the proposal is within an area of Wivenhoe where many of the dwellings have very small gardens.

Highway Issues

- 13.12 The proposal makes provision for 1 car parking space. This is below the standard recommended by the adopted Parking Standards SPD (spaces for a 2-bedroom dwelling and 1 space per 30 sqm for a Class B1 commercial proposal = requirement for 4 extra spaces). However, the existing site makes no provision for off-street parking and an alternative use of the site for community purposes would also generate a requirement for off-street parking. The Highway Authority has not objected to the proposal on these grounds. The proposed use is in effect a live-work unit, and the provision of 1 space is not considered unacceptable in the circumstances.

Trees

- 13.13 The proposal is in very close proximity to a mature tree, with its trunk just north of the application site. However, the crown spread overhangs the existing building. The Council's Arboricultural Officer advises that a Tree Survey should have been submitted in order to fully assess the impact of the proposal on this mature tree. The tree does of course add to the character and setting of the Conservation Area and it is important that this is fully considered.

Other Matters

- 13.14 A letter has been submitted from one objector, stating he owns the adjoining garage and adjacent access strip (on the northern margin of the site) and that the applicant's main access could trespass over his land and a proposed boundary fence intrude upon it. The agent has responded that the correct boundary for ownership was shown but that paving to the client's forecourt had been shown on the adjoining land. Amended drawings have been submitted and the agent confirms any new fencing will be on the applicant's land. The objector maintains that access to the front door will be over his land. This difference is acknowledged; however, it is not primarily the place of the planning system to resolve ownership disputes.
- 13.15 Two representations have also been received in respect of potential odour and waste water concerns regarding the operation of the kilns. The Environmental Control section has advised this would require further details to be submitted if planning permission was granted.

14.0 Additional Information from Agent

Community Use:

- 14.1 The agent has stated that :

"The proposed studio and gallery will be open and free to the public and enjoyed by both local people and visitors. The building will become an important community facility in Wivenhoe. Our client Pru Green has made it clear that the gallery will not only be used for herself - it will be used by other local artists and craftsmen. The studio has been designed with large windows to engage with the outside world and encourage people to call in and visit. To watch a celebrated potter create works of art will be a real attraction for the town. The gallery will allow artists to market their work. The studio/workshop will be open for individual tuition in ceramics and decoration.

Demonstrations of art techniques will be provided to community groups such as schools and charities. All visitors to the workshop and gallery will be able to see work in progress 4 days a week throughout the year.

Good local transport and easy parking would make this a perfect location as a hub for local artists to showcase their talents and skills to the wider community.

Therefore this proposal does not result in the loss of a community facility as has been suggested; it simply provides an alternative community use for the site contributing to the town's cultural needs. Policy DP4 seeks to support the retention and enhancement of existing community facilities, where it would positively contribute to the quality of local community life. This proposal would comply with the policy aims.

It also needs to be pointed out that the existing hall has not been used a great deal in recent years. The proposed building would be used and enjoyed by far more people.”

Trees:

- 14.2 Stephen Hayden (Hayden's Arboricultural) visited the site on 19 September and discussed the sycamore tree with the Tree Officer Liam McKarry. The agent has stated that:

“As we explained, the proposed new building will use the exact foundations of the existing building to avoid any disturbance in the ground. A Tree Report will be forwarded shortly.”

Neighbour Impacts:

- 14.3 Minor amendments have been carried out to the South East Elevation of the proposed building. These confirm compliance with the 45 degree light plane from the nearest ground floor window on 7 Chapel Road.
- 14.4 The horizontal distance between the proposed balcony and the rear of No 4 Clifton Terrace is over 12m. The key view from this balcony would be looking in a south westerly direction towards the railway and down over the river. The glazed balustrade facing North West towards Clifton Terrace could be of obscured glass to overcome any worries of overlooking and this could be 'conditioned' in an approval. Windows and balconies overlooking other properties and gardens is a common feature of Wivenhoe. It is one of the many rather quirky and attractive features of a town which is characterised by buildings arranged close together and with a dense pattern of development.

15.0 Additional Report

Community Use:

- 15.1 Planning Policy has commented that the additional information submitted by the agent does not alter their comments. Whilst the proposed gallery may be open to the public and used by other artists (which will be very positive) the proposal still appears to result in the loss of a community building. Even if the gallery is genuinely open to the public it remains the case that the public will not be able to hire the venue out for parties, music lessons etc as they have reportedly been able to do with the existing building. Planning Policy reiterated that they do not think the application has provided enough evidence to satisfy the requirements of policy DP4.

- 15.2 The applicant suggests that the proposed studio will operate as a community facility and thereby by implication that compliance with the tests of DP4 need not be demonstrated. There is certainly a strong question mark over whether the proposed use would be considered a D1 (community use). For example, an artists studio would normally be considered a B1 use, a pottery dealers office would be B1, pottery manufacturing B2, a sculptor's studio is sui generis. An art gallery would be a D1 use, but only where sales would not be the main use. The gallery forms only a small part of the proposed floor area and it has to be questioned if this is to be considered the main use or simply an ancillary one. Further information has been sought from the agent. In any case, a planning condition requiring the studio to be open and available for public events may be difficult to enforce. On balance it is considered the proposal cannot be supported in accordance with the requirements of DP4.

Trees:

- 15.3 The Council's Tree Officer agreed it was possible to build the proposed structure if the sycamore tree is sufficiently protected. However, the tree is semi mature and is going to get much, much bigger and whilst it may be possible to carry out pruning operations every year, once this tree actually gets to a full grown size it will dwarf the building, which will then mean that the owners of the building will want the owners of the tree to remove it. The proposed development will almost certainly create neighbour conflict and for at least 10 -20 years this tree does significantly constrain the development and does create an issue.
- 15.4 At the time of re-drafting this report a Tree Survey had not been received. However, the preliminary advice of the Tree officer is that the sycamore represents a constraint on development. The tree is outside the applicant's ownership and the proposal results in new 2-storey built form within the existing spread of the tree. This will require works to the tree to provide the building and create potential neighbour conflict on having the tree pruned on a regular basis.

Neighbour Impacts:

- 15.5 The revised plans do show that the proposed development will not obstruct a combined plan and section 45 degree angle from the mid-point of the nearest ground floor window of 7 Chapel Road. This is an important consideration as the Essex Design Guide suggests that if this is not obstructed interior daylight and loss of outlook is not significant. Nonetheless, it is still possible for a building that complies with this to have an overbearing impact upon the garden/outdoor space of a neighbouring property. The adopted SPD Extending Your House suggests that to prevent an extension being unacceptably overbearing it should not result in 2-storey projections infringing a 45 degree plan line drawn from the nearest corner of the adjoining dwelling and both 1 and 2-storey rear projections on the boundary should not exceed 3 metres beyond the main rear wall of the adjoining property plus 1m for each metre of isolation from the boundary. In this instance the existing St Johns Ambulance HQ building has an overbearing impact upon the adjoining residential property. However, the proposal does increase the built form at first floor level at the back of the proposed building (where the present shallow lean-to element is). 7 Chapel Road has only a small rear garden and whilst this part of the proposed building is set 2.75 metres from the boundary, it is considered that it will result in a greater degree of enclosure and that the proposal will be more overbearing as a result. On balance, it is considered that refusal on these grounds is still appropriate.

- 15.6 The agent suggests that overlooking from the balcony toward 4 Clifton Terrace is not significant and that a condition could be imposed requiring the NW balustrade to be obscure glazed. The balcony area is 6m from the garden wall of this property at its closest point and does look toward the patio area at the rear of this dwelling. In order to prevent overlooking it would be necessary to have a 1.8m height obscure glazed screen. The balustrade shown in the drawings is only 1m in height; it acknowledges this could in theory be increased in height with an obscure glazed screen below.
- 15.7 One other issue that has been highlighted since the original report was drafted is the potential impact of the extraction system for the kilns in terms of noise pollution. The agent has agreed to provide further information on this point.

16.0 Conclusion

- 16.1 The application has generated a large number of representations both for and against the proposal, with a clear difference of opinion as to the value of the existing building as an architectural structure and as a community asset, and the architectural merits and use of the proposed replacement building. Policy DP4 seeks to protect community buildings from change of use and in this respect it is considered the application does not demonstrate that the proposed use could be supported in accordance with the detailed requirements of that policy. Policy UR2 does not exclude contemporary design within Conservation Areas, where it results in distinctive development that is sympathetic to local character. In this instance, the proposed design form is considered acceptable in itself in relation to the character and context of the surrounding Conservation Area. However, the resultant design form would result in unacceptable neighbour impacts as detailed within the report and the application also fails to consider potential detrimental impacts on a nearby mature tree. Whilst, there some merits to the proposal in architectural terms, these do not override the policy concerns identified and the adverse impact on existing residential amenity. The additional information and the amended plans will reduce the impacts originally identified. However they are not sufficient to warrant a favourable recommendation.

17.0 Background Papers

- 17.1 PPS; Core Strategy; CBDP; SPG; HA; Network Rail, HH; DHU; AO; PTC; NLR

17.0 Recommendation – Refusal

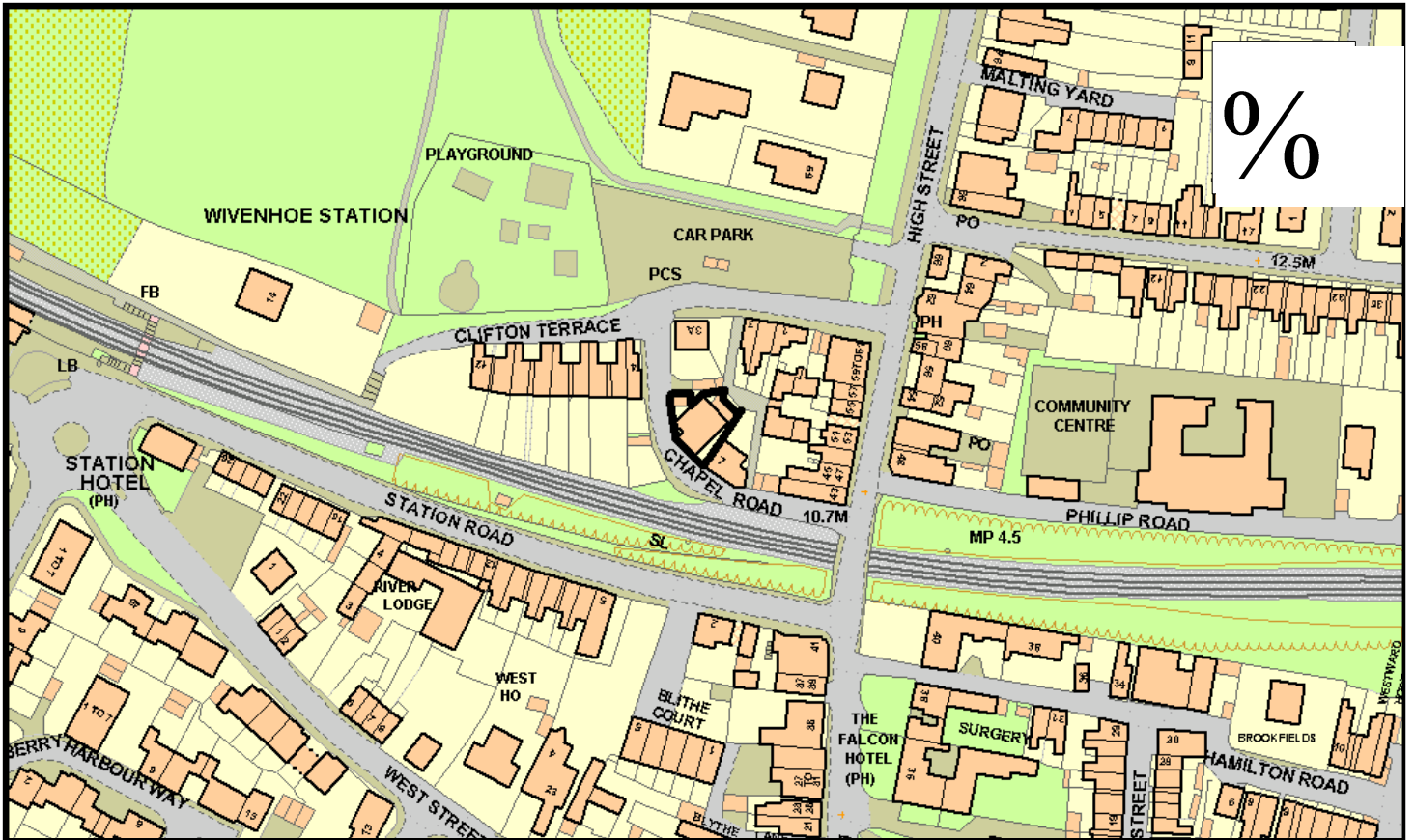
Reasons for Refusal

The LDF Development Policies Document was adopted by the Council in October 2010. Policy DP4 seeks to protect community buildings from inappropriate change of use. Policy DP1 seeks to ensure all development is of a high standard, which respects and enhances the character of the site, its context and surroundings, including the landscape setting, and protects existing residential amenity.

In this respect, the existing building appears to have previously been used, in part, for community purposes and, it is considered that the application has not demonstrated to the satisfaction of the Council that the replacement building would be a genuine community facility and that it would not be economically viable to retain the existing building for community use (or could not be operated by an alternative occupier for community purposes), nor has it provided an adequate assessment to demonstrate there is an excess of such provision in the vicinity. As such the proposal cannot be supported in accordance with Policy DP4.

The proposed replacement building will furthermore result in adverse impacts on existing residential amenity, including an overbearing impact to 7 Chapel Road and overlooking to the private amenity area of 4 Clifton Terrace. The proposal as such is contrary to Policy DP1 and to adopted SPD (including the Essex Design Guide and Extending Your House).

Finally, the application does not provide a Tree Survey in line with BS 5837, and has not demonstrated that the replacement building can be accommodated without undue detriment to a nearby mature tree, also in accordance with Policy DP1.



Application No: 110609

Location: St Johns Ambulance Site, Chapel Road, Wivenhoe, Colchester CO7 9DX

Scale (approx): 1:1250

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7.3 Case Officer: Simon Osborn

Due Date: 01/09/2011

Site: St Johns Ambulance Site, Chapel Road, Wivenhoe

Application No: 110609

Date Received: 7 July 2011

Agent: Mr Laurie Wood

Applicant: Mrs Pru Green

Development: Proposed demolition of the superstructure of the existing single storey St. John Ambulance hall.

Ward: Wivenhoe Quay

Summary of Recommendation: Refusal

1.0 Introduction

1.1 This application is referred to the Planning Committee because it accompanies the planning application (subject of the previous report), which was called-in by Cllr Ann Quarrie.

2.0 Synopsis

2.1 The previous report in respect of the planning application considered the planning issues surrounding the proposed replacement building. In the absence of a suitable replacement building, the Council cannot support the demolition of an existing Victorian building, as this would have a detrimental impact upon the character and appearance of the Conservation Area.

3.0 Site Description and Context

3.1 The application site is an irregular shaped parcel of land, fronting onto an unadopted road, in close juxtaposition to a number of residential properties and within the Wivenhoe Conservation Area. The property is close to the heart of the town and although within a predominantly residential area, is also to commercial outlets along the High Street, which form part of the Rural District Centre designation.

3.2 The application site is largely occupied by a rectangular-shaped hall of utilitarian form and appearance. A small corrugated-metal garage is located within the NW part of the site. Part of the site is overhung by a mature tree, the trunk of which is positioned immediately to the north of the application site.

4.0 Description of the Proposal

- 4.1 The conservation area consent application looks to remove the existing buildings on the site.

5.0 Land Use Allocation

- 5.1 Conservation Area
Predominantly Residential Area

6.0 Relevant Planning History

- 6.1 WIV/10/48 – change of use of church hall to furniture store and showroom, approved 1948;
- 6.2 WIV/3/57 – change of use from furniture showroom to builders yard, approved 1957;
- 6.3 WIV/14/60 – change of use from builders workshop to St Johns Ambulance HQ and store, approved 1960;
- 6.4 WIV/26/60 – additions to provide storage, kitchen and toilet accommodation, approved 1960;
- 6.5 110608 – proposed demolition of the superstructure of the existing St John Ambulance hall, and erection of a two-storey, flat-roofed building comprising an artist’s studio on the ground floor and 2-bedroom dwelling on the first floor, pending (see previous report).

