

Planning Committee

**Council Chamber, Town Hall
18 September 2008 at 6:00pm**

This committee deals with

If you wish to come to the meeting please arrive in good time. Attendance between 5:30pm and 5:45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

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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 issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as local and structure plans, other local planning policies, government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes, restrictive covenants, rights of way, ancient rights to light
- effects on property values
- loss of a private view
- identity of the applicant, their personality, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other types of legislation

Human Rights Implications

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

Community Safety Implications

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
18 September 2008 at 6:00pm**

Members

Chairman : Councillor Gamble.
Deputy Chairman : Councillor Ford.
Councillors Chillingworth, Blandon, Chapman, Chuah, Cory, Elliott, Foster, Hall, Lewis and Offen.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-
Councillors Arnold, Barlow, Barton, Bentley, Bouckley, Cook, Dopson, Fairley-Crowe, P. Higgins, T. Higgins, Hunt, Lilley, Lissimore, Maclean, Manning, Martin, Pyman, Quarrie, Sykes, Tod, Turrell and Young.

Agenda - Part A

(open to the public including the media)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief. An amendment sheet is circulated at the meeting and members of the public should ask a member of staff for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

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

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

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

2. Have Your Say!

The Chairman to invite members of the public to indicate if they wish to

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

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

6. Minutes

To confirm as a correct record the minutes of the meeting held on 4 September 2008.

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. 080866 Shop Lane, East Mersea** **5 - 12**
(Pyefleet)

Erection of hatchery building in association with poultry breeding enterprise.
- 2. 081107 Fairfields, Chitts Hill, Colchester** **13 - 17**
(Lexden)

Construction of new domestic access drive.
- 3. 081119 The Barn, Brook Road, Great Tey** **18 - 24**
(Great Tey)

Guest accommodation and managers flat for The Barn Brasserie.
- 4. 081383 Pondfield Road, Colchester** **25 - 30**
(St Anne's)

Proposed two storey side extension to provide two flats, attached to existing four flats (Resubmission of 080509).
- 5. 081458 Old House, Old House Road, Great Horkesley** **31 - 38**
(Fordham and Stour)

Change of use from storage to accommodation for carer, who is resident in the ground floor of the annexe at Old House Road and the erection of a screen to the external stairs up to the first floor of annexe.
- 6. 080789 61-63 Crouch Street, Colchester** **39 - 44**
(Castle)

Alteration and demolition of existing single storey additions. Single storey rear extension and conversion of outbuildings to accommodate trade kitchen, dining areas, stores and toilets. Internal alterations including relocation of cellar and first floor stair, relocation of bar, installation of new yard gates to replace existing. Creation of free standing exterior dining areas and smoking solution

area and provision of access ramp to same. Resubmission of 080135.

7. 081088 66C Barrack Street, Colchester **45 - 49**
(New Town)

Change of use from office accommodation to regalia shop, meeting room, masonic lodge instruction room.

8. 081275 Turkey Cock Lane, Stanway **50 - 58**
(Copford and West Stanway)

Variation of condition 5 of COL/07/0221 to permit stationing of 4no. caravans on plot 2 (6no. residential caravans in total).

8. Exclusion of the Public

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

PLANNING COMMITTEE

4 SEPTEMBER 2008

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

Substitute Members:- Councillor Cook* for Councillor Chuah
Councillor Maclean for Councillor Foster
Councillor Martin for Councillor Elliott.

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

99. Minutes

The minutes of the meeting held on 7 August 2008 were confirmed as a correct record.

100. 081333 Floral Acres/Tollgate West, London Road, Stanway

The Committee considered an application for the erection of twelve business units together with ancillary car parking and outbuildings. The proposed range of uses for the units would fall within the categories of B1 (Business), B2 (General Industrial) and B8 (Storage and Distribution). The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 Agreement to secure the following:-

- A contribution of £25,000 towards transport improvements to be triggered by the first of the developments to be occupied relating to the following applications – 070390, 070391, 071087, 071932, 080640, 080642 and 081333 (Note: A £25,000 payment is not payable on each of the aforementioned developments).
- The payment of a £3,000 Travel Plan monitoring fee.
- The setting aside of land for possible future alterations to the Western Bypass, as required by the Head of Environmental and Protective Services.

(b) Upon completion of a satisfactory Section 106 Agreement, the Head of Environmental and Protective Services be authorised to issue a planning permission subject to conditions and informatives as set out in the report.

101. 081264 67 Collingwood Road, Colchester, CO3 9AY

The Committee considered an application for a one year temporary change of use from C3 (Residential) to D1 (Non-Residential Institution – day centre). The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

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

David Whybrow, Planning Team Manager, attended to assist the Committee in its deliberations.

Sandra Kelly addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She was concerned about the security of the fencing and the privacy of the neighbours and requested that a 6' close boarded fence be installed to replace the chain link fencing. She was also concerned that the use of the premises for respite care at the weekends could turn the use into full time respite care.

Brian Middleton addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that this was to be a small family business to meet the needs of a small group of people and their carers. He understood the concerns about the property and had made arrangements for suitable fencing with one adjoining neighbour and at the end of the garden and would make arrangements with the other adjoining neighbour to replace the chain link fence. The daytime service would not be any different from having a family there. They would mainly use the house as a base and support to access the community and would not be there all the time. In relation to respite care on evenings and weekends, this would only be offered to their regular clients and only in an emergency to carers who could not get any other support.

Members of the Committee generally supported the proposal but were concerned about the privacy and protection of residents in the garden especially with close neighbours, the transmission of noise from clients when in the house, and the use of the facility in the evening and at weekends which would be different from day care. There was a view that the applicant seemed to have an awareness of the client group and any noise that might be generated. It was also suggested that the temporary period be for 2 years because a one year permission with possible expensive works to soundproof the premises would be unreasonable. The two years would also enable the applicants to prove they could run the unit without disturbing the neighbours. A deferral was proposed to enable the additional information on soundproofing and other matters to be provided.

RESOLVED that the application be deferred for the following information and the application to come back to the Committee:-

- whether that type of mid-terrace property was capable of being soundproofed to a suitable extent and what soundproofing standards would be required by Environmental Control,
- the applicant to indicate the potential level of noise produced by these proposals,
- officers to consider a 2 year temporary consent and complete fencing of rear garden with 6' close board fencing,
- whether the premises needed to be licensed by Social Services and what the requirements were.

Councillor Cook (in respect of his acquaintance with the applicants who contact him to make bookings for the St. Anne's Community Hall) declared his personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).

102. 081279 17-19 Church Walk, Colchester, CO1 1NS

The Committee considered an application for a change of use to A1 (Internet Café) a mixed use of internet facilities provided to the public and the sale of food and drink for consumption on the premises. The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

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

Sally Pfeffer addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She represented eight residents, the governors and manager of Charles May House and its fourteen residents, three businesses and Peter Lynn. There were objections that the internet café facility would not be available after 6pm, that other proposed uses had nothing to do with an internet café, that the use was not confined to mixed use. There were also objections to opening until 11pm and to the sale of alcohol. As there were no facilities for smokers on site the use of the street for smoking was a possibility. The premises were not accessible by wheelchair users and compliance with the regulations would cause a 45mm overspill into highway land.

Vicky Robinson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Ling Trust was a local charity, funded by the Department of Health, and set up to provide learning opportunities for people with disabilities. Currently there were no facilities on site for wheelchair users but provision of this was a priority. They were unable to provide facilities for smoking as would any other business. They wanted to keep noise to a minimum and had applied for the license to provide alcohol in the hope that they could use the premises once a year for a Christmas party.

Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee. There could be no objection to the use of the premises as an internet café which was reasonable. However, the residents had great concerns that it might become a drinking establishment as the hours of opening would indicate. Access for disabled people was also a great concern as it would be impossible to enable access for disabled people. This was not an application for an internet café for the disabled. He welcomed the comments on the amendment sheet. In the light of the wide scale of the objections he asked that whatever response the highway authority gives the application be brought back to the Committee.

Members of the Committee understood the concerns of residents but recognised that the existing use and hours of use were similar, if not the same, as the existing permission for the premises. Also that some matters were covered by other legislation and therefore not able to be taken into consideration for this application. However there were some areas where further information was considered to be useful, particularly in respect of whether there was any history of complaints received by Environmental Health, clarification on the hours of opening and whether the Highway Authority had any objections, mentioned on the amendment sheet.

RESOLVED (MAJORITY voted FOR) that the application be deferred for the following information and the matter to come back to the Committee:-

- comments from the Highway Authority on additional information submitted by the applicant,
- comments from Environmental Control on the history of complaints,

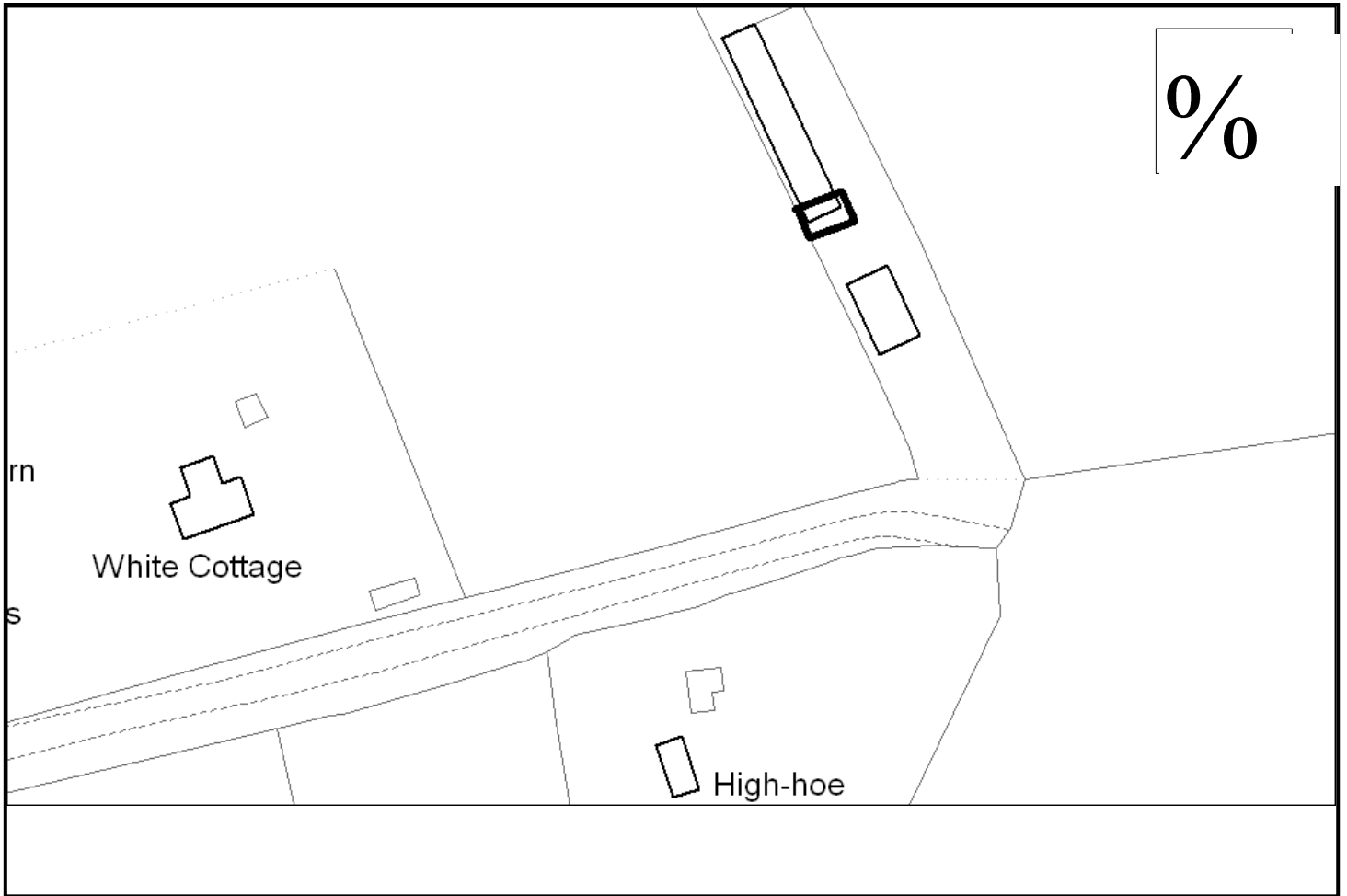
- information from the applicant to clarify the scope of use, hours of use and the sale of alcohol.