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 5: Planning for the Historic Environment
- 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
DP14 Historic Environment Assets

8.0 Consultations

8.1 Network Rail stated:

“No objection against the principal of the application however due to the close proximity of the proposal it is useful to inform railway personal of development occurring adjacent to the railway therefore Network Rail would like the following informative to be inserted into the decision notice: *Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement*”.

8.2 The Design and Heritage Unit commented:

“The building is situated in the Conservation area of Wivenhoe, with a number of listed buildings and buildings of townscape value in the immediate vicinity. The building itself was a timber framed late 19C parish hall, but its original appearance has now much changed, to the detriment of its appearance and the overall appearance of the sensitive conservation area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality”.

8.3 Environmental Control recommended the Demolition and Construction Informative

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 Wivenhoe Town Council stated:

“Although Wivenhoe Town Council welcomes and encourages businesses and individuals in ventures such as this Policy DP14 states that development affecting the historic environment “should seek to preserve, or enhance the heritage asset ” new development should “enhance the historic environment in the first instance”. This is not the case in this application, which is the demolition of a 140 year old historic building within Wivenhoe's Conservation Area.

Policy DP 1 states that development must “positively contribute to the public realm, identifying, preserving or enhancing the existing sense of place, townscape or streetscape, key views, roofscapes” DP1 (i) states that the development will “respect and enhance the character of the site, its context and surroundings in terms of architectural approach” DP1 (iii) states “Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight”.

The development must enhance and improve what is already there, this application does not.

This application therefore contrary to Policies DP1 and DP13 of the Adopted Colchester Borough Development Policies Development Plan Document (2010), and Policy UR2 of the Adopted Colchester Borough Core Strategy (2008).

Other points:

- It constitutes a Change of Use category from D1 to C3 residential and B1 business but this is not stated in the application;
- Under quota for parking standards - Planning Standards Design and Good practice September 2009 states that a 2+ bedroom dwelling needs a minimum of 2 car parking spaces;
- Ownership of land adjacent to garage is in question therefore planning permission cannot be granted;
- Loss of permeable land;
- The existing plans have insufficient detail in them, no dimensions, in particular there is an overhang on the 1st floor, where it is unclear whether this projects over the existing footplate. If it does then it may present problems for traffic in this already narrow road;
- North is in the wrong place on the plans;
- Use of two kilns a serious concern as kiln-dust fall out will be produced and create major consequences from toxins. There was no report on how the waste debris from pottery glazes would be dealt with to prevent them being washed down into the main sewer.
- There is no provision for outdoor space. Although this may be unimportant to the applicant, successive owners may use the car parking space or the flat roofed garden. Either putting more vehicles on the road or creating a further privacy problem for neighbours”.

10.0 Representations

10.1 Most of the representations received in respect of this proposal (134 objecting, 55 in favour) relate more specifically to the application for planning permission 110608 for this site. The following comments related more specifically to this application:

1. Loss of a community asset. There is a desperate shortage of community buildings in Wivenhoe. The building is structurally sound. There are funds available to bring it back into appropriate and viable community use.
2. The Hall is a simple Nineteenth-century building which makes a contribution to the character and appearance of the Conservation Area. The building has religious and social significance in Wivenhoe’s history.
3. The existing building has no merit and is gradually falling into greater dereliction.

11.0 Parking Provision

11.1 The proposal to demolish the existing buildings raises no parking issues.

12.0 Open Space Provisions

12.1 The proposal to demolish the existing buildings raises no open space provision issues.

13.0 Report

13.1 The previous report in respect of the planning application made clear that the loss of a building which had in part been used for community purposes, was not acceptable unless it had been demonstrated as appropriate in accordance with the requirements of Policy DP4. The proposed replacement building would furthermore result in detrimental amenity impacts to nearby residential property. These issues were considered as part of the planning application and are not considered further here. However, they are relevant insofar as there is not a proposal for a satisfactory replacement building for the site. In the absence of a suitable replacement building, a hole would be punched within the fabric of the Conservation Area, which would not be acceptable.

14.0 Conclusion

14.1 In the absence of a suitable replacement building, the Council cannot support the demolition of an existing Victorian building, as this would have a detrimental impact upon the character and appearance of the Conservation Area.

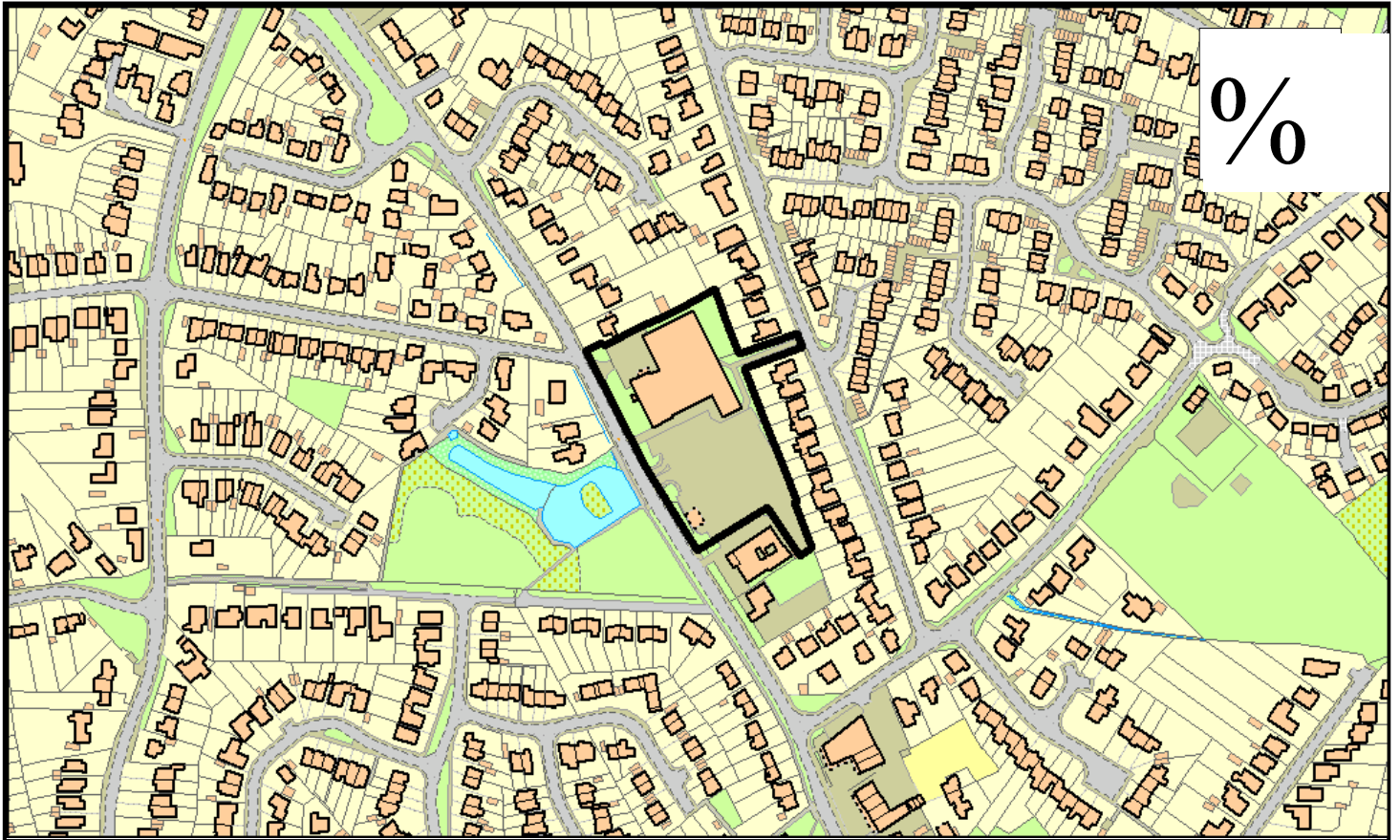
15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; Network Rail; DHU; HA; PTC; NLR

15.0 Recommendation - REFUSE conservation area consent

Reasons for refusal

In the absence of planning permission for a suitable replacement building, the Council cannot support the demolition of an existing Victorian building, as this would punch a hole within the existing urban fabric and have a detrimental impact upon the character and appearance of the Conservation Area. As such the proposal is contrary to Policy UR2 in the LDF Core Strategy adopted December 2008 and Policy DP14 in the LDF Development Policies Document adopted October 2010.



Application No: 111546

Location: East of England Co-Op, Fiveways Superstore, 25 Church Road, Tiptree, Colchester, CO5 0LA

Scale (approx): 1:1250

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7.4 Case Officer: Simon Osborn

Due Date: 22/11/2011

OTHER

Site: Fiveways Superstore, 25 Church Road, Tiptree, Colchester, CO5 0LA

Application No: 111546

Date Received: 23 August 2011

Agent: Miss Katie Benford

Development: Application for the variation of condition 6 of planning permission COL/1361/86 to allow longer opening hours of 07:30 - 22:00 Mondays to Saturdays and from 10:00 - 17:00 on Sundays and Bank Holidays.

Ward: Tiptree

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee in accordance with the Council's adopted delegation procedures, as the application is technically classed as a major application and an online objection has been received. The objection was in fact posted against another application for this site (111609), which relates to the installation of 2 condenser units and the relocation of an ATM. However, the comments submitted appear to relate to the terms of application 111546.

2.0 Synopsis

2.1 The application seeks to extend the opening hours of the store to 10pm on Mondays to Saturdays and from 10am to 5pm on Sundays. The report considers the impact of this change upon residential amenity. The extended opening hours are similar to those permitted at the nearby Tesco store. The report recommends the application is supported.

3.0 Site Description and Context

3.1 The application site comprises a brick supermarket building with a large car park fronting the building. The site has a frontage onto Church Road and backs onto residential properties in Green Lane.

4.0 Description of the Proposal

4.1 The application seeks to vary the terms of condition no. 6 of the original outline planning permission COL/1361/86, which stated, "Retail sales shall not be carried out at any time outside of the hours of 8.30am and 8.00pm Mondays to Saturdays". The proposed variation will allow longer opening hours of 07.30am to 22.00pm Mondays to Saturdays and from 10.00am to 17.00pm on Sundays.

4.2 The Supporting Statement states the Co-op Fiveways store has been operating on Sundays and Public/Bank Holidays for some time (10am to 4pm) following the Sunday trading laws coming into effect in 1994. The store has also been operating from 7.30am Mondays to Saturdays. Asda Stores Ltd is acquiring the site and wishes to formally regularise the position with opening hours. The Statement also notes that the Tesco store further along Church Road also opens until 10pm Mondays to Saturdays.

5.0 Land Use Allocation

5.1 Rural District Centre

6.0 Relevant Planning History

6.1 COL/1361/86 – erection of 2,100 sqm foodhall together with 132 parking spaces, allowed 1988 on appeal;

6.2 93/0508 and 94/1471 – external lighting between 6.00am and 10.00pm daily, approved 1995;

6.3 111609 – installation of 2 condensers, ATM machine and 2.4m high palisade fencing in service yard, pending

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2b - District Centres

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP7 Local Centres and Individual Shops

8.0 Consultations

8.1 Environmental Control initially stated:

“We understand from the applicant that the current store has been trading from 07:30 Monday to Saturday and between 10:00 and 16:00 on Sundays/Bank Holidays for a considerable time without complaints being recorded. The application therefore does not appear to extend the current hours of operation to any significant degree, with the exception of an additional two hours on Monday to Saturday evenings. As there are residential properties nearby, with a number of gardens backing on to the car park, we would suggest a compromise, with evening operation ceasing at 21:00 Mondays to Saturdays, 17:00 Sundays and Bank Holidays.

After further consideration they stated: “Having considered the low volume of customers likely to use the store between the hours of 21:00 and 22:00 and the fact that those customers are likely to park close to the store and therefore further away from residential boundaries, I do not object to the opening hours proposed.

I have also checked our records with regard to the nearby Tesco store, which I understand opens to 22:00 and whose car park is also close to residential properties, and note that we have not received complaints regarding the general car park disturbance that I was concerned about”.

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 Tiptree Parish Council stated no objection to this application.

10.0 Representations

10.1 1 on-line objection comment from a resident in Maldon Road (posted on 110609, but appears to relate to this application):

1. Asda will hit the small local shops as it is a lot bigger with lower prices, especially if opens later on Sundays.

11.0 Parking Provision

11.1 The application has a very large frontage forecourt for parking and the extended opening hours will not increase the demand for additional parking provision.

12.0 Open Space Provisions

12.1 Not an appropriate consideration for variation of hours of use.

13.0 Report

- 13.1 Policy CE2b in the adopted Core Strategy states rural district centres will be protected and enhanced to provide shops, services, etc to meet the needs of local communities. Policy DP1 in the adopted Development Policies seeks to protect existing residential amenity. The proposal has been submitted by Asda Stores Ltd; however, planning permission is not required for a change from the current occupiers Coop Fiveways. The prime planning consideration of this application therefore is whether or not the proposed variation to the hours of use will harm local residential amenity.
- 13.2 Environmental Control has considered the proposal and advised that they have no objection to the proposed variation in the hours of use. In making this recommendation they also indicated that the hours of use of the Tesco store, which is also close to residential properties, and which has permitted hours of use until 10.00pm on any day, has not resulted in any nuisance complaints.
- 13.3 The proposal is considered to be compliant with the Council's adopted planning policies.

14.0 Conclusion

- 14.1 The proposed change in the hours of use is considered appropriate as there is no indication that the extended hours will be harmful to residential amenity. The application is recommended for approval.

15.0 Background Papers

- 15.1 PPS; Core Strategy; CBDP; HH; PTC: NLR

15.0 Recommendation - APPROVE subject to the following conditions:

1 – Non Standard Condition

Condition No. 6 of Application COL/1361/86 is varied as follows:

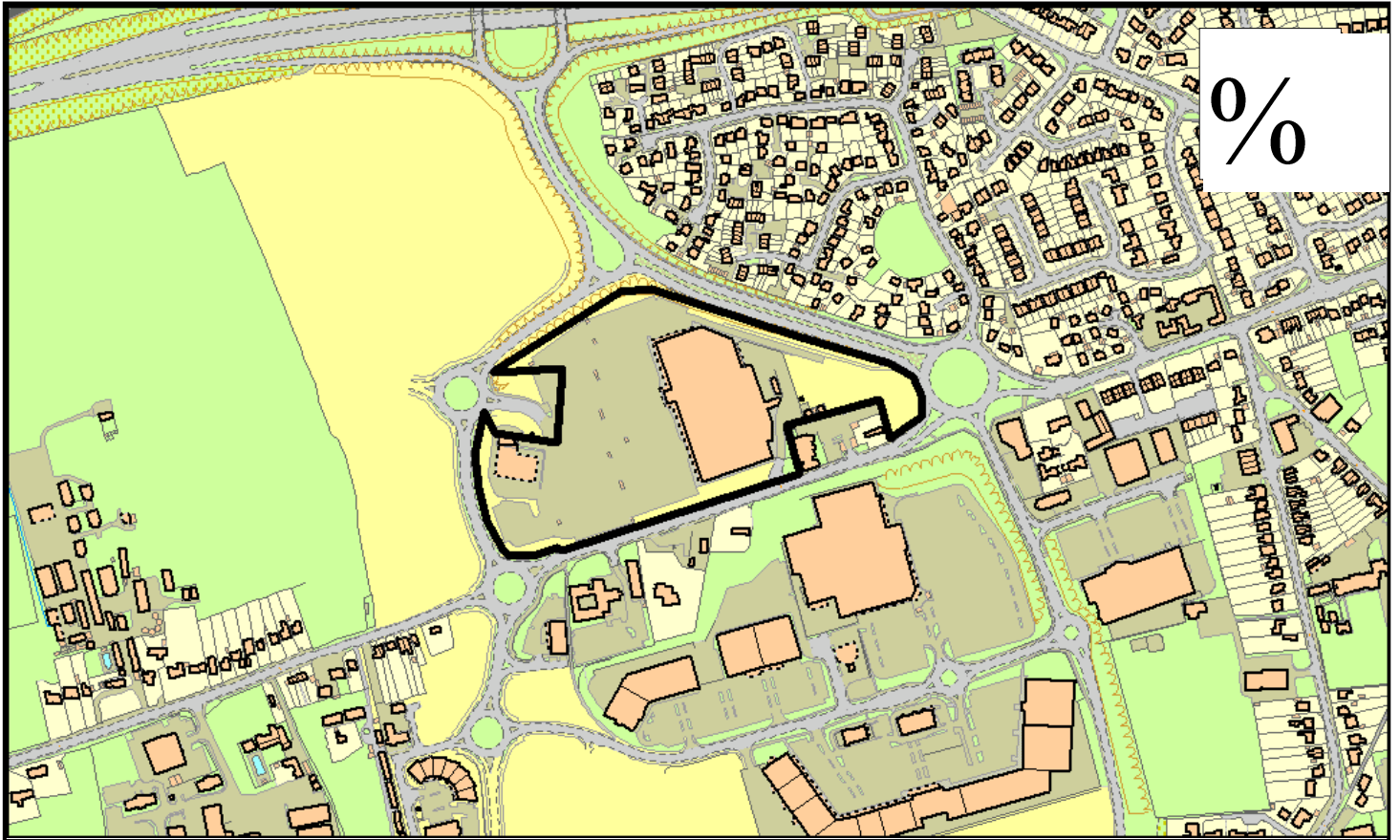
Retail sales shall not be carried out at any time outside of the hours of 07.30 to 22.00 hours Mondays to Saturdays and from 10.00 to 17.00 hours Sundays and Bank Holidays.