103. 080513 17 East Road, West Mersea, CO5 8EB

The Committee considered an application to increase the ridge height of the roof of an existing bungalow by 1.6 metres and the insertion of four gabled dormers into the roof space providing secondary lighting to three proposed new bedrooms and the bathroom. A rear extension was also proposed extending to a distance of 5.5 metres from the existing rear wall of the property together with the relocation of an existing garage. The Committee had before it a report in which all information was set out.

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

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



Application No: 080866

Location: Ruins Field, Shop Lane, East Mersea, Colchester, CO5 8TR

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **18 September 2008**
Report of: **Head of Environment 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: John More

MINOR

Site: Shop Lane, East Mersea, Colchester, CO5 8TR
Application No: 080866
Date Received: 30th April 2008
Agent: Edward Gittins & Associates
Applicant: Mr D Jones
Development: Erection of hatchery building in association with poultry breeding enterprise.
Ward: Pyefleet

Summary of Recommendation: Approve Conditional

1.0 Site Description

- 1.1 The site is located in the south-west corner of Ruins Field within a group of existing outbuildings comprising a store, chicken coups and a barn used for tractor storage. Ruins Field is located at the end of Shop Lane to the west of the village of East Mersea in an area designated as a Countryside Conservation Area. Shop Lane also serves a number of residential dwellings informally spread along the Lane.
- 1.2 The site is currently used by the appellants in connection with his hobby enterprise of rearing and breeding free-range chickens for eggs.

2.0 Description of Proposal

2.1 The application proposes the demolition of the existing store building which partially covers the site and the erection of a new hatchery building for the bringing-on of chickens. The proposed building would consist of two hatcheries, an area for day old chicks and a small clean room with a shower and toilet. The building footprint would measure 5.1m x 6.3m with a slack pitch roof measuring 3.3m to the ridge. Materials proposed are black weatherboarding above a red brick plinth with a natural slate roof.

3.0 Land Use Allocation

3.1 White land (not allocated) – Agricultural.
Countryside Conservation Area

4.0 Relevant Planning History

4.1 93/4007 – Determination under the GDO Schedule 2 Part 6 & 7 for erection of tractor shed – Approval not required.

4.2 F/COL/02/1015 – New tractor shed and implement store – Approved 2002.

4.3 F/COL/06/2077 – Change of use of agricultural land to provide twin-unit mobile home on hardstanding in association with poultry business – Refused 2007, Appeal dismissed 5th August 2008.

5.0 Principal Policies

5.1 Adopted Review Colchester Local Plan
DC1 – Development Control considerations
CE1 – The Open and Undeveloped Countryside
CO1 – Rural Resources
CO3 – Countryside Conservation Area
CO8 – Agricultural Land
UEA11 – Design

6.0 Consultations

6.1 The Highway Authority comment:

"The Highway Authority recommends that the application be refused for the following reasons:-

As far as can be determined from the submitted plan the applicant does not appear to own or control a safe means of access to the site from the nearest vehicular highway.

Note: The proposal will clearly involve vehicular traffic and the applicant should be requested to supply detailed information regarding the size type and frequency of all vehicles visiting the site."

Officer comment: While the applicant does not own or control the means of access to the site, he, along with the residents of Hi Ho and White Cottage would appear to have enjoyed a right of access along the track for some period of time. There are existing buildings on the holding, which is already in use as a hobby farm.

The applicant has supplied additional information following the highway comments. They state that "the applicant currently uses part of the existing barn for hatching and bringing-on of day old chicks (this was confirmed on the recent appeal site visit) although this is considered to be an unsuitable arrangement in terms of security and incubation. In terms of traffic generation, the proposed building therefore represents a replacement hatchery and would not give rise to any increase in vehicular movements. For information, these movements are provided below:

Car – 6 movements (3 round trips) per day

Lorries – 0

Tractor – 4 movements per year"

The additional info has been forwarded to the HA, any additional comments will be reported on the amendment sheet.

In the recent appeal decision for a temporary mobile home on the site, the Inspector comments that "although the proposal would be likely to result in some additional traffic movements associated with a dwelling, there is clear visibility along most of Shop Lane and vehicle speeds, especially on the unmade section would be likely to be low. I have no evidence of reported accidents on Shop Lane." She goes on to say that "whilst the unmade section of Shop Lane is not in good repair, the limited additional traffic associated with the proposal would not in my view have a material affect on the condition of this part of the lane." She notes that "third parties raised concerns about additional traffic associated with the proposed agricultural use holding. However, this could take place whether or not a mobile home is permitted on the holding." The Inspector concludes by stating that: I consider that the limited additional traffic movements would be unlikely to result in conditions prejudicial to highway safety or materially worsen the environment for cyclists and pedestrians. This would comply with LP Policy DC1(c) and (d) which requires that any additional traffic generated can be safely accommodated on the highway network."

- 6.2 Environmental Control recommend the inclusion of the following condition and the demolition and construction advisory note:

"Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light.' This shall include sky glow, light trespass into windows of any property, source intensity and building luminance. Upon completion of the development and prior to [the building hereby permitted coming into beneficial use/the use hereby permitted commencing] a validation report undertaken by competent persons that demonstrates compliance with the above shall be submitted to the planning authority for approval. Having been approved any installation shall thereafter be retained and maintained to the standard agreed.

Reason: In order to reduce sky glow and safeguard the amenity of neighbouring [residential] properties by controlling the undesirable, disruptive and disturbing effects of light pollution."

6.3 The Environment Agency make the following comments:

"The Environment Agency has assessed this application as having a low environmental risk and although we have no objection to the development proposal, the following comments should be noted.

We note from section 12 of the planning application that the applicant proposes to dispose of foul sewage by means of a cess pit. A private means of foul effluent disposal is only acceptable when foul mains drainage is unavailable.

Private treatment plant -

An acceptable method of foul sewage treatment would be the provision of a private sewage treatment plant.

The plant should be installed, operated and maintained in accordance with the manufacturer's instructions as updated from time to time. Our formal Consent will be required under Schedule 10 of the Water Resources Act 1991 for any discharge of effluent from the plant, and such consent is not implied by these observations. We would require that a 'Consentee' be nominated by the developer who would be legally responsible for the correct future maintenance and discharge quality of any private treatment works. The Environment Agency recommends the use of a separate sewage treatment plant for each property.

A Consent under Schedule 10 of the Water Resources Act 1991 will be required for each individual sewage treatment plant.

The granting of planning approval must not be taken to imply that consent has been given in respect of the above."

Officer note: The applicant has confirmed that he would be willing to install a private sewage treatment plant in place of the cesspit proposed. This could be controlled by condition.

7.0 Parish Council's Views

7.1 East Mersea Parish Council comments:

"All in favour".

8.0 Representations

8.1 Four letters of objection have been received, the main points of which are summarised below:

- Increased activity in Shop Lane causing disturbance and damage to the Lane.
- Includes shower, WC and cess pit, attributes more characteristic with the mobile home application which was refused.
- Unhygienic having day old chicks next to a WC.
- The building described as a tractor store normally houses a builders van.
- Suggest this application is deferred until the mobile home appeal is determined.
- Increase in noise and disturbance, flies and smells.
- Shop Lane is single track for about half a mile, conflicting vehicles have to pull onto private driveways to pass.

- Loss of safety due to increased use of track, applicant does not own land to provide passing places or a footway.
- Light pollution in wildlife area next to SSSI due to site attendance in dark hours.
- Negative effect on setting of listed cottage Hi Ho.
- Previous poultry enterprises at Meeting Lane and Bower Hall Farm have failed.
- Loss of amenity to surrounding location.

Officer comment: The applicants state that "the shower is required as a precautionary measure in case of severe soiling from chicken manure or direct contact with chicken carcasses, and to prevent cross contamination in the unlikely event of contact with an avian virus such as HPAI A (H5N1)." As indicated above the applicant states that in terms of vehicle movements "the proposed building represents a replacement hatchery and would not give rise to any increase in vehicular movements." Officers do not consider the proposal would have any negative effect on the setting of the listed cottage 'Hi Ho'. Environmental Control recommends a condition to control light pollution. It is not considered the proposal would harm the amenity of the surrounding area.

9.0 Report

- 9.1 The proposed building is modest in scale and would sit within the group of existing farm buildings. The materials proposed are suitable for the building in this countryside location. It is not considered the proposal would harm the visual amenity or open character of the countryside and would therefore accord with Local Plan policy. It is not considered that any additional landscaping would be necessary to mitigate the impact of this proposal.
- 9.2 The use of the building as a hatchery is in line with agricultural use of the land.
- 9.3 In terms of highway safety the inspector's comments in the recent appeal decision are noted and relevant. There is clear visibility along most of Shop Lane and vehicle speeds, especially on the unmade section would be likely to be low. Whilst the unmade section of Shop Lane is not in good repair, the limited traffic associated with the current proposal would not in your officers view have a material affect on the condition of this part of the lane. Additional vehicle movement associated with the agricultural use could take place whether or not this application is permitted. Officers consider that any limited additional traffic movements would be unlikely to result in conditions prejudicial to highway safety or materially worsen the environment for cyclists and pedestrians. This would comply with LP Policy DC1(c) and (d) which requires that any additional traffic generated can be safely accommodated on the highway network.
- 9.4 Turning to the various representations received it is not considered for the reasons set out above and in the officer's comments that any of these are sufficient in this case to justify a refusal of planning permission.

S106 Matters

- 9.5 The proposal would not generate the requirement for a S106 Agreement.

10.0 Conclusion

10.1 In conclusion, it is considered the proposal would not materially conflict with Local Plan policy or other material considerations and it is therefore recommended that the application be approved subject to suitable controlling conditions set out below.

11.0 Background Papers

11.1 ARC; HA; HH; NR; PTC; NLR.

Recommendation – Approve Conditional

Conditions

1 - C3.2 Materials as Stated in Application

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

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

2 - Non-Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light.' This shall include sky glow, light trespass into windows of any property, source intensity and building luminance. Upon completion of the development and prior to the building hereby permitted coming into beneficial use a validation report undertaken by competent persons that demonstrates compliance with the above shall be submitted to the planning authority for approval. Having been approved any installation shall thereafter be retained and maintained to the standard agreed.