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

2 – Non Standard Condition

This consent only varies Condition 6 on Application COL/1361/86 and all other conditions on that permission and any other subsequent variation of condition applications still apply.

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



Application No: 110398

Location: Sainsburys, Western Approach, Stanway, Colchester

Scale (approx): Not to scale

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7.5 Case Officer: Mr John More

OTHER

Site: Sainsburys, Western Approach, Stanway, Colchester CO3 8AA

Application No: 110398

Date Received: 28 February 2011

Agent: Indigo Planning Ltd

Applicant: Sainsbury's & Tollgate Partnership Ltd

Development: Alterations to layout of car park and an increase in the number of parking spaces.

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because it is classed as a major application due to the overall site area, objections have been received and the application is recommended for approval.

2.0 Synopsis

2.1 The application proposes additional car parking on the site with further landscaping and a fence to mitigate the visual impact of the proposals and protect amenity. The report sets out details of the proposals, comments received, including objections from local residents, in particular at the Pink Cottage on London Road. The report concludes that the current proposals in combination with the improved access arrangement at the site entrance, would improve car park circulation, and provide additional on-site parking to meet the peak time demand which would reduce the need to park in London Road. While the concerns of the neighbouring property are acknowledged, it is not considered an objection on amenity grounds could be sustained in this case. Conditional approval is therefore recommended.

3.0 Site Description and Context

3.1 The site comprises a Sainsbury's Store with associated car parking and a petrol filling station. The site is bounded to the south by London Road, to the north by Essex Yeomanry Way and to the west by the Western Bypass.

4.0 Description of the Proposal

- 4.1 The application proposes alterations to the car park layout to increase the number of parking spaces by 131 spaces with additional landscaping to mitigate the visual impact and protect amenity. Four additional areas of parking are proposed in this application. Area 2, proposes 16 spaces on the northern boundary of the site with Essex Yeomanry Way; Area 3, proposes 69 spaces on the grasscrete area to the rear of the store; Areas 4 & 5 propose 23 spaces each and are located on the southern boundary of the site adjacent London Road.

5.0 Land Use Allocation

- 5.1 Strategic Employment Zone

6.0 Relevant Planning History

- 6.1 071108 - Outline application for mixed development of new retail superstore, associated parking and petrol filling station. (approved 8th May 2009)
- 6.2 090692 - Full application for erection of new food store with associated accesses, petrol filling station, car parking, cycle parking, servicing and landscaping. (approved 1st April 2010)
- 6.3 101173 - Application for minor material amendments to vary conditions 32 and 50 of planning reference 090692 for amendments to the petrol filling station. (approved 7th September 2010)
- 6.4 100993 – Application to vary conditions 29 and 50 of planning permission 090692 to allow for 352m² of additional mezzanine floorspace (non-retail) and minor elevational changes. (approved 9th September 2010)
- 6.5 110374 - Alterations to layout of car park and a new slip lane at site entrance. (approved 29th July 2011)

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Guidance 13: Transport
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP19 Parking Standards

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

8.0 Consultations

- 8.1 The Landscape Planning Officer recommends agreement to the landscape aspect of the application subject to condition.
- 8.2 The Highway Authority would not wish to raise an objection to the application subject to the following requirements:
- The proposal is implemented in accordance with drawing numbers CHQ.10.8995-PL02A and CHQ.10.8995-PL07B
 - There shall be no obstruction above 0.6m within the forward visibility splay for vehicles entering the dedicated left turn lane and the pedestrian crossing
 - Measures to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with the construction
- 8.3 The Highways Agency has no objection to the proposals and apologise for the delay in responding. They are pleased to note that a travel plan is in place to manage traffic movements and that a TRO is being processed to restrict parking in London Road.

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 Stanway Parish Council raises no objection to this application.

10.0 Representations

- 10.1 6 letters have been received objecting to the proposals. Two of the letters are from the neighbouring property, The Pink Cottage, on London Road to the south of the store. One letter is from a planning consultant who has been instructed by the owner of the Pink Cottage.
- 10.2 The material planning reasons for objecting to this application are summarised below:
- The existing car park is normally half empty
 - The store is already causing congestion
 - The documentation and figures do not show that the proposed changes will have the desired effect upon the perceived issue
 - I have had no problems gaining access to the car park/store
 - Car parking in Areas 4 and 5 will extend the car parking closer to residential property on London Road aggravating the disturbance and loss of amenity already suffered and encroach into a buffer area dedicated for landscaping on the approved plans resulting in further urbanization
 - Increasing car parking capacity is unsustainable
 - The proposed development will further exacerbate problems associated with on-site circulation of vehicles and their access and egress from the site resulting in increased pressure to park off-site around the store to the detriment of the amenity of local residents

- Object to the car park extension in principle and specifically to that in Areas 4 and 5 in view of the detrimental effect it will have on the delivery of appropriate landscaping and on residential amenity.

10.3 The letters request:

- No further parking to the southern boundary
- Double yellow lines in London Road
- Retain existing bus stop by the medical centre and not move it outside my property (The Pink Cottage)
- If the application is approved the fence must be 3m high to obliterate the light nuisance from the glazing to the store and built as an acoustic fence as per the service yard
- The landscaping must be better quality, better designed, controlled and installed earlier
- Any lighting must be below the level of the fence
- Can the parking bays face the store so the headlights face the building, 95% of drivers drive into parking spaces
- Before approving this application the Borough Council seeks qualification of the claims; without such qualification the application is flawed as it offers no guarantees
- I would rather see Sainsbury's spend more money on promoting access by public transport than encouraging more cars on to our roads
- The plans show a crossing at the bottom of Essex Yeomanry Way that does not exist. Was this part of the original plan?

11.0 Parking Provision

11.1 The existing layout has 875 car parking spaces. This application proposes an additional 131 spaces. The breakdown of proposed parking spaces in this application is as follows:

- 16 spaces on northern boundary adjacent to Essex Yeomanry Way
- 69 spaces behind the store in the overflow area
- 46 spaces on southern boundary adjacent to London Road

11.2 Application 110374, for the alterations to the layout of car park at the site entrance to create a new slip lane, was approved earlier this year. This will result in the loss of 27 parking spaces close to the car park entrance once implemented to accommodate the new slip lane to improve traffic flow into the site. The result of the two applications in combination would be 979 parking spaces (a net increase of 104 spaces).

11.3 The store currently has a floor area of approximately 14,370sqm and 875 parking spaces. This equates to a parking ratio of 1 space per 16.4sqm, which is below Essex County Council's maximum adopted parking standards (and national PPG13 guidance for maximum standards) of 1 space per 14sqm GFA.

11.4 Applying the maximum standards would allow for a maximum provision of 1026 parking spaces on this site. The proposal to increase parking by 131 spaces, 104 spaces overall taking into account the loss of 27 at the entrance, would ensure that the provision remains within the adopted maximum parking standards for retail development.

11.5 The proposed increase in parking is not expected to affect the number of vehicle trips to the store but is aimed at alleviating parking problems that have been experienced on London Road and random parking within the site.

12.0 Open Space Provisions

12.1 N/A

13.0 Report

13.1 The store opened in December 2010. This application is in response to concerns raised about shoppers parking on London Road and queuing to enter the site due to lack of parking capacity, particularly during the Christmas rush which immediately followed the store's opening.

13.2 The main issues in this case are considered to be as follows:

- Parking Provision (Covered above in Para.11)
- Landscaping
- Amenity

Landscaping

13.3 The proposal incorporates a new 2.5m high close boarded fence along the London Road boundary, together with sections of additional boundary hedging (to the south of the fence). These measures are designed to ensure that the amenities of the neighbouring property in London Road are protected, in terms of noise and disturbance from car movements and headlights. The proposals also include strengthening of the planting to the boundary with Essex Yeomanry Way and additional planting around the overflow car park to further screen these areas.

13.4 The applicants propose that any additional lighting will be LED directional lighting that will not spill intrusively towards the adjacent properties. This can be controlled by condition.

13.5 The Landscape Planning Officer considers the revised landscape proposals acceptable and recommends conditions to control implementation. This is agreed and the conditions suggested attached to the recommendation.

Amenity

13.6 Proposed parking area 5 is to the south of the site directly opposite Pink Cottage on London Road. 23 spaces are proposed in this location which is currently laid to grass with some shrubs planted behind the original native hedge. The original boundary hedge along London Road has been coppiced to encourage regrowth but does contain many gaps in this location. To mitigate the potential impact of the proposed additional parking the applicant proposes further planting to plug any gaps in the hedge and following comments made by the residents of Pink Cottage a 2.5m fence behind the hedge to reduce the effect of noise and headlight sweep as cars drive into any spaces provided. With these mitigation measures in place, combined with the location of the Pink Cottage on the opposite side of London Road set back some way from the road frontage, it is not considered an objection on amenity grounds could be sustained.

14.0 Conclusion

14.1 In summary, it is considered that the current proposals in combination with the improved access arrangement at the site entrance, would improve car park circulation, and provide additional on- site parking to meet the peak time demand which would reduce the need to park in London Road. While the concerns of the neighbouring property are acknowledged, it is not considered an objection on amenity grounds could be sustained in this case. Conditional approval is therefore recommended.

15.0 Recommendation - APPROVE 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 - Development in Accord with Approved Plans (Non-Std. Wording)

The development shall be implemented in all respects strictly in accordance with the submitted plans and hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority. These plans include the following drawing numbers:

- CHQ.10.8995-PL06 E – Proposed Site Plan
- 333.12 - Landscape plan for car park (1 of 5) rev B
- 333.13 - Landscape plan for car park (2 of 5) rev B
- 333.14 - Landscape plan for car park (3 of 5) rev B
- 333.15 - Landscape plan for car park (4 of 5) rev A
- 333.16 - Landscape plan for car park (5 of 5) rev A
- Planting schedule for proposed car parking rev B

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

3 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

4 - C11.12 Landscape Works Implementation

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

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

5 - C11.17 Landscape Management Plan

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

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

6 – Non Standard Condition

Prior to the commencement of the development, and notwithstanding such detail as has currently been provided, full details of the screen fence to the southern boundary shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the height/design and materials to be used. The approved fence shall be provided as approved prior to the car parking spaces hereby approved coming into beneficial use and shall be retained thereafter.

Reason: To protect the amenity of the property opposite 'Pink Cottage'.

7 - Non-Standard Condition

No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-

- i. hours of working on site
- ii. the parking of vehicles of site operatives and visitors
- iii. the timing of deliveries to the site (to avoid peak times)
- iv. loading and unloading of plant and materials
- v. storage of plant and materials used in the development
- vi. the erection and maintenance of security hoarding
- vii. wheel washing facilities
- viii. measures to control the emission of dust and dirt during construction

Reason: To protect the amenity of neighbouring residential properties and to prevent obstruction of the highway in the interests of highway safety.

8 – C10.18 (Tree and Hedgerow Protection: General)

All trees and hedgerows on and immediately adjoining the site shown on the approved plans to be retained 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 to be retained shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that these trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

9 – Non Standard Condition

Prior to installation full details of any car park lighting shall be submitted to and approved in writing by the Local Planning Authority.

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

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.



Application No: 111016

Location: Formalset House, 95 Church Road, Tiptree, Colchester, Colchester, CO5 0AB

Scale (approx): 1:1250

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7.6 Case Officer: Nick McKeever**OTHER**

Site: Formalset House, 95 Church Road, Tiptree, Colchester, Colchester, CO5 0AB

Application No: 111016

Date Received: 31 May 2011

Applicant: Mr Andrew Pilley

Development: Change of use of ground floor (58 sqm) and first floor (58 sqm) from B1(a) Office to Class A1 Retail or Class A2 Financial & Professional Services. Second floor (36 sqm) to remain as Class B1(a) Office use.

Ward: Tiptree

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because the proposed change of use fails to comply with the Council's current parking standards.

2.0 Synopsis

2.1 The change of use relates to a current office use (Class B1) on two floors of an existing building. Apart from a third floor office use, the remainder of the building is residential, consisting of one dwelling and 8 flats. Whilst the application does not satisfy the Council's parking standards there is currently no on-site parking available to serve the existing office use. The report will consider the particular context/site history and will recommend that permission should be granted.

3.0 Site Description and Context

3.1 The site lies at the intersection of Church Road & Morley Road. It lies within a predominantly residential area but immediately opposite the designated Tiptree Rural District centre. There are residential properties in Morley Road. On the west side of Church Road is a Tesco Store. There are commercial/ business and other non-residential uses to the north (in Church Road), of these the building on the opposite side of Morley Road is a Dental Surgery.

3.2 The site consists of a three storey building immediately at the intersection of Church Road and Morley Road, and two storey buildings along the Church Road and Morley Road frontages. Undercroft parking and garden area is provided to the rear of this built-up frontage.

3.3 The approved plans (01/0859) provide for a 110 sq.m communal garden for the 8 flats & 108 sq.m garden for the house. 9 parking spaces plus 1 space for visitor parking (for the house) were to be provided for this approved scheme.

3.4 The part of the building on which the application is submitted has a door and ground, first and second floor windows facing onto Morley Road and similar windows on the Church Road elevation.

4.0 Description of the Proposal

4.1 This application proposes the change of use of the ground and first floors of the three storey part of this building to either Class A1 Shops or Class A2 (a total of 116 sq.m). The second floor is to remain as a B1 Office use.

4.2 No details of any external changes are shown and the application only refers to the possible change to the front entrance door to single leaf, glazed or half-glazed.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 Historically the site has previous planning permission for retail use dating back to the 1970's and the application refers to a previous development of 3 shops and 1 office.

6.2 Planning permission for the use of this site as 1 house, 8 flats and offices (175 sq.m) with associated parking was granted on 06/06/2001.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Guidance 24: Planning and Noise

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE2b - District Centres
CE3 - Employment Zones
UR2 - Built Design and Character
TA5 - Parking

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

DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP7 Local Centres and Individual Shops
DP9 Employment Uses in the Countryside
DP19 Parking Standards

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

8.0 Consultations

- 8.1 Environmental Control require conditions relating to noise protection, hours of operation shall be restriction of deliveries for A1 retail, deliveries shall be restricted to 07:00 to 19:00 Monday to Saturday, with no deliveries permitted Sundays or Bank Holidays restricted to 08:00 to 18:00 Monday to Saturday, no operation Sundays or Bank Holidays,
- 8.2 The Highway Authority has no objection to the proposal.

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

9.0 Parish Council Response

- 9.1 The Parish Council have stated that no objection is raised.

10.0 Representations

- 10.1 The occupants of an adjoining dwelling have submitted the following objections:-

1. "The location plan and block plan submitted do not accurately show the details as recorded at Land Registry. Our Freehold property is linked to Jubilee Court in Morley Rd., this is owned by us but is not shown. The area under our linked 'Freehold' property provides access to the private car spaces of the Leasehold flat owners at the rear of Jubilee Ct and our property. We as Freehold owners of the whole of the above address (Not as shown on the maps) are required to grant access to the car park for the flat owners and the applicant/Freehold owner of Jubilee Court. Both plans do not show our property accurately either in the detail coloured blue at the access point or in the accuracy of sketched plan showing Jubilee Court /Formalset House and our property. Due to previous and current damage to my property at the 'Access Point' caused by vehicles I note in particular the comments made in the 'Application for Planning Permission' at Item 4 under 'Description' I would necessarily strongly object to any form of access by commercial or vehicles associated with or connected with any business operating in Formalset House, 95, Church Rd. other than the private vehicle owned by the applicant and freeholder. As Morley Road provides access to those less fortunate neurological wheelchair bound occupants of the 'Scope Bungalows' I would also ask that suitable requirements be made regarding future vehicles associated with the application in consideration of those individuals and other private residents of Morley Road".
2. The access has a restricted height and is of fragile construction (no solid steel RSJ's underneath the fire boarding).
3. Whilst there is no objection to the A2 use, an A1 use could have a negative impact upon their property.

4. The users of the office accommodation have technically trespassed with vehicles into the private car park, which is only for residential use.

10.2 Another resident is concerned that the use has already taken place and a large sign placed upon the building facing onto Morley Road. This sign is out of keeping. The other concern is the possible parking within Morley Road, although there are parking restrictions between 8 pm – 6 pm, Mondays to Saturdays.

11.0 Parking Provision

11.1 The approved development makes no on-site parking provision. The rationale to this is the fact that at the time the application was considered in 2001 there was to be a substantial car parking area to be provided as part of the redevelopment of the former Tiptree Book site (i.e. the Tesco development, which has now been provided), and that the likelihood being that staff and visitors would walk, cycle or use the public transport for daily activities. There is also other existing public car parking areas within Church Road. It is acknowledged that this lack of on-site car parking for commercial premises is not out of character with other retail/commercial uses within the district centre.

11.2 The parking standard for an A1 (non-food) is the same as that for an A2 use (i.e. 1 per 20 sq.m floor area) but more onerous than a B1 use (1 per 30 sq.m). The parking standard for A1 (food) is 1 space per 14 square metres. However the adopted standards do make allowance for a lower provision in urban areas. Given the particular circumstances it is considered that the provision of no parking within the site can be considered to be acceptable.

12.0 Open Space Provisions

12.1 Not Applicable

13.0 Report

13.1 The commercial use can be supported on the basis that it will add to the facilities currently provided within the designated Rural District centre, and to the viability/vitality of this centre.

13.2 However, the potential increase in activity over and above that associated with the existing office use could have an impact upon the amenity of the existing residential uses on, and close to the site. Both an A1 or an A2 use are by their very nature going to involve customers visiting the premises. In this respect the concerns set out in the letter of objection area are acknowledged. In this context the recommendation made by Environmental Control are noted, and the restriction on the opening hours and delivery times in particular. Whilst there are no conditions on the permission 01/0859 restricting the office hours, the potential adverse impact upon residential amenity has to be weighed in the balance. The Applicant has been made aware of this restriction in the opening hours and has agreed verbally that this is acceptable.

- 13.3 Any condition restricting the opening hours and delivery times has to meet the standard tests, particularly the condition being necessary and reasonable. It is considered that, whilst the commercial use has to compete with other existing uses, the use outside of the hours suggested by Environmental Control could have an adverse impact upon the existing residential uses on and adjacent to this site, all of which have enjoyed a certain degree of amenity. On this basis the use should be conditioned accordingly.
- 13.4 It would appear that the ground floor unit has recently been occupied by a picture framing business and that a sign has been placed on the building for this business. The Applicant has now removed this sign.

14.0 Conclusion

- 14.1 The other matters raised in the objections (i.e. potential damage to the building and inaccurate boundaries-land edged blue – and rights of access) are not material to the determination of this application. The application site as edged in red only encompasses that part of the building currently used as offices and the submitted certificate (certificate A) relates to this area edged red.

15.0 Background Papers

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

16.0 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

The permission hereby granted relates only to the change of use of the ground floor and first floor of the building as shown hatched in red on the approved drawing annotated Block Plan 01-05/21, and not to any other details including any changes to the external appearance of the building. These changes are likely require planning permission.

Reason: For the avoidance of doubt as to the scope of this permission and on the basis that the application does not provide any details of any changes that may affect the external appearance of the building. The submission of these details in writing to the Local Planning Authority are required in the interests of visual amenity.

3 – Non-Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site plant, equipment, machinery shall not exceed 5dBA above the background prior to the use hereby permitted commencing. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority prior to the use hereby permitted commencing. All subsequent conditions shall comply with this standard. **INFORMATIVE:** A competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience. Sound Insulation of external Plant, Equipment and Machi

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

4 - Non-Standard Condition

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

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

5 - Non-Standard Condition

The use hereby permitted shall not be open to customers outside of the hours 08:00 to 18:00 Monday to Saturday and at no time on Sundays or Bank Holidays.

Reason: The use outside of the permitted hours is likely to result in additional levels of activity over and above that generated by the permitted use resulting in a loss of the standard of amenity currently enjoyed by existing residential properties located in close proximity to the site.

6 - Non-Standard Condition

No deliveries shall take place to the premises other than between the hours 07:00 to 19:00 Monday to Saturday, and at no time on Sundays or Bank Holidays.

Reason: In order to safeguard the amenity of nearby residential properties.

7 – Non Standard Condition

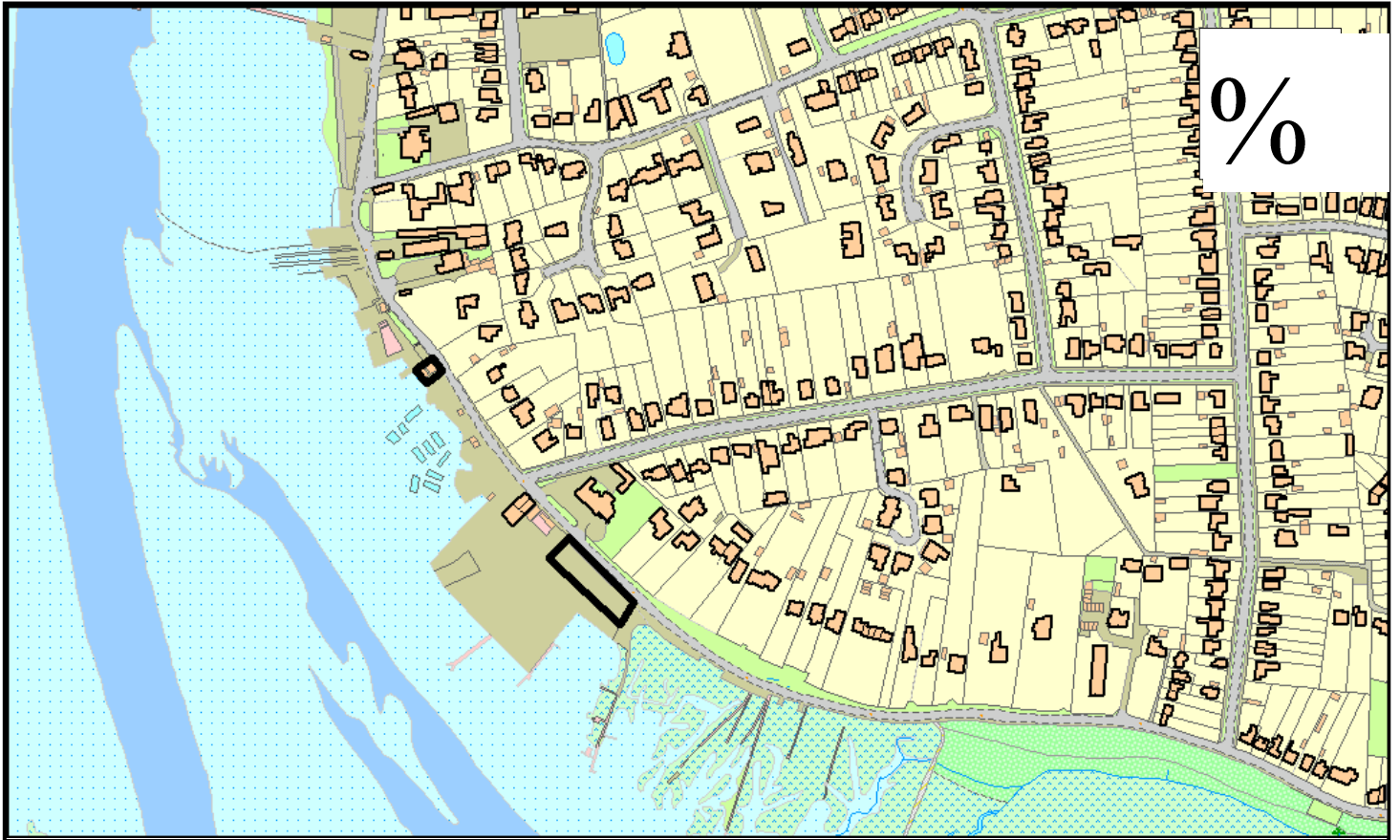
The permission hereby granted is for the use of the ground floor for either A1 or A2 use, and the first floor accommodation for A2 use only.

Reason: For the avoidance of doubt as to the scope of this permission and in order to safeguard the amenity of existing residential occupiers of the remainder of this site.

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: 111285

Location: The Old Oyster Sheds, Coast Road, West Mersea, Colchester, Colchester, CO5 8PA

Scale (approx): 1:1250

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7.7 Case Officer: Mr David Whybrow

OTHER

Site: The Old Oyster Sheds, Coast Road, West Mersea,

Application No: 111285

Date Received: 11 July 2011

Agent: Mr Simon Plater

Applicant: Vinocity Limited

Development: Variation of Conditions 5, 14 and 17 of planning application 071786 to raise the slipway to form level and safe area for the parking of cycles and the construction of a small compound to enclose heating/ventilation equipment and bins, to protect the visual amenity of the area.

Ward: West Mersea

Summary of Recommendation: Permission be granted for variation of Condition 17 and Conditions 5 & 14 be discharged

1.0 Introduction

1.1 This application for variation of a condition attached to extant planning approval 071786 and associated discharge of planning conditions, is of a type that would ordinarily be dealt with under delegated powers. It is placed before Members as a result of its close relationship with agenda item 8, it being considered appropriate to consider both matters together.

2.0 Synopsis

2.1 The following report will consider in detail the circumstances of the application, the consultation responses and representations received. Having reviewed all matters raised it will be recommended that Members accept the proposed variation to the original approval and agree to the discharge of those conditions referred to.

3.0 Site Description and Context

3.1 The application relates to a building described as 'The Old Oyster Sheds' on the seaward side of Coast Road, West Mersea. It was built in the early 1900s and used by the oyster fishery until the 1960s. The current lawful use is as a beach hut.

3.2 The original building was formerly 2 separate structures, which were later linked. The building had a black plinth and white boarded elevations under a double pitched roof. The rear building had a plain tiled roof – the front roof was covered with diamond shaped tiles. The building had a small balcony on the seaward side and there was a small hardsurfaced area (the slipway) to the side of the building. The application site includes an area of foreshore at the rear of the building.

3.3 As originally reported in connection with 071786, the sheds were of timber construction. Information submitted with that application demonstrated they were structurally substandard with foundations seriously affected by sea action and foreshore erosion.

4.0 Description of Proposal

4.1 Condition 17 of 071786 requires:-

“The refurbishment/renovation of the building shall be carried out substantially in accordance with the details contained in the submitted application documents and the Engineer’s Methodology Statement.

Reason: For the avoidance of doubt as to the scope of the permission. The Local Planning Authority wish to conserve the integrity of the existing building in order to maintain its appearance and character.”

4.2 Members should note that this application does not relate to those works described in Agenda Item 8, namely, materials construction, piles and concrete pads.

4.3 The applicant seeks a variation of that condition and amendment of the planning approval by raising the slipway on the east elevation of the building in order to form a level and safe area for the parking of cycles and the construction of a compound to enclose a bin store and heating ventilation equipment. Cycle parking and plant and equipment are requirements of the planning approval, as follows:-

Condition 5:

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

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

Condition 14:

“There shall be no outdoor storage of any foodstuffs, materials, equipment or machinery on any part of the Old Oyster Sheds site as edged red on the approved drawings without the previous written consent of the Local Planning Authority.

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

4.4 The opportunity has therefore been taken to seek discharge of those conditions as part of this application.

4.5 The application is accompanied by drawings showing the revised floor plan and elevations and the side elevation below the raised area enclosed in horizontally laid railway sleepers. The area will be surfaced in granite cobbles.

5.0 Land Use Allocation

5.1 Conservation Area

5.2 Part of the site is within the Coastal Protection Belt and Site of Special Scientific Interest/Special Protection Area/Special Area of Conservation/Ramsar Site.

6.0 Relevant Planning History

6.1 COL/87/1303 – Restoration of derelict hardstanding – Retrospective application refused planning permission but enforcement action not pursued.

6.2 ENF/27/92 – In 1994 an Enforcement Appeal relating to the use of the building as a residential dwelling was dismissed.

6.3 CL/COL/95/0351 – A Certificate of Lawful Development relating to the use of the premises for recreational and leisure purposes by the applicant and his immediate family was subsequently granted.

6.4 C/COL/01/0526 and CA/COL/01/0560 – Take down building, refurbish and renovate timber frame walls and roof, re-erect walls and extend shed for use as a private oyster tasting and luncheon/dining suite – Approved 10 October 2002

6.5 071786 – Change of use of previously approved private dining/corporate venue to restaurant (A3) together with additional car parking – Approved 6 July 2010

6.6 072522 and 072523 – Conservation Area proposal for renewal of existing planning approval C/COL/01/0526; take down the existing building, refurbish and renovate timber frame walls and roof, re-erect walls and extend shed for use as a private oyster tasting and luncheon/dining club – 072522 Approved 6 July 2010; 072523 not pursued.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

- PPS 1 – Delivering Sustainable Development
- PPS 5 – Planning for the Historic Environment
- PPS 9 – Biodiversity and Geological Conservation
- PPG 20 – Coastal Planning
- PPS 23 – Development and Flood Risk

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy are relevant:-

- SD1 – Sustainable Development Locations
- UR2 – Built Design and Character
- ENV1 – Environment

7.3 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy Development Policies Document are relevant:

- DP1 – Design and Amenity
- DP10 – Tourism, Leisure and Culture
- DP14 – Historic Environment Assets
- DP20 – Flood Risk
- DP21 – Nature Conservation
- DP23 – Coastal Area

8.0 Consultations

- 8.1 The Environment Agency comment that the proposal is of low environmental risk and have no objection.
- 8.2 The Highway Authority consider proposals are in conformity with highway policies and have no objection.
- 8.3 Planning Policy have no objection and provide the following explanation:

“The application is for the variation of conditions 5, 14 and 17 which were attached to an earlier application (071786) approved for the refurbishment of the Old Oyster Sheds at West Mersea as a fine dining restaurant.

The current proposal includes raising the slipway to form a level and safe area to park 3 bicycles and constructing a small compound to enclose heating and ventilation equipment and bins to protect the visual amenity of the area.

The provision of a level slipway area for cycle parking satisfies condition 5 of the previous application. It also satisfies the objectives of a number of LDF policies namely TA2 in the Core Strategy which promotes walking and cycling and policy development policy DP17 which seeks to enhance accessibility of sustainable transport modes including walking and cycling. A parking area has also been shown on drawing 2565/02. I assume this is for staff parking and not customer parking?

Similarly the construction of an outdoor compound for heating, ventilation equipment and bins satisfies Condition 14 of the original planning application.

The site is located within the West Mersea Conservation Area and within the West Mersea Waterside Area of Special Character. Core Strategy Policy UR2 seeks to protect Conservation Areas from inappropriate development. Development Policy DP14 also states that any development affecting the historic environment should seek to preserve or enhance it.