Reason: In order to reduce sky glow and safeguard the amenity of neighbouring residential properties by controlling the undesirable, disruptive and disturbing effects of light pollution.

3 - Non-Standard Condition

Notwithstanding the information submitted with the application, foul sewage shall only be dealt with by means of a private sewage treatment plant, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The scheme as approved shall be installed, operated and maintained in accordance with the manufacturer's instructions and be fully operational prior to the first use of the building and retained as such thereafter.

Reason: To ensure an acceptable method of foul sewage treatment in this remote location in the interests of pollution prevention.

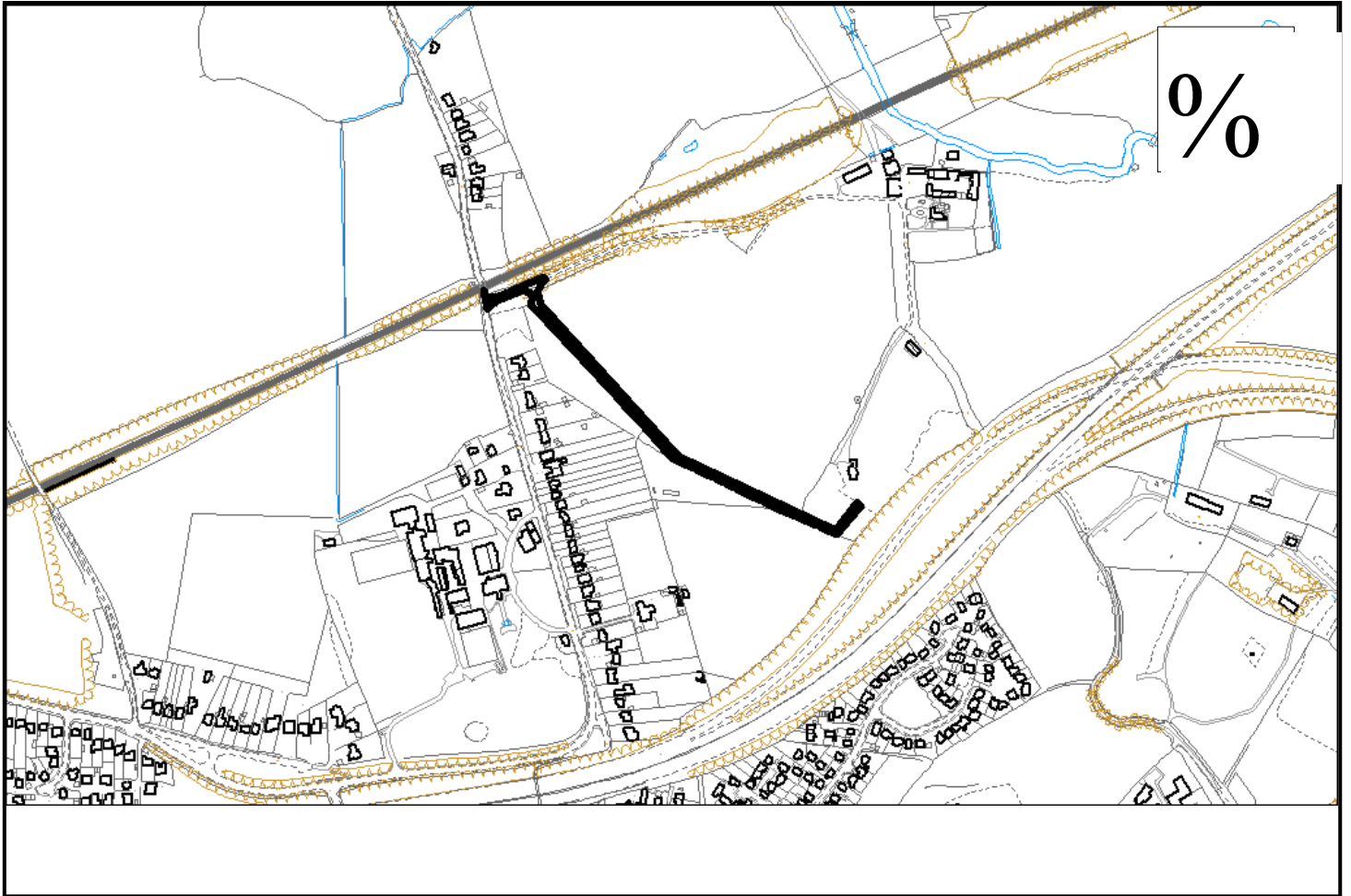
Informatives

Non-Standard Informative

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.

Non-Standard Informative

2. The applicant is advised that a Consent under Schedule 10 of the Water Resources Act 1991 will be required for each individual sewage treatment plant. The granting of planning approval must not be taken to imply that consent has been given.



Application No: 081107

Location: Land West Of, Fairfield's, 74 Chitts Hill, Colchester, CO3 5SX

Scale (approx): 1:1250

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7.2 Case Officer: Simon Osborn

EXPIRY DATE: 27/09/2008

MINOR

Site: Fairfields, 74 Chitts Hill, Colchester, CO3 5SX

Application No: 081107

Date Received: 1st August 2008

Agent: Edward Gittins & Associates

Applicant: Mr John Kerry

Development : Construction of new domestic access drive

Ward: Lexden

Summary of Recommendation: Refusal

1.0 Planning Report Introduction

1.1 This application was called-in by Councillor Mike Hardy on the grounds of the personal interest of Councillor Jill Tod, who has title over the land relating to the application.

2.0 Site Description

2.1 Fairfields (74 Chitts Hill) is an isolated property that was approved in 1968. The dwelling is positioned 350m due east of Chitts Hill and 50m north-east of the slip road from the A12 which approaches the Spring Lane roundabout. The existing vehicular access to the property from Chitts Hill is by means of an 800m length drive, which passes through Seven Arches Farm. The application site (relating to the proposed new drive) is located on the edge of an open field behind the line of established housing which fronts onto the eastern side of Chitts Hill.

3.0 Description of Proposal

3.1 The application proposes a new 4.5 metre wide domestic vehicular and pedestrian access to Fairfields (74 Chitts Hill). The proposed drive has a total length of approximately 500m and will connect into the existing driveway to Seven Arches Farm, which takes access from Chitts Hill close to the level crossing facility. The proposed access also runs through a small wooded copse at its south-eastern end; an Arboricultural Impact assessment was submitted with regard to this. The proposed access will enable the occupants of Fairfields to access their property directly, thus bypassing the farm lane and Seven Arches Farm. The DAS suggests this represents a workable solution to problems of conflicting vehicle movements and loss of amenity to occupants of Seven Arches Farmhouse from the noise of vehicles passing by at night.

4.0 Land Use Allocation

4.1 Countryside Conservation Area

5.0 Relevant Planning History

5.1 14674/3 - Erection of house - approved 1968

6.0 Principal Policies

6.1 Adopted Review Colchester Borough Local Plan - 2004
DC1 - Development Control Considerations
CO1 - Countryside
CO3 - Countryside Conservation Area
CO4 - Natural Features

7.0 Consultations

7.1 The County Highway Authority stated no objection to the proposals. It noted the proximity of the site to the A12 Trunk Road and queried whether the Highways Agency had been consulted.

7.2 The Tree Officer considered that the trees recommended for removal are of limited amenity value and will not significantly impact the area, given the retention of the larger trees. Given the very close proximity to the trees being retained all works beneath the trees will require supervision by a competent and suitably qualified arboricultural consultant. Details of this supervision will be required. Planning conditions recommended.

8.0 Representations

8.1 Objections were received from 10 addresses in Chitts Hill. These raised the following matters:

1. The proposal is unnecessary - the present access could be provided with more laybys
2. The original drive was constructed in the 1970s and has not apparently caused problems in the last 30 years
3. DAS refers to few vehicle movements on the new road, yet existing movements past Seven Arches Farm are attributed as a noise problem
4. Access appears excessively wide at 4.5 metres
5. The Conclusion to the Tree Report refers to a proposal to construct 5 dwellings within the curtilage of the present dwelling
6. Loss of habitat for wildlife
7. Loss of views and amenity to residential properties in Chitts Hill
8. Security issues for rear gardens of properties in Chitts Hill which will be exposed to new access road

9.0 Report

- 9.1 The proposal has clearly provoked alarm and confusion for many of the residents of Chitts Hill who have back gardens that face towards the proposed new driveway. In part this appears to have been caused by a statement in the Conclusion to the Arboricultural Report that it is proposed to construct five new dwellings within the curtilage of the site. The Agent has since stated that this was an error and that the applicant has no aspirations to construct new dwellings on his land. However, residents have other concerns relating to security issues for their rear gardens (resulting from a new access road providing easy access), loss of views, and loss of habitat for wildlife. To some extent these concerns are understood, although the proposed drive will not be immediately adjacent to these gardens, and loss of view is not a planning consideration. It is considered that it would be difficult to sustain a refusal on the grounds of loss of residential amenity to these dwellings on the basis of an access for a single property.
- 9.2 Nonetheless, there are aspects of the application that do not appear to be wholly clear. A 4.5 metre wide access appears unnecessarily wide for a single domestic dwelling and the requirement for a passing bay on such a wide road (shown on the drawing) is also very difficult to understand. The application seeks to justify the proposal in terms of (a) conflicting vehicle movements on the existing drive and (b) loss of amenity to the occupants of Seven Arches Farmhouse from noise of vehicle movements passing to and from Fairfields. However, with regard to (a), there are a number of laybys on the existing drive and it is not made clear why the number could not be increased. With regard to (b), the DAS indicates the new drive will only be used for a small number of domestic vehicle movements and it is unclear why this volume of traffic causes amenity issues for a working farm.
- 9.3 Policy CO1 of the Local Plan seeks to protect the countryside for its own sake and Policy CO3 gives special protection to Countryside Conservation Areas. Policy CO4 gives protection to natural features such as trees.
- 9.4 The proposal involves the loss of some trees, although the Tree Officer has accepted these are not significant in public visual amenity terms given the presence of larger trees in the near vicinity. Nonetheless, the proposal for a 4.5m wide access of approximately 500m length amounts to development in the countryside, and in the view of your Planning Officer does not appear to be necessary and has not been adequately justified. The application is recommended for refusal.
- 9.5 The County Highway Authority has queried whether consultation with the Highways Agency is appropriate. They were not consulted as the proposed access comes out onto Chitts Hill, well away from the A12. However, it is noted that the route of the proposed driveway requires excavation of soil within the vicinity of Fairfields and approx 30m from the cutting to the A12 slip road. It is unlikely that this would have any impact on the A12; nonetheless a late consultation has been sent to the Highways Agency in this respect.

10.0 Conclusion

- 10.1 The application is recommended for refusal on the basis that the proposed access amounts to unnecessary development in a Countryside Conservation Area that has not been adequately justified.
- 10.2 It is recommended that the application be deferred to the Head of Environmental and Protective Services on these grounds, subject to no further objection being received from the Highways Agency before 27th September 2008; if an objection is received this will be added to the reason for refusal.

11.0 Background Papers

- 11.1 ACR; HA; TL; NLR

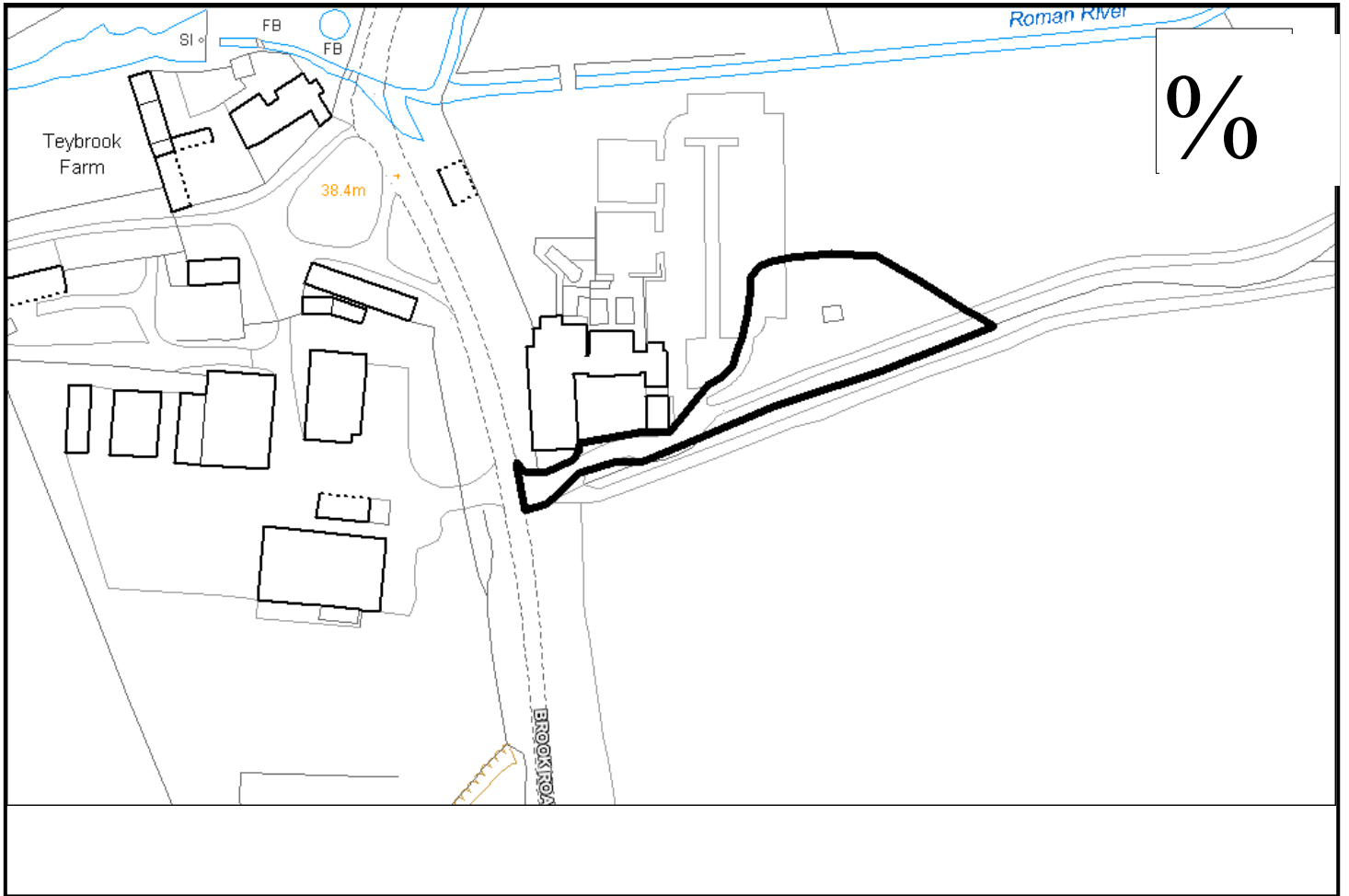
Recommendation

It is recommended that the application be deferred to the Head of Environmental and Protective Services on the grounds below, subject to no further objection being received from the Highways Agency before 27th September 2008; if an objection is received this will be added to the grounds for refusal:

Reason

1 - Non-Standard Refusal Reason

Policies CO1 and CO3 of the Adopted Review Colchester Borough Local Plan of March 2004 state that the countryside will be protected for its own sake and that special protection will be given to Countryside Conservation Areas. The proposal for a 500 metre length of private drive 4.5 metres wide to serve as a new access for a single domestic dwelling is not essential development and has not been adequately justified. As such it is contrary to the aforementioned policies.



Application No: 081119

Location: The Barn Brasserie, The Barn, Brook Road, Great Tey, Colchester, CO6 1JF

Scale (approx): 1:1250

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7.3 Case Officer: Simon Osborn

EXPIRY DATE: 18/09/2008 MINOR

Site: The Barn, Brook Road, Great Tey, Colchester, CO6 1JF

Application No: 081119

Date Received: 23rd July 2008

Agent: Edward Gittins & Associates

Applicant: The Barn Brasserie

Development: Guest accommodation and managers flat for the Barn Brasserie.

Ward: Great Tey

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

1.0 Site Description

1.1 The application site is set back from the road frontage and the complex of buildings that forms the Barn Brasserie, on low-lying agricultural land, within a fold of the landscape. A public footpath runs just beyond the south side of the application site.

2.0 Description of Proposal

2.1 The application seeks the construction of a freestanding building providing nine guest rooms, a small office and reception area, and a manager's flat. The proposed building is largely single storey, but has a 1.5 storey element to provide the manager's flat above the reception area.

2.2 The Design and Access Statement (DAS) indicates that there is a strong demand to provide overnight accommodation for the diners at the restaurant. It is anticipated that additional traffic movements will be minimal as most guests will have used the facilities of the restaurant.

3.0 Land Use Allocation

3.1 No notation

4.0 Relevant Planning History

4.1 98/0409 - change of use and extensions to barn to form restaurant and bar with landscaped car park - approved 1998.

4.2 03/1722 - wedding barn with ancillary car parking - refused 2003.

5.0 Principal Policies

- 5.1 Adopted Review Colchester Borough Local Plan - 2004
 - DC1 - Development Control Considerations
 - CO1 - Countryside
 - UEA5 - Setting of Listed Buildings
 - UEA11 to 13 - Design
 - CO4 - Landscape Features
 - EMP4 - Employment Uses in the Countryside

6.0 Consultations

- 6.1 The Highway Authority stated no objection and asked for 3 informatives to be added if permission was granted.
- 6.2 The Environment Agency assessed the application as having low environmental risk and had no objection to the proposal. They added a note regarding surface water drainage.
- 6.3 Environmental Control made no comment.
- 6.4 The Tree Officer was satisfied with the application subject to planning conditions.
- 6.5 The Tourism Officer supported the application. It was noted that the relatively small scale of the proposal was likely to add primarily value to the restaurant customer use with visitor attraction being secondary.

7.0 Parish Council's Views

- 7.1 No objections in principle, subject to neighbours' views, but we would ask the Borough Council to consider the impact on traffic and the encroachment of buildings on the open countryside.

8.0 Representations

- 8.1 None received

9.0 Report

Principle

- 9.1 The applicant has made a case to justify this proposal in terms of planning policies that encourage the promotion of the rural economy and tourism. Policy EMP4 of the Local Plan provides for small scale extension to existing employment complexes, provided the proposal is compatible with the surrounding rural area. The DAS envisages that the facility will generate two full-time and four part-time jobs. Paragraph 10.73 of the Local Plan indicates that the provision of small-scale tourist related development in the countryside will be encouraged, subject to other relevant policies.
- 9.2 These policies generally in support of the proposal have to be considered against the general countryside policy (CO1), which seeks to protect the countryside for its own sake.

9.3 In this instance, the proposed development is associated with the successful Barn Brasserie restaurant complex. The proposed building is sited 30m to the rear of the existing complex of listed and curtilage-listed buildings; a closer siting would not be appropriate in this instance to safeguard the setting of the listed building. Views of the proposal from the road will be limited because of its position and the presence of roadside hedges. It will be visible from the public footpath to the south, but the intention is that this will be as part of an attractive "farmstead" grouping against a background of trees, indeed its position helps to mask the car parking area at the rear of the Barn Brasserie. There is an existing hedgerow (with gaps) between the proposed building and the footpath, which will be strengthened. Overall, the impact on the surrounding countryside is not considered significant as a result of the following factors:

- (a) the low-lying position of the land within a natural fold to the landscape;
- (b) the presence of existing hedgerows;
- (c) the proximity of other former farm buildings and a free-standing rural business site to the north;
- (d) the design of the building - predominantly single storey with feather-edged weatherboarding for the walls and tiles for the roof.

Design

9.4 The proposed building will be 33m long and 13m wide, with a double piled roof form to help reduce the height of the building to 5.5m. (The height increases at one end of the building to just over 7m to make provision for a small one-bedroom manager's flat). The proposed materials include feather-edged weatherboarding for the walls and tiles for the roof. The overall concept is for a "farm-style" building, albeit it is punctuated by windows for the guest rooms.

Other Material Considerations

9.5 The Parish Council requested the Council to consider the impact of the proposal on traffic generation. The access to the site utilises the existing access to the Barn Brasserie. The DAS anticipates that many of the users for the proposed guest accommodation will utilise the restaurant and Officers consider this likely. Whilst the proposal is likely to generate additional traffic over and above that for the restaurant, it is considered that this will not be significant. The Highway Authority has raised no objection to the proposal.

S106 Matters

9.6 A Unilateral Undertaking for a contribution towards public open space, sports and recreation facilities, in line with adopted SPD, has been provided in respect of the proposed manager flat.

10.0 Conclusion

10.1 The proposed new building will encroach into the countryside and is not intended for agricultural purposes; however because of its location it should not have a significant impact upon the wider landscape. The proposal for 9 guest rooms and a manager flat in association with the already successful Barn Brasserie restaurant, is of a relatively small-scale, so the external impacts in terms of traffic generation etc, should not be unduly detrimental to the countryside. The proposal promotes rural employment and tourism. The recommendation is, on balance, one of approval.

10.2 It is considered that Members of the Committee may wish to include this as one of their site visits.

11.0 Background Papers

11.1 ARC; HA; NR; HH; TL; LS; PTC

Recommendation

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

Conditions

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

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

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

2 - C3.4 Samples of Traditional Materials

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

Reason: To ensure the use of appropriate materials having regard to the countryside location and the adjacent listed building.

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

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

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

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

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

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

5 - C10.18 Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998. The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

6 - C11.14 Tree / Shrub Planting

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

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

7 - Non-Standard Condition

The manager's flat shall be occupied only by a person solely or mainly employed in The Barn Brasserie restaurant and/or the hereby permitted guest-accommodation business, or any resident dependent.

Reason: The site lies within a rural area where new residential development would not normally be permitted. In this instance regard has been made to the ancillary nature of the proposal in relation to the existing and proposed business use of the site.

8 - Non-Standard Condition

The manager's flat hereby permitted shall be restricted to a one-bedroom unit as shown on the approved First Floor Plan Drawing, and no external or internal alterations shall be carried out that would increase the size of this unit, without a further grant of planning permission from the Local Planning Authority.