The compound for the storage bins and heating and ventilation equipment and the alterations to the slipway are not considered likely to impact adversely on the character of the Conservation Area.

There are no policy conflicts with the proposed variation to conditions associated with the approved planning permission (071786).”

- 8.4 Natural England originally expressed concerns as follows:-

“Whilst we recognise that these proposals are of a relatively small scale, Natural England have some concerns that no assessment has been made of potential impacts of the proposed development upon the above designated sites. The slipway itself is on internationally designated intertidal mud, whilst this is land taken from designated sites, it does not significantly impact upon hydrological or sedimentation regimes, by allowing water to pass over it at every high tide. The proposed change of use, raising the slipway to create a new area above high water level, may act as a blockage in the estuary and could impact upon hydrological and sedimentary regimes within the internationally designated sites.

The application does not include any information regarding these potential impacts and so consequently there is not sufficient information for Natural England to advise on any likely significant effect on the designated sites.”

- 8.5 They also draw attention to the need to consult MMO in relation to marine licensing. Having discussed the scope of the current proposals with officers they subsequently commented:-

“It is not within Natural England’s remit to comment on the aesthetics of the building design, and so the choice of materials used. In this case I am satisfied that the difference between a wooden versus steel pile, is unlikely to be significant enough to impact upon the SSSI/SPA. We have had it suggested (in the note from the Members of the Mersea Island Society and the Coast Road Association) that railway sleepers have been used as part of the construction. These often contain high levels of pollutants such as creosote which could easily leach into the estuary and damage the features of the designated site. It will need to be confirmed if treated sleepers have been used, if so these will need immediate removal from the intertidal area to ensure contamination does not occur. If it can be confirmed that no sleepers have been used as part of the construction on the intertidal area, we have no comments regarding the enforcement case being discussed.

Our greater concerns are around the foundations of the piles, which remain raised out of the intertidal mud (when the planning condition requires them to be flush with the top of the intertidal mud) and the construction of a raised platform area on top of the old slipway, which not only appears to have been built without planning permission, but negates a previously stated intention to remove the slipway to compensate for habitat loss as a result of the piling.”

Officer Comment: These issues will be considered both as part of the following report and Agenda Item 8

In addition to the details reported above, the full text of all consultation responses are available to view on-line.

9.0 Town Council Response

- 9.1 West Mersea Town Council object on the following grounds:-

1. The variation would lead to an unacceptable visual and environmental impact and it appears the concrete slab replacing the slipway could potentially be used for further building rather than simply parking of cycles.
2. It is quite clear that the project is not a rebuild. The demolition and replacement of materials that were required to be retained and the extension of the building by removal of the slipway, are too diverse from the original plans to be deemed a renovation/conversion. The project is now in fact a new build project and must be submitted as such.

10.0 Representations Received

- 10.1 A number of letters, e mails and on-line comments by 12 local residents and business owners have been received. The following is a summary of the views expressed:-

1. Now that construction is under way it is plain to see that the original application to knock down the small timber sheds and replace them will in no way “retain and enhance (nor conserve) the character” of the conservation area.

2. The site is too small for the use proposed and there will be endless pressure to extend in all possible directions. Bin stores and ventilation equipment should be included within the building envelope and not added outside.
3. The strongest conditions imposed by the Council on the original scheme should not be relaxed.
4. Why is there suddenly a need for cycle parking, ventilation equipment and bin stores. These items will create a greater and more undesirable visual impact on public views than envisaged with the original scheme.
5. Proposal contravenes Condition 17 of original consent and results in loss of slipway, an original and "iconic" feature of the building.
6. Adverse views from our listed building and heritage coastline, especially when delivery vehicles use the parking areas.
7. The original scheme includes conditions to preserve the historic integrity of this building, recognised as being of value by the West Mersea Seaside Heritage Report, and the building's setting.
8. I find it hard to believe that bike slots, a car space and waste bins can all fit into this area without spilling onto the footway.

In addition to the details reported above, the full text of all representations received are available to view on-line.

11.0 Report

- 11.1 The drawings approved under 071786 showed the slipway area providing a single parking space. It was to be reduced in length by 1m so as to compensate for the loss of foreshore by the extra piles proposed at that time. In the event there has been a further reduction in the amount of piling incorporated into the new structure, as illustrated on additional drawings, submitted on 16 September 2011 which shows:
 1. The total number of piles reduced from 35 to 21.
 2. The further reduction of the area of the slipway, returning an additional area of 6.5 sq.m to the foreshore.
 3. The extent of the build up in height to level the former slipway.
- 11.2 It is anticipated that this information will overcome Natural England's concerns regarding potential interference with the hydrology of the estuary and loss of habitat consisting of intertidal mud. Their final observations will be reported at the Meeting.
- 11.3 This application should be considered in conjunction with Agenda Item 8 but the main thrust of the objections received to the present proposal are that alterations to the building are not in sympathy with the existing structure, will not retain and enhance the character of the Conservation Areas and will introduce items such as cycle parking and ventilation equipment not anticipated by the original planning approval. In addition Natural England have raised concerns over the use of railway sleepers as a source of marine pollutant in the amended structure.

- 11.4 Taking these items in turn, your officers note that it was always intended that the length of the ramp would be reduced, initially by 1m, but there is a further decrease in the length of the platform as constructed. Visually the resulting structure reflects other horizontal elements, including the balcony to the rear and walkway to the building's western elevation. To the extent that these changes have no undue effect on the building's external appearance and relate satisfactorily to its elevational treatment it is not considered that harm is caused to the wider Conservation Area setting or special character of the foreshore area.
- 11.5 The assertion that the original consent did not anticipate the provision of cycle parking is contradicted by condition 5. Cycle provision in this case is provided as discreetly as possible with wheel-holder blocks used rather than the more generally acceptable cycle racks which are normally considered less damaging to the tyres and wheels of parking bicycles.
- 11.6 A gated 1.2m high boarded enclosure of area 2.25m x 3.35m is proposed to screen condenser units and refuse bins which are an inevitable feature of any restaurant premises. Condition 14 was imposed specifically in order to protect visual amenity and ensure that necessary plant, apparatus and equipment is suitably screened and enclosed.
- 11.7 Finally it has been established that the railway sleepers were installed by a contractor who undertakes extensive sea defense works using non-treated hardwood. At the time of writing the report it was understood that the timber is untreated Jarra, but further checks are to be made and confirmation provided before the meeting.

12.0 Conclusion

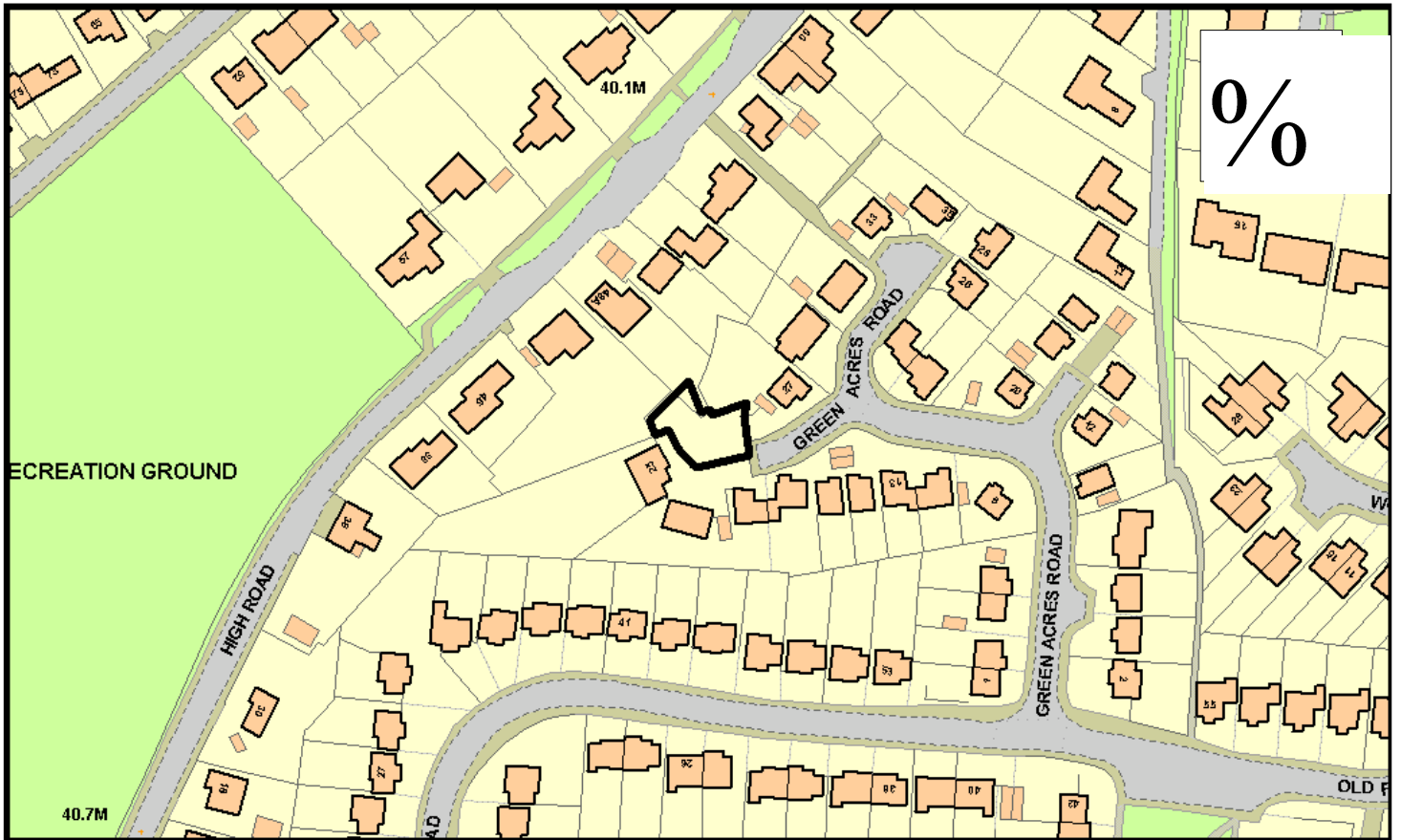
- 12.1 In the light of the above your officers are of the opinion that the proposed alterations to the building do not harm its character, have minimal effect on the visual amenity of the wider protected area and are associated with changes to the building's substructure that are beneficial in terms of exposing greater areas of foreshore.
- 12.2 The applicant has stated categorically that the raised area is not to be used at any time as an outdoor dining area and would accept a condition to this effect. Members will also have noticed on the additional drawings submitted, a small mezzanine area created in the centre of the building. Again, this is not to be used as a dining area. It is described as a table waiting area for customers. The area is 14.2 sq.m.
- 12.3 On this basis it is recommended that permission be granted as applied for.

13.0 Background Papers

- 13.1 PPS; Core Strategy; SPG; NR; HA; PP; NE; PTC: NLR

14.0 Recommendation

1. That permission be granted for the variation of Condition 17 in order to enable the retention of the alterations to the building as proposed; all remaining conditions attached to 071786 to remain in place, including the requirement that the former slipway is not used for outdoor dining or other customer-related hospitality.
2. Conditions 5 and 14 be discharged on the basis of the details submitted.



Application No: 111364

Location: 25 Green Acres Road, Layer-De-La-Haye, Colchester CO2 0JP

Scale (approx): 1:1250

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7.8 Case Officer: Bradly Heffer

MINOR

Site: 25 Green Acres Road, Layer-De-La-Haye, Colchester CO2 0JP

Application No: 111364

Date Received: 9 August 2011

Agent: Stour Valley Design

Applicant: Mr Bob Warren

Development: New detached 3 bedroomed dwelling on land adjacent to existing dwelling for private use with vehicle access onto private drive. Resubmission of 110586.

Ward: Birch & Winstree

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

1.0 Introduction

1.1 This application is referred to the Planning Committee following a call-in request from Ward Councillor Bentley, who considers that the development should be refused as it constitutes ‘...overbearing development through height and loss of amenity to neighbours...’ The application is presented to Committee with a recommendation of approval. It is recommended that Members visit the site in order that characteristics and context etc. may be fully appreciated.

2.0 Synopsis

2.1 The report will consider the proposed development in the context of the site and its surroundings and also consider the responses received from consultees and local residents. A recommendation of approval will follow, subject to the imposition of appropriate conditions.

3.0 Site Description and Context

3.1 The site for this proposal is an irregularly-shaped area of grass that currently forms part of the front curtilage area of no. 25 Green Acres Road Layer-de-la-Haye. This dwelling is located at the end of a cul-de-sac that serves established residential development. It benefits from a relatively large curtilage and the dwelling itself is located towards the eastern end of the overall site, having a large rear curtilage area. The area to the front of the dwelling is accessed via a drive leading off the end of Green Acres Road – this drive also serves a bungalow, no. 23. The application site is immediately adjacent to the access drive and is bordered by residential curtilages. Established residential development faces the site from the south. The given area of the site on the submitted application forms is 255 square metres. It is currently open to the south and west while the northern boundaries are defined by close-boarded

fencing and established planting. A notable feature on the eastern boundary of the site is an established evergreen hedge, with an established tree behind that is within the curtilage of no. 27.

- 3.2 The site and the surrounding development are within the defined settlement boundary for Layer de la Haye as designated within the Local Development Framework Site Allocations.

4.0 Description of the Proposal

- 4.1 Under this current application planning permission is sought for the erection of a detached 3-bedroom dwelling on the identified site, together with associated parking provision. Vehicular access to the site would take place off the existing drive leading off Green Acres Road. The submitted drawings show that the proposed dwelling would be constructed with rendered walls (on a brick plinth) and a plain tiled roof. The accommodation would take the form of a main range and an outshot to the rear. The dwelling would not be a full two-storey height, as first floor accommodation would partly extend into the roof void. The arrangement of accommodation is such that a dining area/kitchen and lounge would be provided on the ground floor and three bedrooms (one incorporating an en-suite) and a bathroom would be accommodated on the first floor.

- 4.2 Immediately to the east of the proposed dwelling would be a hard paved area that would accommodate two car parking spaces. The remainder of the site would be given over to lawn/garden land. As part of the proposed works the plans also show the removal of some of the existing hedging on the site (on the eastern boundary) in order to provide a 1.8 metre by 1.8 metre visibility splay for the proposed parking area access.

- 4.3 Members are advised that the planning application is accompanied by a design and access statement which is available to view on the Council's website.

5.0 Land Use Allocation

- 5.1 Within the settlement boundary for Layer-de-la-Haye.

6.0 Relevant Planning History

- 6.1 Prior to the submission of this application planning permission was granted for the following development on this site:

'Erection of one and a half storey two-bedroom new build'. This permission was granted under planning application reference 081879 following consideration by Planning Committee at its meeting held on 5 March 2009.

- 6.2 An earlier application for this current proposal was submitted under application 110586. However, this application was withdrawn prior to formal determination.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 7: Sustainable Development in Rural Areas
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Vehicle Parking Standards
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority has no objections to the proposal subject to the imposition of conditions on a grant of planning permission.
- 8.2 Environmental Control has requested the imposition of a condition regarding works hours on site, and a construction method statement during the construction phase of the development and also the addition of the construction and demolition informative.

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 comments of Layer-de-la-Haye Parish Council are as follows:

'The Parish Council objected to two previous planning applications 081879 and 110586 on this site for the following grounds:

The proposed development is at the end of a narrow cul de sac where parking and the movement of vehicles for existing properties is already very restricted. The additional vehicles associated with the proposed development would exacerbate this situation and the development itself would dramatically reduce the space that is currently used for parking. Indeed it is difficult to see from the plans how vehicles could access or exit the new property without encroaching on neighbouring plots. There is also a strong concern that an increase in vehicles and reduction in parking spaces would make access for Emergency vehicles potentially impossible.

The Parish Council also believes that the size of the proposed development is disproportionate to the size of the available plot and would have an adverse impact in terms of light and be overbearing on neighbouring properties.

The Parish Council has not changed this view and the minor changes to the arrangements for vehicle access have not allayed its concerns.'