Reason: The site lies within a rural area where new residential development would not normally be permitted. In this instance regard has been made to the ancillary nature of the proposal in relation to the existing and proposed business use of the site.

9 - Non-Standard Condition

The guest-room accommodation hereby permitted shall be occupied only by visitors to the area and/or diners at The Barn Brasserie restaurant, for purposes consistent with a Class C1 use (as defined by the Town and Country Planning Use Classes Amendment Order 1995), and no visitor shall be resident for more than 30 calendar days at any one time.

Reason: For the avoidance of doubt and in accordance with the DAS submitted with the application. The site lies within a rural area and the accommodation is not considered suitable for residential occupation or long-term stays.

10 – B3.3 (Light Pollution)

No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To protect rural amenity.

Informatives

Non-Standard Informative

1. The application is subject to the terms of a Unilateral Undertaking regarding a contribution of £1,475.41 towards public open space, sports and recreation facilities. This is payable before the commencement of the development.

Non-Standard Informative

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

Non-Standard Informative

3. The applicant is reminded of their duties and responsibilities with regard to the line of Public Footpath 35 to the south of the site. Should any works affect the line of the right of way these must be carried out in agreement with the Highway Authority and application for the necessary works shall be made initially be telephoning 01206 838600.

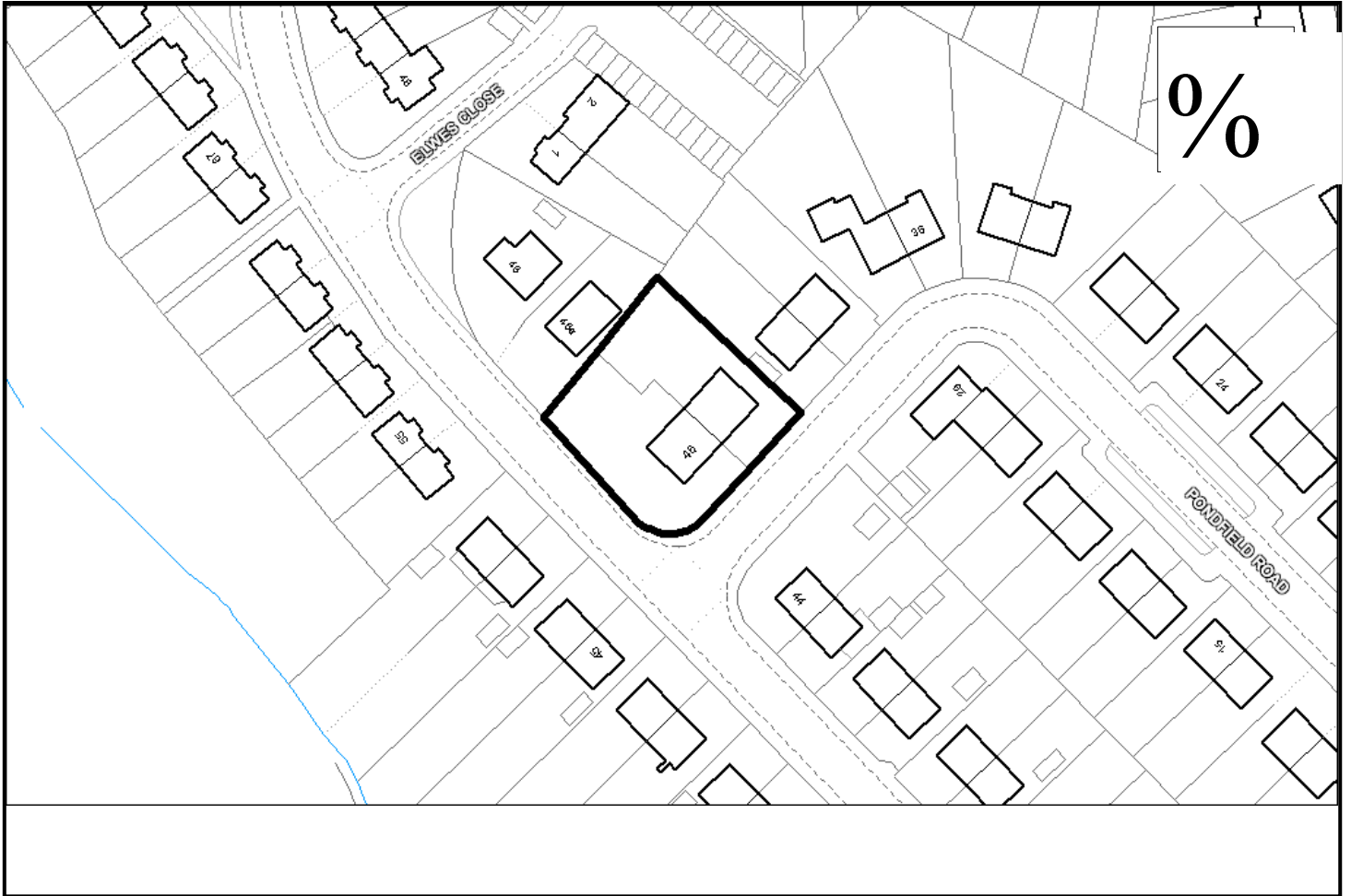
Non-Standard Informative

4. The applicant is advised that the Highway Authority will not allow the line of Public Footpath 35 to the south of the site to be used for vehicles to access the development site in accordance with paragraph 7.3 in the Dept for the Environment Food and Rural Affairs Guidance for Local Authorities Rights of Way Circular 1/08.

Non Standard Informative

5. The Environment Agency make the following comments:-

“Subject to the approval of the Local Authority (Building Control) a percolation test should be undertaken to ensure the soakaways will work adequately in adverse conditions. If, after tests, it is found that soakaways do not work satisfactorily alternative proposals should be submitted.”



Application No: 081383

Location: Land at Site of 44, 44a, 46 & 46a, Pondfield Road, Colchester

Scale (approx): 1:1250

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7.4 Case Officer: Simon Osborn

EXPIRY DATE: 25/09/2008

MINOR

Site: Pondfield Road, Colchester

Application No: 081383

Date Received: 30th July 2008

Agent: Hennessy-Creber Associates

Applicant: Claydon Hall Trading Co Ltd

Development: Proposed two storey side extension to provide two flats, attached to existing four flats (resubmission of 080509)

Ward: St Annes

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

1.0 Site Description

1.1 The application site is a rectangular shaped parcel of land at the corner of Hazelton Road and Pondfield Road. There are four flats on the existing site contained within a two-storey 1950's building. The flats front onto Pondfield Road and share a large common amenity area to the rear of the building. No off-street parking is provided on the site as existing.

1.2 The application site is found within a predominantly residential area, comprising mainly of semi-detached houses, although there is a bungalow immediately adjacent to the site at 46a Hazelton Road. Land levels rise in the vicinity and across the application site from the south-west toward the north-east.

2.0 Description of Proposal

2.1 The application seeks to provide a two-storey extension to the existing building and this will front onto Hazelton Road. This will provide two additional 2-bedroom flats (making a total of 6 flats on site). Two off-street parking spaces are proposed at the east corner of the site (close to 42 Pondfield Road).

3.0 Land Use Allocation

3.1 Residential

4.0 Relevant Planning History

4.1 073106 - two additional flats, within a detached block – application withdrawn February 2008.

4.2 080509 - two additional flats, attached to existing ones – withdrawn May 2008.

5.0 Principal Policies

5.1 Adopted Review Colchester Borough Local Plan - 2004
DC1 - Development Control Considerations
UEA11 to 13 - Design
CF1 - Community Facilities
L5 - Open Space Provision
T9 - Car Parking
H13 - Density

6.0 Consultations

6.1 The Highway Authority raised no objection subject to suitable conditions to achieve the following:

- (a) prior to occupation of the development visibility splays with dimensions of 2.4m by 43m to the north east and 2.4m x the junction with Hazelton Road to the south-west as measured from and along the nearside edge of the carriageway shall be provided - the area within each splay shall be kept clear of any obstruction at all times;
- (b) prior to occupation of the access a 1.5m x 1.5m pedestrian visibility splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility splays thereafter.

7.0 Representations

7.1 Three letters received from 47 Hazelton Road, 49 Hazelton Road and 36 Pondfield Road. These raised the following issues:

- 1. The proposal will create parking difficulties and make it more difficult for buses and emergency vehicles to get through;
- 2. Existing flats and garden is not kept in good order and the proposal will worsen that situation;
- 3. Lack of neighbour notification;
- 4. Overdevelopment of small piece of land.

8.0 Report

Design

8.1 The proposed addition will create an inverted L-shaped building and is sited to front onto Hazelton Road. The proposal will be sited 3.5m from the side boundary with the neighbour at 46a Hazelton Road and whilst it will sit approx 3m in front of the latter building, it will not have a significant impact upon their amenity. The rear wall of the proposed addition is 15m from the boundary of the property with 42 Pondfield Road. The principal windows at first floor level are sited on the front of the proposal (toward Hazelton Road). The external appearance of the proposed addition reflects the style and materials of the original 1950s building. The communal garden area at the rear is 240 sq.m in size, well above the minimum standard required for flats.

Density

- 8.2 The application site has an area of 935 sq.m and the proposal (for a total of six flats) represents a density of 64 dwellings per hectare. Policy H13 of the Local Plan states that new housing developments should achieve an average density across the site of between 30 and 50 units per hectare. The proposal is clearly for a higher density than recommended; however, in this instance it is considered that the layout and design is acceptable and does not raise significant amenity issues.

Other Material Considerations

- 8.3 The proposal shows two parking spaces located at the east corner of the site (close to 42 Pondfield Road). Earlier applications had shown parking being provided for car parking spaces accessed from Hazelton Road; however these were objected to by the Highway Authority. A total of 2 off-street parking spaces for 6 flats would not normally be encouraged by officers in a suburban location such as this; however, as there is no current off-street parking for the existing four flats, the level of provision is considered acceptable.
- 8.4 All neighbours living either adjacent to or opposite the application site were notified of the planning application.

S106 Matters

- 8.5 A unilateral undertaking has been provided for a contribution towards public open space, sports and recreation facilities in line with the Council's adopted SPD.

9.0 Conclusion

- 9.1 The proposal for two additional flats will increase the overall density of the site to a level that equates to 64 dwellings per hectare. Whilst this is greater than would normally be expected for a suburban area such as this, the layout and design proposals will not result in any undue loss of amenity. The provision of only two off-street parking spaces for the site as a whole is lower than one would expect, but is not significantly different from the existing situation. The application is therefore recommended for approval.

10.0 Background Papers

- 10.1 ARC; HA; NLR

Recommendation

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

Conditions

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

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

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

2 - C3.5 Materials to Match Existing

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

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

3 - Non-Standard Condition

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

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

4 - C10.18 Tree and Hedgerow Protection: General

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

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

5 - C11.14 Tree / Shrub Planting

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

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

6 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, the proposed parking spaces shall be provided and thereafter shall be retained solely for parking of vehicles for the occupants of the flats on the application site.

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

7 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, the parking spaces required by condition no. 6 above shall be provided with visibility splays with dimensions of 2.4m by 43m to the north-east and 2.4m x the junction with Hazelton Road to the south-west as measured from and along the nearside edge of the carriageway shall be provided and the area within each splay shall be kept clear of any obstruction at all times.

Reason: In the interest of highway safety.

8 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, the parking spaces required by condition no. 6 above shall be provided with a 1.5m x 1.5m pedestrian visibility splays as measured from the highway boundary on both sides of the parking spaces. There shall be no obstruction above a height of 600mm as measured from the finished surface of the parking spaces within the area of the visibility splays at all times.

Reason: In the interest of highway safety.

9 - C12.2 Details of Walls or Fences

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

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

10 - Non-Standard Condition

No new window or other opening shall be inserted within the building extension hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

Informatives

Non-Standard Informative

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

Non-Standard Informative

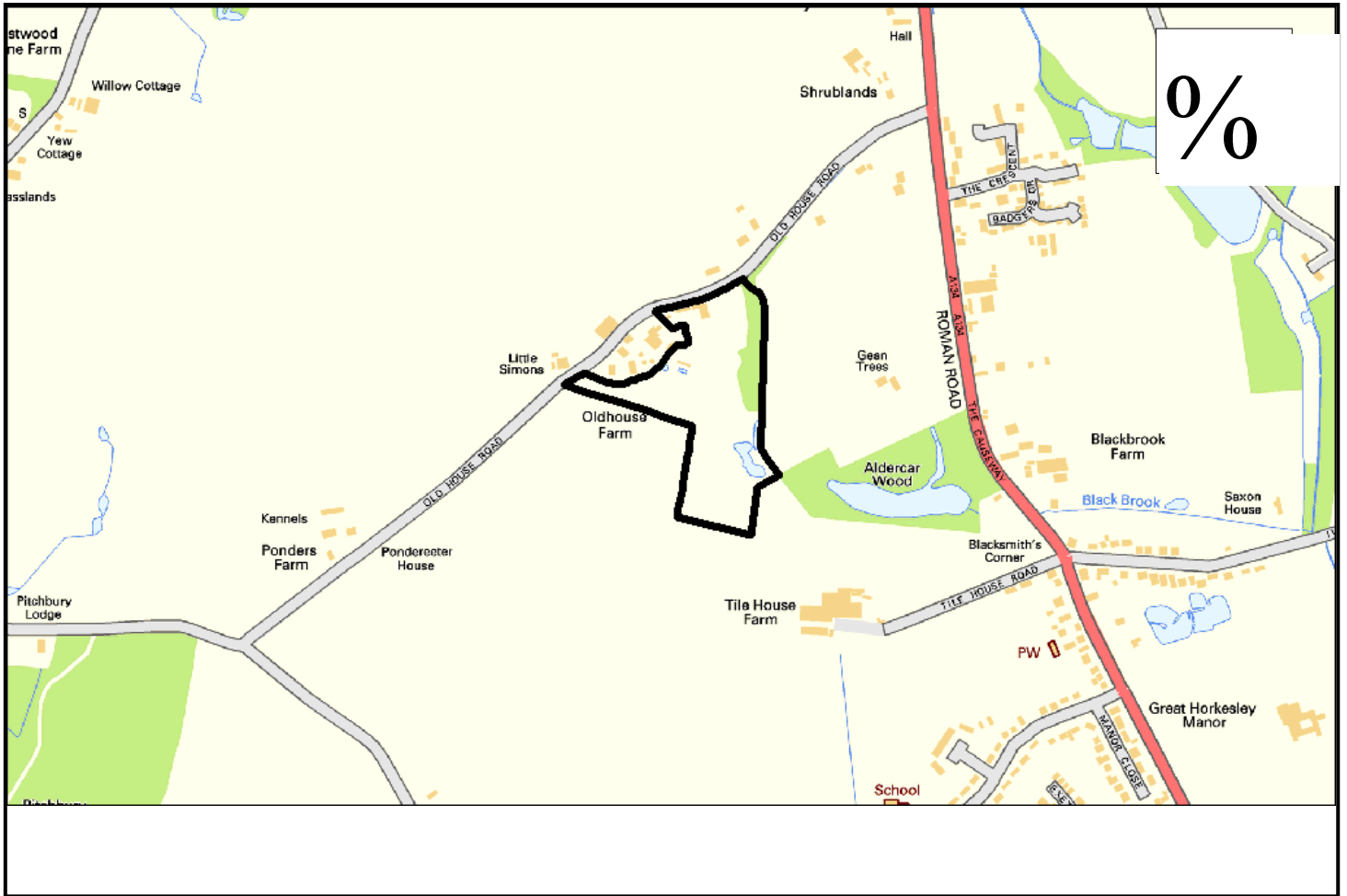
2. All works affecting the highway shall be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority and application for the necessary works shall be made initially by telephoning 01206 838600.

Non-Standard Informative

3. Condition nos. 7 and 8 above are required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies as originally contained in appendix G to the Local Transport Plan 2006/2011 and refreshed by Cabinet Member decision dated 19 October 2007.

Non-Standard Informative

4. The permission is subject to the terms of a Unilateral Undertaking that requires a contribution of £5,901-64 towards public open space, sports and recreation facilities. This contribution is payable before the commencement of development.



Application No: 081458

Location: Old House, Old House Road, Great Horkeley, Colchester, CO6 4EQ

Scale (approx): 1:1250

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7.5 Case Officer: Andrew Tyrrell

EXPIRY DATE: 30/09/2008

OTHER

Site: Old House, Old House Road, Great Horkesley, Colchester, CO6 4EQ

Application No: 081458

Date Received: 4th August 2008

Agent: Andrew James Architectural Services Limited

Applicant: Mrs Daniela Bechly

Development: Change of use from storage to accommodation for carer, who is resident in the ground floor of the annexe at Old House Road and the erection of a screen to the external stairs up to the first floor of annexe.

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because there have been objections that have not been resolved through amendments, but the case officer recommends approval.

2.0 Site Description

2.1 The site is known as "Old House", although it also includes "The Granary" building and a black-weather boarded outbuilding which is used as an annexe and is the specific building that is the focus of this application. The main dwelling on this site, Old House, is a listed building.

2.2 There are also listed buildings on the adjacent site to the south-west, with "The Maltings", "The Gatehouse" and "Little Maltings" all being listed buildings. These three buildings were all originally under one curtilage, but they have now been subdivided and are in separate ownership and occupation.

2.3 Overall, the collection of buildings on the application site and the adjacent land form one overall group of former agricultural holding buildings with a very rural feel. Most of the buildings retain agricultural appearance, predominantly through their barn-like appearance and the use of materials such as black-weatherboarding.

2.0 Description of the Proposal

- 2.1 The first element of the application is for a change of use of the first floor of the annexe to accommodation. This is stated as being for a carer for the person occupying the ground floor. The first floor had previously been used for storage but has now prematurely been converted to a one-bedroom unit, therefore this element is retrospective.
- 2.2 The second element of the proposal is for a 2-metre high wooden screen along the external staircase which would attempt to restrict the impact on privacy that the access to the first floor could cause now that it is being used by the carer. The staircase access and door were approved under the original permissions for the annexe. The screen was originally proposed at a height of 1.8m and a section of this has already been erected at the site, however the amended plans that have been received increase the screen height to 2 metres and continue the screening around the back end of the top of the staircase to totally enclose it.

3.0 Land Use Allocation

- 3.1 Countryside

4.0 Relevant Planning History

- 4.1 In March 2005, permissions 04/2067 (LBC) and 04/2068 (Full) gave listed building consent for the demolition of a garage and planning permission for the replacement of this structure with a granny annexe. This granny annexe is the application building. In April 2005 permission was given for a new boundary wall by application 05/0225.
- 4.2 On the adjacent site to the south-west, applications 03/0355 (LBC) and 03/0356 (Full) gave listed building consent and planning permission for two barns to be converted into dwellings. It is believed that these were completed in 2006.

5.0 Principal Policies

- 5.1 Adopted Review Borough Local Plan
DC1 - Development Control Considerations
UEA5 - Altering Listed Buildings
UEA11 - Design
UEA13 - Development, including extensions, Adjoining Existing or Proposed Residential Property.

6.0 Consultations

- 6.1 None

7.0 Parish Council's views

- 7.1 No response

8.0 Representations

8.1 Consultation with neighbours has resulted in three sets (some on the original plans, some on the amended plans) of objections being received. All comments have been considered, the points raised were:

- The garden and patio of "Little Maltings" is overlooked
- There is associated noise when people enter and exit the first floor.
- Detrimental impact on the character of the adjacent listed building and surrounding properties, particularly from the white door, which is unsympathetic.
- The lounge and eating area of "The Maltings" is overlooked.
- A 2m high screen is still not high enough and there is a line of sight to the bedroom window and bathroom window of the neighbouring dwelling, only 7.4m away.
- The door is often left open, resulting in a loss of privacy.
- The neighbours have been prejudiced by the change of use already having occurred.
- It would be preferable to have an external porch at the entrance.
- There are security issues from the hiding places provided and the ability to survey other properties.
- The courtyard between "The Maltings" and "Little Maltings" is overlooked.

8.2 The objections area addressed below, within the main body of this report.

9.0 Report

Design

9.1 The design of the building has already been approved and it is only the changes that result directly from this application that can be considered. This essentially means that it is only the design of the screen to be erected that is under consideration herein.

9.2 The screen is designed as a black timber horizontally weatherboarded screen. This is considered to be the most appropriate material to be used as it allows the screen to blend into the background of the annexe building. There are also several other black weather boarded dwellings nearby so the screen is designed in the most subtle manner to blend into its surroundings.

9.3 The applicant had asked about using frosted glass but this was not considered to be acceptable because it is uncommon to such a building and would have appeared out of place as a contemporary material on a traditional-looking building. A condition regarding the height of the screen and a condition regarding the materials will be necessary to ensure that they remain as approved thereafter.

Use

9.4 The use of this building for purposes ancillary to the main dwelling of Old House has been established by the previous approval, F/COL/04/2068. Provided that the building is not divided from the main dwelling to form a new dwelling in the countryside the use is satisfactory in policy terms. There has been some suggestion that the use should be restricted to the use of a carer however the impact would be the same regardless of the nature of occupation, therefore there is a question mark over whether or not such a condition would pass the six tests that must be satisfied for any condition.

9.5 If the premises were used by a carer it would be likely to be on a daily basis. It has been suggested that this accommodation is actually used by a relative who visits occasionally, in which case the decreased regularity would have less impact on neighbours than a daily use. The main concern is that this building is not divided from the main dwelling in any manner, therefore the condition suggested is that it remain ancillary to the main dwelling (as is the condition on the ground floor) rather than for the sole use of a carer in association with the existing annexe.

Appearance

9.6 As stated above, the appearance of the building remains unchanged except for the screen around the staircase. This screen can be seen from neighbouring dwellings, but more importantly in planning terms, it can also be seen from the public highway. The design and materials ensure that it blends into the background as far as is possible and the screen is also well set back from the highway ensuring that it does not appear to be prominent within the streetscene. Therefore, on balance, the appearance of the screen is considered to be acceptable.