10.0 Representations

10.1 Following consultation of local residents objections to the proposed development have been received from three neighbours. The points of objection raised may be summarised as follows:

1. The proposal will not have adequate parking provision and will create highway safety problems. The development will also create demand for on-street parking and could lead to obstructions for other vehicles in the future. The spaces themselves are of inadequate dimensions. The cul-de-sac already experiences congestion, particularly at evenings and weekends.
2. The dwelling will cause an unacceptable degree of overlooking and will have a detrimental effect on neighbours' privacy.
3. The dwelling will appear over-dominant and out of character in this setting and will create an unacceptable loss of light.
4. The drawings submitted with the application are inaccurate and the submitted tree report is out of date. The nearby tree could be adversely-impacted by the development.
5. Previously-submitted applications have not had correctly-served ownership certificates.
6. A street light is currently located within an area that is proposed for a visibility splay. Additionally rubbish collection takes place in this area at present.
7. The proposed development does not fit in with the surrounding form of development.

Members are advised that the representations received are of substantial length and while the above comments are a summary, in equity Members may wish to read the full text of the comments. These are available to view on the Council's website.

11.0 Parking Provision

11.1 The proposed parking arrangement is for two on site spaces to be provided – these being a minimum width of 2.9 metres and 5.5 metres in length. The proposal does not include the provision of a visitor's space on the site. The applicant's agent comments on parking in the design and access statement as follows:

'...there will be ample parking at for (sic) two vehicles on the front drive areas for both new and existing dwellings, and the revised parking arrangements have been discussed and agreed with ECC Highways Department prior to this planning re-submission...' (para 7.2.2).

12.0 Open Space Provisions

12.1 Members are advised that the application is accompanied by a Unilateral Undertaking that would secure the required SPD contribution to open space, recreational facilities etc. As the proposal is for a three bedroom property the amount of private garden amenity area should be no less than 60 square metres and the submitted plan shows a private garden area in excess of this required amount.

13.0 Report

Design and Layout

13.1 The proposed development is designed to incorporate vernacular design references such as use of materials traditional to north Essex i.e brick, render and plain tiles. Additionally, its general appearance suggests a traditional building style. While it is acknowledged that the dwelling would not appear the same as other existing dwellings in the vicinity, particularly those in Green Acres Road, this in itself is not considered to be a sound reason to reject the development. The existing dwellings do incorporate some traditional design references (albeit their overall appearance is of its time). The current proposal, although not identical in appearance, would not appear harmful to visual amenity in this location, in your officer's view.

13.2 In terms of the layout of the building this would follow a traditional arrangement whereby the proposed dwelling was located to the front of the site and the majority of the associated amenity area would be located to the rear. Although it is acknowledged that the dwelling (particularly its flank wall) would be clearly visible when the site was approached from Green Acres Road it is felt that this new element in the street would not appear incongruous in this setting.

Scale, Height and Massing

- 13.3 The proposed building would have an overall height of 7.7 metres (height of the ridge of the main roof above ground level) and a width of 9.5 metres. In comparison with other dwellings in the area it is considered that the overall size of the building would not be excessive or out of scale. It is noted that the arrangement of dwellings in the vicinity is such that some are orientated with their gable ends face the road whereas others have a full façade. In the case of no. 23 this is a single storey dwelling. However, the majority of dwellings are two storey detached and semi-detached buildings.

Impact on Neighbouring Properties

- 13.4 Clearly a key concern in this case is the impact that the proposal would have on the existing properties in the area. It is noted that the arrangement of the accommodation internally would mean that first floor rear facing windows would serve a bathroom, ensuite and a hallway. Additionally, the nearest dwellings to the rear of the property are located in excess of 30 metres away from the rear wall of the projection to the rear of the proposed dwelling. Therefore it is felt that the privacy of dwellings to the rear would not be unacceptably impaired by the proposal. The design is also such that first floor windows are not incorporated in any flank elevation, which would ensure that the privacy of the dwelling at no. 27 Green Acres Road was not unacceptably impaired by overlooking of rear amenity areas.
- 13.5 Another key consideration would be the impact of the development on the dwellings to the front (south of the proposed dwelling). The nearest dwelling is no. 21 Green Acres Road and, from the submitted plans, the distance between this dwelling and the proposed building scales at approximately 10 metres (from the front of the proposed dwelling to the corner of the main front wall of no.21). The Essex Design Guide advises that in order for a sufficient amount of light is received to ground floor living rooms, a 25 degree line in elevation, drawn 2 metres from the bottom of the front wall of a dwelling should not be blocked by an opposite dwelling. Such a requirement would result in at least a 10 metre gap between dwellings. Members are advised that the submitted proposal accords with this aim. In terms of the inter-visibility of the existing and proposed dwellings the proximity of buildings does mean that windows will clearly be visible. However, this is a front-to-front situation and similar inter-visibility is not unusual in sub-urban areas. The key point is that the existing dwellings (no.s 19, 21 and 23 Green Acres Road) would still receive sufficient light on what are their north-facing elevations.

Amenity Provisions

- 13.6 The submitted plans demonstrate that the private garden area associated with the proposed dwelling exceeds the requirement of policy DP16 which requires a minimum of 60 square metres for a 3 bedroom house.

Highway Issues

- 13.7 A key consideration in this case is the provision of parking spaces to serve the proposed development and also the existing dwelling at No.25. The submitted plan shows that parking spaces for two vehicles can be provided at the side of the proposed dwelling. Additionally the drawing shows the provision of a new paved area immediately to the front of No.25 that would be utilised for parking to serve that dwelling. It is noted that No.25 also has a garage attached to the side although the dimensions of this garage do not accord with the current standards for internal size. Notwithstanding this, it is felt that there would be sufficient space at the front of No.25 to accommodate parked vehicles.
- 13.8 The proposal does not include a visitor's parking space on the site. As Members are aware, the adopted parking standards recognise that '...visitor/unallocated vehicle parking can, subject to appropriate design, be located on or near the road frontage...' (page 64). The use of Green Acres Road to provide a visitor's space is considered to be a reasonable response as the proposed dwelling is in close proximity to the road. It is also relevant to the consideration of this case that a similar arrangement has been accepted previously by the Council when the application for a two-bedroom unit was approved (reference 081879).
- 13.9 Members are also advised that the eastern pedestrian visibility splay to serve the site falls across the location of a street-lamp column. This particular point has been discussed with the Highway Authority and it has been confirmed by that Authority that this arrangement is acceptable. Traffic speeds are generally low and this particular form of obstruction is not unusual in suburban situations.

Other matters

- 13.10 It is noted that one objection to the proposal includes extensive information regarding the issue of land ownership and rights of access etc. across the private drive. As far as can be determined the owner of No. 23 has legal rights of access and clearly these would need to be protected as part of the development taking place. However, Members will be aware that the issue of rights over land is a private matter between the parties involved. The certificate of ownership does show that third party notification took place in accordance with legal requirements.
- 13.11 The issue of the impact of the development on the tree within the curtilage of No.27 has been addressed by an updated tree report following a request from the Council's arboriculture planning officer. The comments of the Tree Officer will be provided at Committee.

14.0 Conclusion

- 14.1 In conclusion it is felt that the revised dwelling proposed under this scheme, which seeks an additional bedroom, is acceptable in planning terms, subject to the imposition of planning conditions.

15.0 Background Papers

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

16.0 Recommendation

1. APPROVE subject to the prior completion of a Unilateral Undertaking that secures the required contributions to open space, sport and leisure.
2. On completion of the Unilateral Undertaking 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

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

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

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

No work shall commence on site until all trees, shrubs and other natural features shown to be retained on the approved plans are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

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

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

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

5 – Non-Standard Condition

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

Reason: In order to protect the amenity value of trees in the vicinity of the application site.

6 - C10.18R Tree and Hedgerow Protection: General

All trees and hedgerows on and immediately adjoining the site shown on the approved plans to be retained 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 to be retained shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that these trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

7 -C11.11 Landscape Design Proposals

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

These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals. Implementation timetables.

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

8 – Non-Standard Condition

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

Reason: In the interests of visual amenity and to ensure a satisfactory form of development.

9 – Non-Standard Condition

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 Holidays.

Reason: In order to protect the amenity of local residents.

10 - Non-Standard Condition

Prior to the commencement of any works necessary to implement the permission hereby granted a method statement, detailing noise & dust control (including, if applicable, piling methods to minimise vibration and noise) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the method statement.

Reason: In order to protect the amenity of local residents.

11 - 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 with the exception of the existing street lamp column 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.

12 - Non-Standard Condition

Prior to occupation of the development the vehicular parking 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.

13 - 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.

14 - 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.

15 - Non-Standard Condition

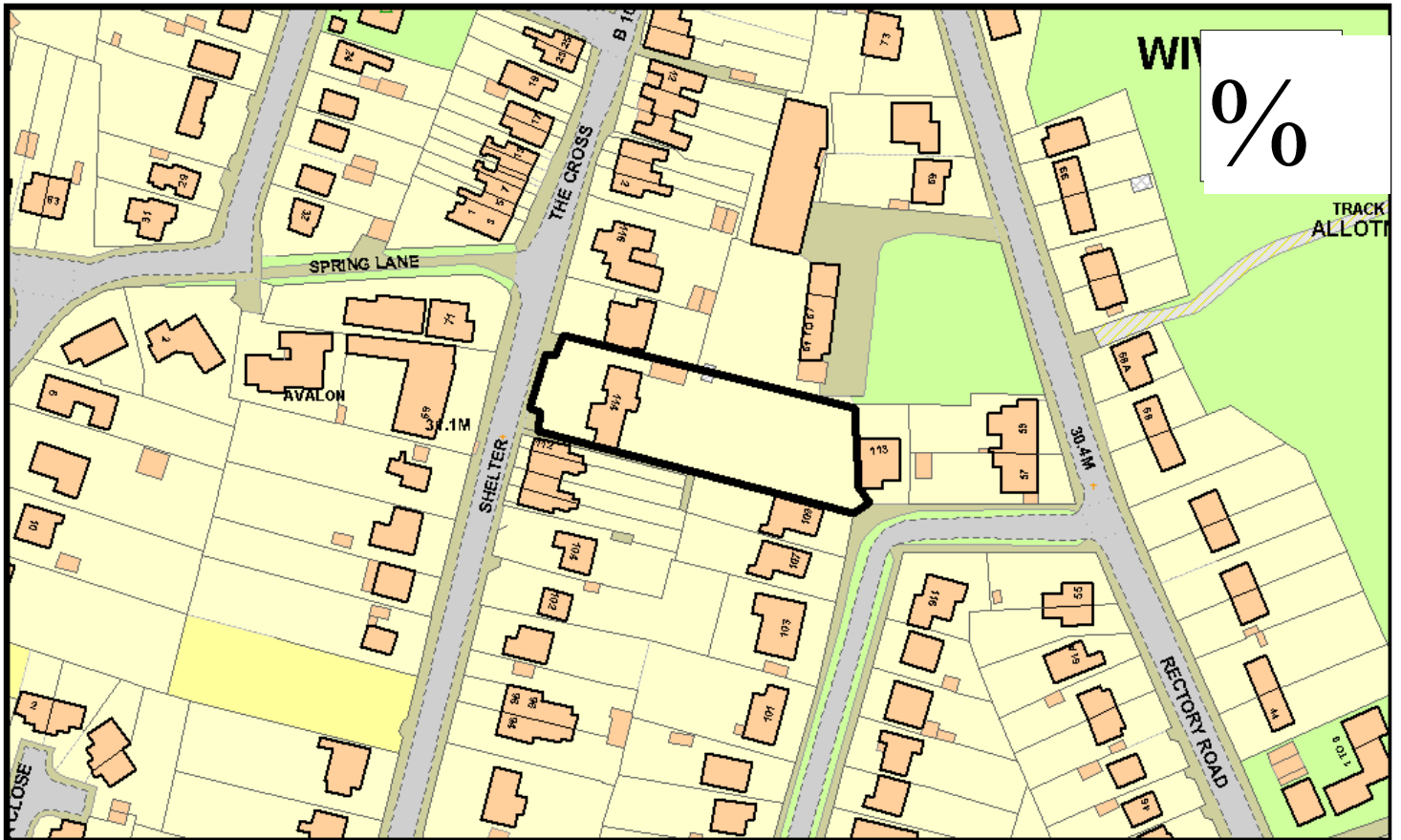
Prior to occupation of the dwelling the southernmost 2m stretch of privet hedge to the east of the plot of ground shall be removed in order to create appropriate visibility of the existing highway.

Reason: In order that vehicles have sufficient visibility of and by approaching vehicular traffic in Green Acres Road and in accordance 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.



Application No: 111366

Location: 114 The Avenue, Wivenhoe, Colchester, Colchester, CO7 9PP

Scale (approx): 1:1250

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7.9 Case Officer: Simon Osborn

HOUSEHOLDER

Site: 114 The Avenue, Wivenhoe, Colchester, Colchester, CO7 9PP

Application No: 111366

Date Received: 25 July 2011

Agent: Mrs Sharon Smith

Applicant: Ms Francis Golding

Development: Retention of dormer windows with proposed modifications & retention of gable extension.

Ward: Wivenhoe Quay

Summary of Recommendation: Refusal

1.0 Introduction

1.1 This application is referred to the Planning Committee because it has been called in by Councillor Jon Manning for the following reason: "Disagree with the Planning Officer's decision to refuse and I think it is questionable whether it is reasonable to remove the extension".

1.2 It is recommended to the Committee that a site visit is undertaken.

2.0 Synopsis

2.1 Alterations and extensions have been carried out to this property, which require planning permission. The report considers the impact of the proposal in terms of the Council's policies that encourage good design. Whilst the alterations do not significantly impact upon neighbour amenity, it is considered that the alterations are harmful to the character of the original dwelling.

3.0 Site Description and Context

3.1 The application sites related to a detached bungalow set back from The Avenue within the settlement boundary of Wivenhoe. The existing street scene contains a varied mix of 1 and 2-storey properties. The site backs onto land associated with Kemples Funeral Service in Rectory Road, where planning permission was recently granted for residential development.

4.0 Description of the Proposal

- 4.1 The application is submitted on a retrospective basis following an enforcement investigation, which concluded that planning permission was required for various alterations and extensions carried out to this property. These primarily affect the rear (east) and side (north) facing elevations of the original property.
- 4.2 Prior to these alterations, the existing bungalow was primarily of single storey form, with hipped gable projections to the front and rear, a small flat roof dormer in the rear elevation, a conservatory and minor flat roof additions on the rear and south side elevation. The works that have been undertaken have resulted in a small increase in the ground floor, but primarily increase the amount of first floor accommodation provided. This has been achieved by:
- (a) raising the eaves height on the north side elevation of the bungalow – this has changed the rear hipped gable projection into an asymmetrical two storey gabled projection with a flat roof. This does not exceed the height of the original bungalow and does not extend the footprint of the bungalow, but does increase the first floor accommodation;
 - (b) provision of a large box dormer on the rear of the bungalow, which projects beyond the original hipped roof over an existing flat roof rear addition (and a small new ground floor addition). This has created a second two-storey projection at the back of the bungalow. As constructed this included a peculiar eaves line, which the Supporting Statement describes as a mansard roof arrangement. Further modifications are proposed that would square-off this latter projection, which the Supporting Statement acknowledges would appear less contrived and more like a traditional box dormer.
- 4.3 The Supporting Statement indicates the applicant's mistakenly believed their proposal comprised permitted development.

Officer Comment: Following contact from the Council's Planning Investigation Team with the then agent and owner explaining that the works did not constitute permitted development and they should stop, work continued.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 None for the application site.
- 6.2 110573 granted planning permission in June 2011 for 9 properties to the rear of the application site.

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
UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

8.0 Consultations

8.1 No comments received

9.0 Town Council Response

9.1 The Parish Council have stated that:-

“No material planning considerations other than view of neighbours to be taken into consideration. It was noted that on the left hand side elevation no windows were shown”.

10.0 Representations

10.1 No comments received

11.0 Parking Provision

11.1 The parking requirement for this proposal is 2 spaces and visitors space. The application site has a large paved area to the front and side, which more than meets this standard.