9.7 The colour of the door is not a matter that can be controlled herein as this was part of the previous application and is subject to the conditions therein. The door is 2.25 metres above the top step, so the amended 2 metre height of the black screen should cover most of the visual impact caused by the door on the public domain and only the top 25cm of the door and frame will be visible from a horizontal viewpoint. From the public highway, which is approximately 4.8 metres below the level of top of the door, the line of sight over the screen changes with angles of approach and the varying distances along the street frontage, however the small difference in the height of the door in relation to the screen means that for the most part it should not be too visible in any case even if this matter fell to be considered herein.

Impact on Neighbours

9.8 This screen that has been erected at the site already currently stands at 1.8 metres in height (as measured from the top step) which allows a person of around six feet in height or more to look over the top of the screen from the internal floor level of the first floor accommodation (which is 20 cm higher than the top step of the external staircase). For example, the case officer was able to see into the neighbours bedroom window (approximately 8 metres away according to measurements from aerial photography) from the internal floor height.

9.9 Consequently, amendments were sought and the screen is now designed to be a minimum of 2 metres in height as measured from the level of the top step and approximately 4.55 metres in height as measured from the ground level. This height has been measured on site and does effectively block all views out of the site towards any neighbouring window or garden area. The height will need to be conditioned to a minimum height of 1.8 metres above the level of the internal floor for the reasons as stated above.

- 9.10 From the top step and from within the accommodation itself, the raised screen will block any views into the neighbours windows (this has been checked by the case officer). The increased height to 2 metres above the top step also reduces the angle of overlooking into the neighbours patio area and ensures that the private sitting out area, as identified in the Essex Design Guide, can not be seen from the stairs or entrance to this building. Therefore, there is not considered to be any significant adverse impact on the neighbours at "The Maltings".
- 9.11 In terms of the courtyard, this is not an area that is afforded protection. The courtyard is not a private area and can be seen from the properties that surround it. Therefore, no privacy exists at present in any case.
- 9.12 In terms of the other properties in this area, none of these fall within the protected distance for which any action can be taken. The Essex Design Guide states that privacy is protected for a distance of 25 metres in a rearward direction (when rear openings face rear openings) and for a shorter distance of 15 metres from side openings (including rear to side). On this basis, the other neighbouring properties are afforded privacy from distance as far as planning protection powers are concerned as the closest part of any of these other dwellings is approximately 32 metres from the doorway. The distance is in accordance with the Local Planning Authority standards and there is therefore no justification for a refusal on this basis.

Other Material Considerations

- 9.13 Many of the objection points raised are addressed above; however, the remaining points raised are responded to below. Firstly, the level of noise associated with people entering and exiting the first floor is not likely to be significant over and above that which could take place now. If there were valid grounds for a noise complaint this would be handled under separate legislation by Environmental Control and not by Planning.
- 9.14 The door is often left open, resulting in a loss of privacy. That the door is often left open is a matter that neither falls within planning control nor a matter that can be enforced. The door was previously approved and there is no action proposed with regard to this issue.
- 9.15 Regarding the sense that the neighbour has been prejudiced by the change of use already having occurred, this application has been considered on its merits. There is no differentiating between retrospective and common planning applications. If someone develops prior to planning permission and is subsequently refused this is the risk that they have taken and decision do not change simply because an application is retrospective. On the merits of the case it is recommended for approval as the adverse impacts caused can be conditioned to a degree that they are then satisfactory. This approach is in accordance with standard planning practices.
- 9.16 It has been stated that it would be preferable to have an external porch at the entrance. This would have a greater visual appearance and would be out of keeping on a first floor level. Whilst this might be acceptable to the neighbours such a proposal is not considered to be an improvement that is worth pursuing or that could be justified against the tests for seeking revisions (specifically, would the application be refused if the revision were not achieved).

9.17 The security issues caused as a direct result of this proposal are not considered to be of great weight. The staircase exists in any case and has been approved already. Thus, the question is whether or not the screen or use increases the risk. It is considered herein that the hiding places provided and the ability to survey other properties are not increased as a consequence of this application, which could only reasonably be argued to increase natural surveillance and activity from occupants if anything. Overall, the impact on security is considered to be negligible.

10.0 Conclusion

10.1 To conclude, the application is considered to be acceptable in its amended form so long as the materials and height of the screen, and the ancillary link of the use to the main dwelling, are secured by condition. The measurement of 2 metres above the level of the top step, or 1.8 metres above the height of the internal floor level, will remove any incidents of unacceptable overlooking. The concerns raised within all of the objections, both to the original plans and to the amended plans, have been duly considered in reaching this recommendation. There are considered to be no planning related issues that have been raised to which enough weight could be attached to warrant a refusal of planning permission.

11.0 Background Papers

11.1 ARC; NLR

Recommendation - Approved Conditional

Conditions

1 - Non-Standard Condition

The use of the first floor of the building as hereby permitted shall be used solely for purposes ancillary and subservient to the residential use of the main dwellinghouse at Old House at all times unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To ensure that the use of this building can not be subdivided from the main dwelling, sold for a separate use, or intended to form any separate dwelling unit or use, which would be contrary to policy in this rural location that lacks the services and facilities that are required to provide sustainable development.

2 - Non-Standard Condition

Within 28 days of the date of this permission, the screen wall hereby approved shall be erected in full accordance with the details shown on the submitted plan and shall be retained thereafter in the approved form unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the screen is erected and retained at a satisfactory height whereby the approved use does not have any adverse impact on the residential amenities of the neighbouring properties through overlooking.

3 - C3.5 Materials to Match Existing

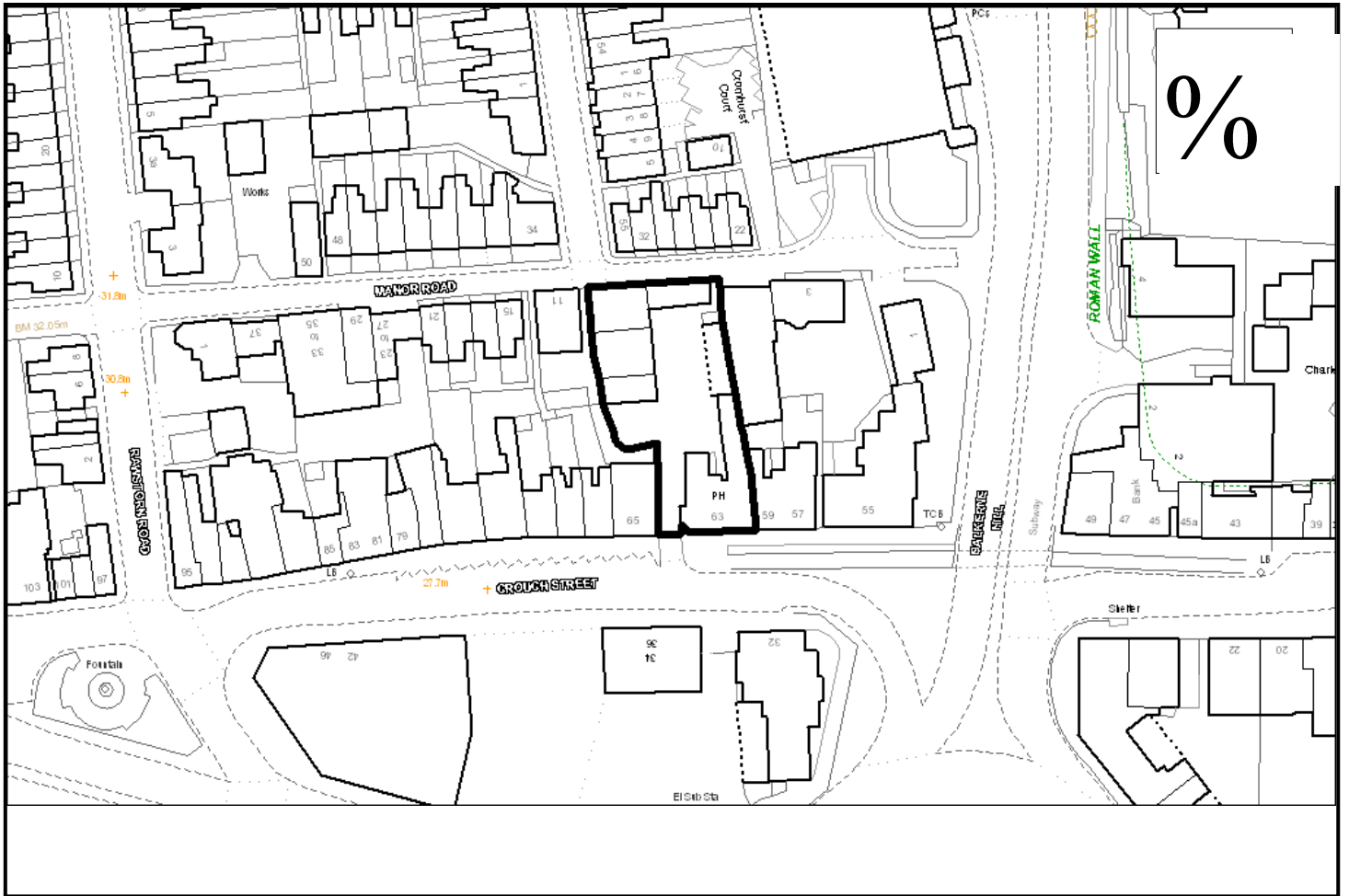
The external materials and finishes to be used for the approved development, shall be of the same type and colour as those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

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

4 - B4.5 No Additional Windows in Walls/Roof Slope

No new window or other openings shall be inserted above ground floor level in the south-west facing elevation of the building without the prior approval, in writing, of the Local Planning Authority.

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



Application No: 080789

Location: Kings Arms, 61- 63 Crouch Street, Colchester, CO3 3EY

Scale (approx): 1:1250

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7.6 Case Officer: Sue Jackson**OTHER****Site:** 61- 63 Crouch Street, Colchester, CO3 3EY**Application No:** 080789**Date Received:** 18th April 2008**Agent:** Sampson Associates**Applicant:** Greene King Pub Co, PO Box 337**Development:** Alteration and demolition of existing single storey additions. Single storey rear extension and conversion of outbuildings to accommodate trade kitchen, dining areas, stores and toilets. Internal alterations including relocation of cellar and first floor stair, relocation of bar. installation of new yard gates to replace existing. Creation of free standing exterior dining areas and smoking solution area and provision of access ramp to same. Resubmission of 080135.**Ward:** Castle**Summary of Recommendation:** Listed Building Consent**1.0 Planning Report Introduction**

1.1 Members may recall they have recently considered several applications for these premises. This application is for Listed Building Consent following the grant of planning permission for the works earlier this year.

2.0 Site Description

2.1 The Kings Arms Public House is a Grade II Listed Building in Crouch Street. The building fronts the road and includes a range of attached outbuildings along one side boundary extending to Manor Road. A vehicular access leads to a car park and external sitting area which has a boundary with the outbuildings and Manor Road.

3.0 Description of Proposal

3.1 The application for listed building consent involves the demolition and alteration of the single storey outbuildings and the erection of new single storey extensions. Internal alterations are proposed. The external area will be rationalised, the dining area will be covered by a roof structure on timber supports and smoking areas under free standing jumbrellas. The application also includes gates across the vehicular entrance and the demolition of a small lean-to.