12.0 Open Space Provisions

12.1 There is no requirement for public open space provision as this is a householder application.

13.0 Report

- 13.1 The 2008 Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 sets down the forms of householder development that do and do not require planning permission. These regulations permit various alterations and extensions, subject to various requirements, which include that the eaves height of the existing dwellinghouse should not be exceeded. As set out in Section 4.1 (a) above, the eaves height of the original has been exceeded; this aspect of the work therefore requires planning permission. The regulations also permit various alterations within the roof – this can result in large box dormers on rear facing roof slopes. As set out in Section 4.1 (b) above, the works described as a box dormer project beyond the original hipped roof of the bungalow and therefore cannot be considered as roof alterations. These alterations also exceed the eaves height of the existing bungalow, and therefore also require planning permission.
- 13.2 Policy DP1 in the LDF Development Policies Document adopted October 2010 requires that all development is designed to a high standard. Development proposals should respect and enhance the character of the site, its context and surroundings, and protect existing public and residential amenity. The SPD, 'Extending Your House', further advises that proposals for house extensions should be in harmony with the design of the existing building. This SPD and the Essex Design Guide further advises that dormers should generally be kept small to avoid disruption to a roof plane.
- 13.3 The alterations primarily affect the rear and north side elevation of the original dwelling. The north side elevation faces across the side driveway toward 116 The Avenue, a 2-storey building, which has windows in its side elevation facing the wall with the raised eaves height. Whilst this must be less pleasing, the proposal meets the 45 degree rule guidance in the Essex Design Guide. The property on the south side, 112 The Avenue, is built well forward of No. 114. The alterations do not have a significant impact upon the amenity of this neighbour. The proposed alterations are visible from Ernest Road to the rear. The alterations do appear odd within the context of the original bungalow; and do not respect its original design. It is accepted that the two-storey context of the neighbouring properties and the gap separating the dwelling from Ernest Road does not significantly affect the appearance of the area. Planning permission has been granted for new dwellings at the rear of the site but these have yet to be constructed.
- 13.4 As described in Section 4.1 of the report above, the extensions are not in harmony with the design of the existing building as they have created two-storey additions that are inappropriate to a building of essentially single-storey form. The eaves level on the north side of the bungalow has been raised by approximately 2 metres and appears artificially high on a bungalow. The original rear hipped gable projection has been changed into an asymmetrical two storey gabled projection with a flat roof; this appears contrived on a single storey building. The very large "box dormer" on the rear of the bungalow, which projects beyond the original hipped roof over an existing flat roof rear addition (and a small new ground floor addition) has created a second two-storey projection. This has an overall width of over 6.5m and cannot be described as a minor incident within the roof plane; rather it appears as an inappropriate addition to a bungalow.

13.5 The alterations relate very poorly to the design and appearance of the original dwelling. The design is not easily altered or tweaked and would require very substantial alterations to be in character with the host dwelling. The consequences of this will mean potential enforcement action, which could have far-reaching consequences for the applicant. However, the application has to be determined on the planning merits, the fact the works have been carried out without planning permission is not a material consideration.

14.0 Conclusion

14.1 Government guidance and local policies looks for good quality design for all development which respects the site context as well the surroundings. The extensions appear wholly out of character with the form and appearance of the original/ existing dwelling. The recommendation is therefore for refusal.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; PTC

15.0 Recommendation - Refusal

Reasons for Refusal

PPS1 Delivering Sustainable Development states “Planning Authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings....Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area should not be accepted.”

The Core Strategy was adopted in December 2008. Policy UR2 states “Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.”

Policy DP1 of the LDF Development Policies Document (adopted October 2010) states that all development should be designed to a high standard that respects and enhances the character of the site, its context and surroundings. Policy DP13 states that residential alterations and extensions will be supported where they meet other policy requirements including the adopted SPD 'Extending Your House'. This document advises that house extensions should be in keeping with the main house. In this instance, the alterations and extensions have created first floor additions that by reason of their size, scale, design and roof form relate poorly to, and are out of keeping with, the essentially single-storey design of the original dwelling. The proposal as such is contrary to the aforementioned policies.



Application No: 071786

Location: The Old Oyster Sheds, Coast Road, West Mersea, Colchester, CO5 8PA

Scale (approx): 1:1250

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Planning Committee

Item

8

6 October 2011

Report of	Head of Environmental & Protective Services	Author	David Whybrow ☎ 01206 282444
Title	Application No. 071786 – Change of use of previously approved private dining/corporate venue to restaurant A3 (Use) Class, together with additional car parking – The Old Oyster Sheds, Coast Road, West Mersea		
Wards affected	West Mersea		

This report concerns Condition 17 as attached to Approval Ref: 071786 and considers the question of whether the works as currently being carried out are in compliance with that condition

1.0 Introduction

- 1.1 This report was **withdrawn from the meeting of 8 September 2011 by the Head of Environmental and Protective Services in order that additional information could be obtained and clarification of the scope of the works to be established and reported to Members. All additional matters are in bold print.**
- 1.2 It has also been considered appropriate to consider **Application Ref: 111285 for variation of approval 071786 and discharge of conditions attached thereto on the same agenda (See Item 7.7)**

2.0 Decision(s) Required

- 2.1 Members are asked to consider their view as to whether or not the works currently being carried out at this site in pursuance of application 071786 are in compliance with Condition 17 of the planning permission which states:-

“The renovation/refurbishment of the building shall be carried out substantially in accordance with the details contained in the submitted application documents and the Engineer’s Methodology Statement.”

3.0 Background

- 3.1 The planning permission was approved on 3 June 2010. There is some debate as to whether or not the development currently being implemented is in accordance with the submitted details because the building was described as a renovation/refurbishment but has since been removed from site and stored elsewhere. A second application for variation of the approval in terms of alteration of a slipway on the building’s east elevation to create a raised platform of reduced length to include a refuse compound, cycle parking facilities and provision for heating/ventilation equipment is currently under consideration (111285 refers).

- 3.2 Alongside this consideration, the applicant has sought agreement that the original permission condition 17 is being complied with. This is the topic that is subject of this report. The request to discharge the condition can not be fully discharged as the condition requires the building be completed, however members are asked to consider the degree of satisfaction that the requirement to carry out the works “substantially in accordance with the details contained in the submitted application documents and the Engineers Methodology Statement” is being met at present.
- 3.3 In seeking approval for details reserved by Condition 17 the applicant has submitted an amended engineer’s structural appraisal and methodology statement. It should be noted that the original survey was undertaken in 2001 and there have been ten years or further erosion to the building as set out in the latest surveys. As stated, technically, this condition cannot be discharged in the terms requested but the amended report affords the opportunity for the Council to consider the implications of the amended proposal and consider whether the works as now being implemented can be regarded as being “substantially in accordance” with the original consent. If they are not then the Council needs to consider whether or not the original permission can in fact be implemented or whether a new application should be requested.
- 3.4 Both the original report (14 June 2001) and the amended report, dated July 2011, may be inspected on-line. The key points of the former are:-
- The Plan is for a remodelling of the existing building including an extension to the building width to the rear with an associated balcony.
 - The building was found to be structurally in a poor and substandard condition.
 - The building can be retained and re-used but structural repairs will be required and structural upgrading will be necessary.
 - The side and front timber wall structure can be retained but structural repairs and upgrading will be necessary. The existing rear wall is structurally very weak and will be replaced.
 - The existing timber suspended floor can be upgraded by inserting new timber floor joists and galvanised steel beams on the underside.
 - A new roof will be required to provide necessary structural strength.
 - The existing substructure is substandard and needs repair and upgrading including strengthening of timber piles by insertion of additional hollow section steel columns on concrete pad foundations.
- 3.5 Members will recall that 071786 was considered and approved in conjunction with application 072522 for conservation area consent in respect of “renewal of existing planning approval C/COL/01/0526 to take down the existing building, refurbish and renovate timber frame walls and roof and re-erect walls and extend shed.”
- 3.6 The July 2011 report provides the following summary of works being undertaken:-
- General Building Frame Sequence of Construction:
- Dismantle existing building and carefully remove north, east and west elevation timber studs and dry store.
 - Introduce steel driven piles.
 - Cast reinforced concrete pile caps.
 - Construct substructure steelwork up to and including ground floor level.
 - Install pre-cast concrete floor units to ground floor and grout up.

- Erect superstructure steel frame including frame for mezzanine floor.
- Install roof timber members and covering along with timber panels to all elevations. Existing timber studwork to be incorporated into timber panels.

3.7 It has been confirmed, following inspection by the Marine Management Organisation, MMO, that the new piling works have been carried out to their satisfaction.

3.8 In respect of the main elevations, the July report indicates:-

“Due to the required floor level increase it was not practical to leave the existing timber framed panels in place. Since the inspection the front and two side elevations timber panels have been carefully removed and dry stored at a barn in Peldon. They have since been inspected by the Planning Officers.

Due to the rebuilding proposals the building super structure will take the form of a steel frame which will provide support for the proposed mezzanine floor, roof lantern, glazing and lateral stability to the building.

This will then allow for the original and new external timber panels to be incorporated back into the building. This is the procedure which will be adopted. The original timber panels will be initially de-nailed, treated for infestation and any rotten areas removed. The timber will then be reused as non load bearing studwork between the new steel frames and marked with a yellow paint to identify. This is the process which will be adopted. During construction these walls will be photographed for record purposes. We would estimate that 70% of the timber stored will be reused.”

Officer Note: The reference here is to 70% of the stud work salvaged from the site and stored. It does not indicate 70% of the original timber cladding will be re-used and this is perhaps not surprising given the flimsy nature of the former structure and its long exposure to the coastal environment. It is not possible state what proportion of the original timber stud work has been retained but the stored timber sections as inspected by officers may be said to be the majority of that from the front and side (east) elevations.

4.0 Representations

4.1 The works being carried on are of considerable concern to local residents who have made separate comments in respect of amendment application 111285. In the case of the refurbishment works, the following matters are raised by the Parish Council, Coast Road Association and 6 local residents:-

- The existing permission is only for conversion of an existing building in a Conservation Area and not for demolition and new build as now appears to be the nature of the development. I understand that argument is being put that since the original engineer’s report the deterioration of the building was foreseeable and so amendments should be allowed. However, the onus was on the applicant to maintain the building in the interim or to submit a revised application and method statement before the plan was put before the original Planning Committee who issued consent on those documents. The applicant should not be allowed to benefit from any failure to maintain the building in the interim to ensure they could comply with the plan and method statement or to update the plan and method statement before it went to the original Planning Committee – i.e. a failure to do this should not enable the applicant to substitute a new build for conversion per se.

- The site to date includes concrete and steel piles (not wooden piles) and a concrete and steel floor (not a wooden floor) and a steel framework (not a wooden framework) – i.e. to date none of the original fabric has been re-used as intended and includes both a mezzanine level (not in the original plan) and an extension to one side in lieu of the slipway (not in the original plan). The developer having applied to remove Condition 17 etc has acknowledged that the works are not substantially in accordance with the original plan and method statement for conversion and is in effect a demolition and new build and a stop order should be placed on the development pending any approval of a revised planning application. i.e. there is no risk to the Council in issuing a stop notice as the applicant have themselves acknowledged that the development, which is in a Conservation Area, is not in accordance with the original planning approval and method statement.
- In the construction of new coastal works, great importance is attached to “soft” engineering. Building new hard structures with different characteristics from what was originally approved is most irregular.
- This was thought to be a conversion but it is in fact a somewhat larger complete new building.
- The developer intends a modern building which in no way represents the character and appearance of the present building, let alone the Conservation Area.
- No attempt has been made to maintain the building since the time of the 2001 report.

5.0 Alternative Options

- 5.1 In the event that Members consider that the proposals remain in the spirit of the conditions imposed and the approval given then no further action will be taken to rectify the issue. The condition will not be discharged in full, but the Council would agree that the works to date are satisfactory.
- 5.2 However, should members feel that the building works now being constructed represents a material departure under the terms of Condition 17, it will be necessary to take appropriate enforcement action to secure compliance with the original permission in terms of the construction details. In order to do so it will be necessary to carefully consider where any significant departures from the original drawings have occurred and what can be done to resolve the concerns.
- 5.3 Alternatively, members may consider that the departure from the previous application is so significant as to render the permission effectively null and void as the condition strikes at the heart of the permission granted. In this event, a new application would be requested in the first instance and this would be considered afresh, albeit that the existing permission would remain a material consideration whereby the end product resulting from the two applications would need to be compared. The removal of the building works, whilst being deemed significant in this scenario, would have to be considered in the regard of whether or not it was a technicality or whether it caused actual harm to the degree that the committee would not have approved the application had they known (if they did not) that the building would be removed and rebuilt.

6.0 Supporting Information

- 6.1 Original application Nos. 072522, 071786 together with amendment application 111285 may all be viewed on-line, in addition to the representations received.

7.0 Consideration

- 7.1 The case officer would highlight that, in their view, the original planning permission was not for a simple “conversion” of a functional building as set out in the representations, but was described in terms of a renovation/refurbishment project. There is debate as to the degree of work that would occur at the site and whether or not the committee were aware at the time of voting that the works would be, in the view of some local residents, tantamount to a completely new building. The original structural survey from 2001 did state that the materials were to be kept at the site, whilst they have since been removed. However, what goes back in the long term is still considered by the case officer to be as envisaged at the time of the decision. Further, the accompanying application for Conservation Area Consent explicitly referred to the taking down of the building in order to refurbish and renovate timber frame walls and roof before re-erection. Therefore, despite some conflicting supporting information, it should have been clear that the building was not a conversion. The degree to which the actual works and the application description as a “renovation” or “refurbishment” can be interpreted is a subjective matter and can vary from individual to individual.
- 7.2 **Particular concern has been raised at the limited re-use of existing timber fabric in the renovated building and to “additional” works to the piling and substructure. It is worth investigating further:**
- 7.3 **Timber framework – The agent has confirmed that as much timber framework is being retained as possible and photographic evidence has been provided of where this has been incorporated into the new structure. The timber is of no aesthetic or historic interest and will not be visible in the finished building.**
- 7.4 **The original engineer’s report noted:-**
- “The existing side and front timber wall structure can be retained. Some structural repairs may be necessary and some strengthening timbers will need to be inserted, particularly at the front part of the building. The existing rear wall is very weak because of the extent of existing glazing and it is ... proposed to replace this with a new rear wall.” It is also indicated that “the existing timber shed walls...being finished in cream coloured washed weatherboard.”**
- 7.5 **It appears that some people may have interpreted this statement as indicating that not only were parts of the timber frame to be retained but also the external boarding. This was not part of the original submission and the renovation works were shown to utilise a different coloured boarding, details of which were to be submitted in discharge to Condition 3 of the approval.**
- 7.6 **Piling – As indicated earlier in this report the original proposal was to strengthen the existing timber piles by insertion of additional hollow section steel columns on concrete pad foundations. The approved drawings showed these pads to be constructed below the level of the beach although as constructed they stand above the foreshore level.**

- 7.7 **Additional drawings now show that the overall number of piles has been reduced from 35 to 21 and constructed entirely in steel in order to be more slender. Therefore although the concrete pads are more visible than originally shown the reduction in the number of piles involves no greater impact on the foreshore area. The works have been licensed by MMO who have subsequently inspected and confirmed their satisfaction with the works. No concerns are expressed by the Environment Agency to the additional drawing. Additionally officers demanded that excess concrete deposited as spillage after the piles were constructed, be removed and this has been done.**
- 7.8 **Members may consider it appropriate to request the painting of the steel piers to further reduce their visual impact. They may also wish to consider either the cladding of the concrete pads in timber or the construction of low hit and miss fencing across the outer face of pads at beach level as utilised at the adjacent oyster beds, although it is considered by officers that in this environment the pads will soon accumulate marine debris and weather in to the local scene.**
- 7.9 In your officer's opinion there is not a significant difference between the 2001 and 2011 structural surveys and methodology reports. Indeed, given the nature of the building and the fact that it has stood vacant in an exposed coastal location, it is not surprising that deterioration has taken place in the intervening years. The question is whether or not the amount and nature of the works being carried out is different to what was understood from the application information and if this makes any material difference to the committee's likely vote.
- 7.10 Most importantly, it is considered that the end product – the refurbished building – will be substantially as per the approved drawings in terms of its scale, external dimensions and appearance. Officers have confirmed through measurements taken on site that the building dimensions conform with those shown on the approved drawings.
- 7.11 On this basis, where the end product has the same basic impacts as that shown on the drawings, there is a question as to what would be achieved from a new application. Regardless of whether or not the spirit of condition 17 has been breached, is it likely to affect the final outcome of any subsequent application that was described as a "new build" if the finished details remain the same. Consideration as to this aspect should also be given in regard to the public interest test of any suggested action (i.e. is the proposed action justifiable in terms of it serving the wider public interest of the borough).

8.0 Conclusion

- 8.1 The case officer would offer the opinion that the proposals remain substantially in accordance with the original planning permission and there is no further action for the Local Planning Authority to take in the matter. However, it is appropriate that the matter be given further consideration by the committee.

9.0 Financial Implications

- 9.1 None

10.0 Strategic Plan References

10.1 N/A

11.0 Risk Management

11.1 N/A

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

AMENDMENT SHEET

Planning Committee
6 October 2011

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED

7.1 111511 – Recreation Ground, Colchester Road, West Mersea

A further letter of support has been received which raises similar points to those summarised in the report to Committee.

West Mersea Cricket Club has also sent a letter of support. The following summarised points are made:

- The Tennis Club is an important sporting facility for West Mersea
- The design of the building would reduce its overall impact and the previously-approved position would shade the courts

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

7.2 110608 – St John Ambulance Site, Chapel Road, Wivenhoe

Further information has been supplied on behalf of the applicant in relation to each of the three main issues in the report:

Use: Policy DP4 explains that community sites include cultural centres. The studio and gallery will be open to the public and demonstrations/ classes will be offered to the local community. Sales will be minor and ancillary to the main use as a gallery and studio.

(Officer Comment: The subtext to DP4 indicates that cultural centres can be considered as a community facility. However, the proposal is not a facility that the public will be able to hire out for use. The application as originally submitted indicated that the studio would allow the public to view the artist at work and a dedicated gallery for hers and other artists work. Nonetheless, the gallery is relatively small at 5m x 4m in size and it remains questionable whether the primary use of the building is community use.)

Trees: A Tree Report has been provided by Haydens. The agent states a Grampian condition could be imposed to ensure the tree is properly pruned following occupation. A minor change to the position of the red lined application site to include the sliver of land between the hall and the fence on the northeastern boundary of the site (where the tree protection fencing is proposed) has also been submitted.

(Officer Comment: The Council's Tree Officer agrees it would be possible to construct the building and protect the tree, but also notes the tree will get a lot bigger and will require a lot of pruning every year. The tree does significantly constrain development and does create an issue in its current form. The Planning officer notes that the eventual growth of the tree may cause issues in the future regardless of whether this proposed development goes ahead or not. However, the proposal extends closer to the tree at first floor level than the existing building and as this part of the building is residential, will cause greater conflict with the tree and require more pruning. The imposition of planning conditions relating to pruning outside the red-line site is not appropriate for works outside the control of the applicant.

Neighbour Impacts: The agent considers the proposal will be no more overbearing than the existing hall on 7 Chapel Road. Overlooking to 4 Clifton Terrace can be prevented by a condition for obscure glass to an agreed height on the west side of the balcony. Details of the kiln extraction process have also been submitted.

(Officer Comment: Environmental Control stated they are satisfied with the additional information regarding ventilation and discharge from the kiln and have no further comments. It is also noted a 1.8m high obscure glazed screen on the west side of the balcony would help safeguard neighbour privacy. However, it is considered that a 2-storey structure will have more of an overbearing impact than a single storey structure with a sloping roof.)

Officer Summary

The additional information goes only part of the way to meeting Officer's objections to the proposal. The recommendation is for refusal; however, as a Tree Survey report has been submitted the final line of the proposed reason for refusal will need to be amended to:

“Finally, the sycamore tree to the rear of the site is of semi-mature form and the proposal is likely to result in pressure to either remove or dramatically prune this tree to the detriment of visual amenity.”

7.7 111285 – The Old Oyster Sheds, Coast Road, West Mersea

Consultation response by Design and Heritage Unit:-

“The application site was originally occupied by a modest weather boarded building and a slipway. Planning permission has previously been granted for the conversion, repair and extension of the historic black weather boarded building; the proposed new use of the building is as a restaurant. The adjacent slipway was to be retained (albeit reduced in length) and used for staff parking.

Work has started on the implementation of the approved scheme and various amendments are now sought to facilitate the operation of the approved use.

As part of this application it is proposed to create a raised platform over the slipway to create a level area for parking of a car, cycle parking and a compound associated with the operation of the development. It is stated in the Design and Access Statement takes account of the approved application to provide these facilities.

The proposed creation of raised platform over the existing slipway with an enclosed storage area represents a retrograde step when compared to the approved scheme; the original building had a simple silhouette and the proposed extension detracts from this. It will also increase the visual prominence of any car parked in this location.

It is my understanding that there is no requirement to provide a parking space immediately adjacent to the new restaurant (the applicant may desire this parking space but that is a different matter). Likewise the existing planning conditions require the provision of cycle parking but do not specify a location. Given that the approved scheme proposes the use of part of the nearby boatyard for car parking associated with this development, it is unclear these facilities could not be relocated to this area.

The siting of the bin store in a visually prominent position can hardly be described as ideal. It would have always been known that these facilities would need to be provided and the retention of the existing slipway meant that they never intended to be sited in the position now proposed. It is however unclear from the previous application where the required bins were going to be located as they are not indicated on the approved drawings. It is however recommended they are relocated to the position originally intended by the applicant or at least an explanation is provided as to why this is no longer considered possible. The proposed air conditioning units were not a feature of the original application and there is not a requirement from a planning perspective to provide such facilities; indeed natural and passive ventilation would more be sustainable. Freestanding air conditioning units (even when there is an attempt to screen them) always appear as an incongruous afterthought. It is recommended that they are omitted if a more discreet location cannot be found for these units.

Recommendations:

It is considered that the development as proposed will have a visually detrimental impact on the character and appearance of this part of the West Mersea shorefront and therefore that of this part of the conservation area. In the absence of a cogent justification for the proposed works (and without the alternative options described above being fully explored) the application not be supported from a conservation prospective.”

Case Officer’s Comments: These items have been considered in the drafting of the report. In particular, the Committee’s discussions in the case of 971786 involved parking for delivery vehicles and cycles on the former slipway, the latter being a specific requirement of Condition 5. The storage of waste and refuse was at that time also considered to be an inevitable requirement if any restaurant premises and received careful consideration at that time due to the proximity of residential property in Coast Road. Condition 14 was imposed as a consequence.

The low enclosure, 1.23m high, clad in matching boarding is considered a sympathetic response and Members should note the architect’s justification in the submitted Design and Access Statement and Heritage Assessment. Similarly, while it is correct to suggest that air-con units were not a feature of the original application and could be an incongruous feature when freestanding, such matters are again covered by Condition 14 and the proposal solution ensures that these are fully screened from external view.

See comments at end of Amendment Sheet

7.8 111364 – 25 Green Acres Road, Layer de la Haye

The Chairman and Members of the Committee has received a further representation of objection and associated plans (referenced SKI/1 and SKI/2) on behalf of a local resident. The points raised in the representation are, for the most part, discussed in the report to Members previously circulated. However the following comments are made on the contents:

- The application is for a three bedroom dwelling and has been considered on this basis. Planning permission has been granted for a two-bedroom dwelling on the site.
- The ridge height of the currently-proposed dwelling scales at 7.7 metres. The height of two-storey dwellings in the vicinity scales at approximately 7 metres. The previously approved dwelling on this site scaled at a height of 7.4 metres. Although the ridge height of the proposed dwelling would be higher than the ridge height of the surrounding two storey dwellings by approximately 70 centimetres this is not considered to be excessive in terms of overall impact on amenity.

- Whereas the previously approved scheme had two bedrooms facing south (towards the dwellings on the opposite side of Green Acres Road) this proposal has three bedrooms. A plan showing the approved dwelling for this site (under application 081879) will be included in the presentation.
- The roof pitch of the proposed dwelling is set at 45 degrees.
- Members are not being asked to disregard the parking standards in this case. The submitted plans show the provision of two spaces on site. The provision of visitor parking would take place in Green Acres Road. The adopted parking document does advise that ‘...Visitor/unallocated parking can, subject to appropriate design, be located on or near the road frontage...’ (page 64). In this case the site does not have an immediate frontage to the road but it is considered to be in reasonable proximity to the site. The use of the road to provide a visitor’s parking space has not given rise to objection from the Highway Authority.
- It is considered that emergency vehicle access to the site would be available in this case.

The following further clarification comments have been received from the applicant:

‘The house is not a two storey but is a one and a half storey 3 bedroom house (see 2-2 in the design and access statement) as the first floor accommodation will partly extend into the roof void.

With reference to the statement ‘Its façade and roof are a massive 223% larger than the facade of the building opposite’. The facade will obviously be bigger than No 21, as are No 19, 25 and 27 because No 21 is gable end facing whilst the others are full facade.

The plans SKI/1 and SKI/2 seem quite misleading as the same scale does not appear to have been applied to both buildings or both drawings.

No 21 is the same design as ours and was built at the same time, by the same builder. The height to the ridge on the gable end is approx 7.2 meters on our property whereas Mr Bowler says No 21 is 6.75 to 6.85 meters.

If the scale that is applied to the new property is also applied to No 21, in SKI/1 it measures 6.73 meters and in SKI/2 it measures 6.49 meters so this could be misleading. The drawings seem to differ in size.

All parking and highways criteria have been recommended by ECC Highways Dept and they have no objections.

As to his last comment about the 10 metre distance between the buildings, I would like to draw the attention of the committee to the cul-de-sac opposite in Greenacres road, No 14 and 16, which is a similar scenario to this one. It has a drive off the highway to garages and the properties are 2 storeys with a 2 storey extension on No 14 which is not shown on the OS map. There are windows on both ground and first floor directly facing each other with clear glass and these properties are

only approx 9 meters apart so this will not set a precedent as the proposed property will be at least 10 meters and angled.

As we envisage levelling the site on this application as part of the building works using method statement 10.2 of the Arboricultural report, as it slopes by approx 150 to 300mm, which can be clearly seen by looking at the front wall, this will make the ridge height not too dissimilar from the original height of 7.45meters on the plan already passed.

Finally, the plans were originally passed after original site visit by the committee for a 2 bedroom property and still have 6 months to run, it is the same footprint and position as before.'

Members are advised that a further letter of objection has been received from a local resident in which the following summarised comments are made:

- The proposal would have an adverse impact on privacy and light
- Parking problems exist already and the proposal will make matters worse
- What will happen to the street light as this is a valuable facility?
- The boundary hedge falls within the neighbouring property and not within the application site
- This could adversely affect the ability to sell the neighbouring house.

The full text of the above letters is available to view on the Council's website.

Members are advised that the Council's arboricultural planning officer has confirmed no objection to the proposal following receipt of an updated tree report.

7.9 111366 – 114 The Avenue, Wivenhoe

A letter in support of the application has been received from the neighbour at 116 The Avenue.

Members have been provided, by the applicant, with a copy of a letter dated 11 April 2011 to the Council's Investigation Officer, which purports that the works carried out are within permitted development. As described within the Officer report (see paragraphs 4.2 and 13.1) the works go beyond what can be considered permitted development and therefore require planning permission.

Agenda Item 8 - 071786 – The Old Oyster Sheds, Coast Road, West Mersea

Further comments by a previous objector:-

1. Although the number of piles is reduced the area of foreshore occupied by the raised concrete pads and impact on SSSI is not reduced. Any additional timber cladding around these pads will also impact on tidal flows and the re-charging of the foreshore.
2. Natural England's consideration of the impact of these pads is more important than MMOs.
3. Concrete overspill from pads has not been removed as stated in the report.
4. Sample testing is required to check if sleepers are treated or not. Delivery docketts are not sufficient.
5. The building is described as a "building of significance that should be considered for local listing" by West Mersea Seaside Heritage Project carried out by English Heritage and ECC.
6. Any mezzanine accommodation increases capacity of the restaurant and demand for infrastructure such as car parking. It may have contributed to the change in design of foundations and steel framework.

A section of the original timber framework as salvaged and re-used in the new building will be available at the meeting for Members to assess its condition and historic value.

The further views of Natural England on the issue of piles and concrete pads as raised in the representations:-

1. We agree that the deviation from the original planning application in terms of the number of dimensions of the piles used, should have been considered in advance to determine any potential effects upon the designated sites as a result of this change. Whilst we recognise that the surface area of the piles has increased, and are frustrated by the way in which this has been carried out, we are satisfied that this additional area is unlikely to represent a significant impact to the SSSI and SPA. Pursuing an enforcement action resulting in the removal of the piles is actually likely to cause a greater impact than leaving the piles as they are.
2. Natural England have not been consulted regarding a change to the application to timber clad around the piles. Whilst we understand there are aesthetic drivers for this we would expect a potential change of this nature to be assessed in detail for its potential impacts upon the SSSI and SPA, in particular any changes to the hydrological/sedimentation regime which may occur as a result.

3. Natural England and MMO are jointly responsible for advising on planning issues in coastal zone sites. Simplistically our role is to assess impacts on terrestrial designated sites and MMO's is to assess impacts on marine designated sites, obviously in intertidal habitats both organisations been involvement. Whilst we are frustrated by yet another deviation to the planning permission, we are satisfied that raised foundations (of a scale and number that they are) are unlikely to represent a significant impact to the SSSI and SPA. Pursuing an enforcement action resulting in the removal of, or reduction in size of the foundation pads, is actually likely to cause a greater impact than leaving the piles as they are.
4. Natural England agrees that the concrete overspill around the site should be removed and best working pollution prevention practices better adhered to in future to ensure impacts to the SSSI/SPA are minimised.
5. Natural England understand that Colchester Borough Council have been informed that the railway sleepers are untreated. Further we understand that they are chasing evidence to confirm their providence, which will enable an assessment to be made about their likely impacts upon the SSSI/SPA.

They conclude that any further deviations from the existing planning permission, should be rigorously assessed in advance of the work being completed given the sensitivities of the natural environment in which this application is located. Please be reassured that Natural England will continue to monitor the progress of this development and will maintain close contact with CBC enforcement department should we feel that the further deviations are impacting upon the interest features of the designated sites.”

A late letter of support states:-

“I would like to express my strong support for the scheme.

I have worked in the property industry for almost 20 years and it is my considered opinion that the old sheds were an eyesore and a health and safety risk. I have been watching the construction of the new building, it is clear to see that it is being constructed to a high standard and will be of great benefit to the community for many years to come.”

In addition, it is confirmed MMO licence was issued on 22 November 2010. An inspection was then carried out after piles were completed and on July 1st it was confirmed that there were no issues with the FEPA Licence (relating to deposits in the sea in connection with Marine Construction Works).

N.B Jarrah is a heavy, hard and strong hardwood which normally needs no treatment.

1 further e-mail comments:-

“I presume you will have been informed that the builders have closed off the footpath next to the building and pedestrians have to walk in the road.

I am unable to attend the meeting but I do most sincerely hope that this totally ill thought and wrong work can be stopped.”

7.7 111285 & Agenda Item 8 – The Old Oyster Sheds, Coast Road, West Mersea

As at 6 October 2011 no definitive confirmation had been received that the sleepers used on the amended slipway are untreated and not likely to compromise the marine environment. In addition, there is still evidence of excess concrete spillage following the construction of the concrete foundation pads.

Recommendation in both cases to be reworded as follows:-

- (1) Matter to be deferred:**
 - (i) in order to await definitive and independent testing of the sleepers to ensure they do not pose a threat to the welfare of the marine environment, and**
 - (ii) to seek the assurance that any overspill concrete and excess haunching will be removed from the concrete pad foundations returning them to their originally intended rectangular form.**
- (2) So long as such works/assurances can be provided, the Head of Environmental and Protective Services be authorised to determine that the works are substantially in accordance with the original submission as per the original recommendation.**
- (3) In the event that such works/assurances cannot be supplied, the matter be referred back to Committee.**



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.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes, sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyards or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004.