3.2 The application submission includes an historic impact and justification statement.

4.0 Land Use Allocation

- 4.1 Local Shopping Centre
Mixed Use Area
Grade II Listed Building
Conservation Area

5.0 Relevant Planning History

- 5.1 072026 - Listed Building Consent approved for the demolition/alteration and erection of single storey extension and internal alterations
- 5.2 081028 - Planning permission granted for alterations and demolition of existing single storey additions, single storey rear extensions and conversion of outbuilding into trade kitchen, dining areas, stores and toilets. Internal alterations to main building and installation of new gate.
- 5.3 081029 - Planning permission granted for the works forming this listed building application.
- 5.4 080135 - Application for listed building consent for proposals very similar to the current application. Withdrawn due to the absence of a listed building justification statement.
- 5.5 080117 - Application for listed building consent for the works proposed in planning application 081028 - Withdrawn due to the absence of a listed building justification statement.

6.0 Principal Policies

- 6.1 Adopted Review Borough Local Plan
DC1 - Development Control considerations
UEA1 - Character of Conservation Areas
UEA2 - Building within Conservation Areas
UEA4 - Demolition of listed buildings
UEA5 - Altering listed buildings

7.0 Consultations

- 7.1 English Heritage recommend the application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 7.2 The Ancient Monument Society comments as follows:-

"The effect of successive refittings has been to change the character of the coaching inn to that of a late 20th century public house. The only contentious feature in the present proposals as far as the historic fabric is concerned is the removal of the early 19th century ground floor staircase. As the building seems much altered it seems a pity to abandon this, not just because of its admittedly limited intrinsic interest but because it survives as evidence of the earlier planning of the building, linking directly to the passage (which will be blocked by the new staircase) for the side door."

7.3 The Highway Authority has no objection.

7.4 The Georgian Group has commented as follows:-

"The Historic Buildings Report provided makes clear that the staircase is one of the few original features to survive within the Kings Arms Public House. Its design is consistent with the suggested c1830 date of the building and it retains its original turned newel, square-section balusters, and polished wooden rail. The stair's simplicity is an essential part of its character, and of the character and special interest of the listed building within which it is located. Very similar stairs of this period are illustrated in the Georgian Group's Publication Georgian Stairs by Neal Burton (London 2001). The Secretaries of State have given clear guidance as to the importance of preserving historic staircases. (PPG15 C.62). 'The removal or alteration of any historic staircase is not normally acceptable. The stair is often the most considerable piece of design within a building and can be important dating evidence.' The stair must be regarded as one of the few surviving and perhaps also the most important feature within this listed public house of largely c1830 character and thus should be retained. Its removal would be highly damaging to the special architectural and historic interest of the listed building and thus against national policy. The Georgian Group recommends that the proposal to remove the staircase between ground and first floors should be withdrawn from the scheme. If the applicants are unwilling to do so, then listed building consent for this application should be refused."

7.5 Prior to a site visit the Conservation and Design Manager considered the staircase should be retained in situ. However, following a site visit and inspection of the staircase no objection is raised to its relocation.

8.0 Representations

8.1 None received

9.0 Report

9.1 Planning permission has been granted for the works, the subject of this application for listed building consent (080129). Listed building consent has also been granted for the demolition/alteration and new single storey extension (072026).

9.2 This application differs from 072026 in that additional internal works are proposed, in particular the removal of a staircase, and the works to the yard area. These works include a covered dining area and jumbrellas to provide a curved smoking area. Minor amendments to the approved single storey extension are also indicated.

9.3 The main issue is the removal of the staircase. As explained above the Conservation and Design Manager has inspected the staircase and currently it is not of such historic merit but it should be retained in situ. Its reuse within the scheme is considered acceptable.

9.4 Photographs of the staircase will be available at the meeting.

10.0 Background Papers

10.1 ARC; EH; Ancient Monument Society; HA; GG; CD

Recommendation - Listed Building Consent

Conditions

1 - A1.6 LBs & Con Area Consents-time lim for comm of development

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In order to comply with the requirements of Section 18(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

2 - Non-Standard Condition

A detailed record including photographs and a written report of the staircase to be relocated shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure there is an acceptable record of this feature.

3 - Non-Standard Condition

The staircase referred to in Condition 2 shall be stored in accordance with a scheme agreed in writing with the Local Planning Authority prior to its removal.

Reason: To ensure the staircase is stored in an acceptable manner to allow its reuse.

4 - Non-Standard Condition

Detailed plans showing the elements of the existing staircase to be reused in the revised location shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of work on this part of the approved development.

Reason: To ensure the retained staircase is reused to preserve elements of this feature.

5 - Non-Standard Condition

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

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic details of the listed building.

6 - Non-Standard Condition

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

Reason: To ensure the use of appropriate materials having regard to the Listed Building on this site.

7 - Non-Standard Condition

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

Reason: To ensure the use of appropriate materials having regard to the Listed Building on this site.

8 - Non-Standard Condition

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable access ways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development preserves and enhances the character and/or appearance/visual amenity of the Conservation Area and Listed Building.

Informatives

Non-Standard Informative

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



Application No: 081088

Location: 66C Barrack Street, Colchester, CO1 2LS

Scale (approx): 1:1250

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7.7 Case Officer: John More

OTHER

Site: 66C Barrack Street, Colchester, CO1 2LS

Application No: 081088

Date Received: 4th June 2008

Applicant: Mr John Print

Development: Change of use from office accommodation to regalia shop, meeting room, masonic lodge instruction room.

Ward: New Town

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The site is located within a small industrial area to the rear of properties fronting Barrack Street. The site comprises the 1st/mazanine floor of No66 Barrack Street, a industrial unit with 11 parking spaces to the front. Access is from Barrack Street and serves a number of units.

2.0 Description of Proposal

2.1 The application is to regularise the existing use of the 1st floor of the building as a Masonic lodge instruction room, meeting room and regalia shop. The supporting information submitted with the application sets out the uses of each area and is set out below:

"The regalia shop is open Monday to Saturday 0900 to 1300hrs. Whilst any member of the public is entitled to purchase, it is normally only those who are either Freemasons or with Masonic connections who visit. Items sold are a range of Masonic regalia, jewellery and books. He shop also operates a mail order service to Freemasons in and out of Essex.

The meeting room is a spare room made available for meetings as requested by Masonic groups. It is used on average about once a month.

The Masonic lodge instruction room is used for storage of Masonic furniture and the layout is in the manner of a Freemasons' lodge room. It is used by Masonic groups for Lodges of Instruction, on average one evening a week for up to two hours."

2.2 The premises have been used by Essex Masons Ltd. for the use applied for since 1999. This application is to regularise the current situation and not for a new or more intensive use. The use would have become lawful next year as it would have been in operation for over ten years.

3.0 Land Use Allocation

3.1 Employment

4.0 Relevant Planning History

4.1 99/0167 - Change of use of one room from office to retail use - Refused 23/09/1999

4.2 K/COL/99/1655 - Application for certificate of lawfulness for use of the property as a retail showroom - Approved without conditions - 04/01/2000

4.3 080348 - Certificate of Lawfulness for existing use of property as meeting room, storage room and regalia shop - Refuse certificate of lawful use - 2008

5.0 Principal Policies

5.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations
EMP1 - Employment Allocations and Zones

6.0 Consultations

6.1 Environmental Control have no comment.

6.2 The Highway Authority comments as follows:-

"The Highway Authority recommends that the application be refused for the following reasons:- The Highway Authority wished to raise an objection to the above application because insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

The applicant should be invited to provide such additional information as listed below:

- Does the applicant own or control the means of access to the application site
- Staffing levels
- How service and delivery vehicles will be managed within the site
- The number and location of any parking provision for employees and visitors"

Officer comment: The applicant was requested to provide additional information as specified above. They confirmed that the parking is leased from GSS Ltd as the site owner. The ownership certificate submitted with the application confirms this. In terms of staffing, there are 6 volunteer part-time staff, equivalent to 1 full time employee. For parking there are 11 shared parking spaces owned by GSS Ltd which are shared with Breezpark Shed and Garden Centre. Motormania have their own parking spaces.

This is an existing unit in an existing business estate. No alteration is proposed to the access or to the parking provision. Whoever occupies this existing business space will generate demand for parking and servicing.

7.0 Representations

7.1 3 letters of objection have been received. The concerns raised are as follows:

- Insufficient parking for additional functions and meetings during business hours.
- Detrimental to other small businesses in this estate.
- Health and safety hazard to allow premises to be used as function room with one very steep metal staircase as entrance and exit. Some of the visitors are elderly and infirm.
- Regalia shop was originally set up as a charity in 1999 doing mail shot only is now run as a business. The increase and diversity of business has resulted in more visitors making parking more restrictive.
- Object to further retail expansion.
- Our parking area is continually inundated with shoppers from other stores in area. While the regalia shop may not cause much disruption who is to say it will not give rise to other kind of retail in a few years.
- It was bad enough when you gave the lower floor of the warehouse approval.

Officer comment: Following these objections the applicants have responded, reiterating that this is not an expansion to the existing business. The application is to regularise the existing situation which has been in operation since 1999. They state that they do ask customers not to park in the Motorman parking area. The applicants further state that the regalia shop is open 0900 - 1300 hours and an analysis of customers over the past 3 months gives a weekly variable between 7 and 31 customers with a weekly average of 18 customers, not necessarily by car. The evening use of the other accommodation is at a time when other businesses are closed. They confirm there is a second staircase to ground floor with emergency lighting and fire exit signs.

8.0 Report

8.1 The site is located in an employment area where Local Plan policy EMP1 indicates that the following uses will be considered appropriate:

- "(a) Business (B1), general industrial (B2), storage and distribution (B8);
- (b) Display, repair and sale of vehicles and vehicle parts, including cars, boats and caravans;
- (c) Indoor sports uses, exhibition centres and conference centres;
- (d) A limited element of retailing where this is ancillary to another main use under (a);
- (e) Services specifically provided for the benefit of businesses based on, or workers employed within, the Employment Zone."

8.2 Masonic Lodges and meeting rooms fall outside any use class and are therefore classed as sui generis, while retail falls within use class A1. Having discussed the proposal with the Councils Policy Section they consider that while Masonic Lodges are sui generis the particular mix of uses in this case is similar in nature to a leisure use which is permitted by LP policy EMP1.

- 8.3 Policy EMP1 makes limited provision for retail, only where it is ancillary to a dominant B1, B2 or B8 use. The current proposal would not strictly accord with this policy as the goods retailed are not products manufactured at this premises. However, the retail element of the proposal is minor and given the limited and specific customer base it is not considered the proposal would harm the vitality or viability of the local shopping centre or town centre.
- 8.4 While Masonic Lodges are sui generis, to avoid further retail expansion or a more diverse user a personal permission could be issued with conditions restricting the retail area to that specified on the plans.
- 8.5 In terms of access this is from Barrack Street and remains unchanged, as is the parking situation of 11 spaces shared. In view of the limited level of use, it is not considered that the proposal to regularise the existing use would result in conditions prejudicial to highway safety.

9.0 Conclusion

- 9.1 On balance, with all of the above taken into consideration it is considered that the proposal would not harm the amenity of the area or prejudice highway safety, nor would the limited retail element harm the vitality or viability of the town centre or the local shopping centre. It is therefore recommended that the applicant be granted a personal approval subject to the controlling conditions set out below.

10.0 Background Papers

- 10.1 ARC; HH; HA; NLR

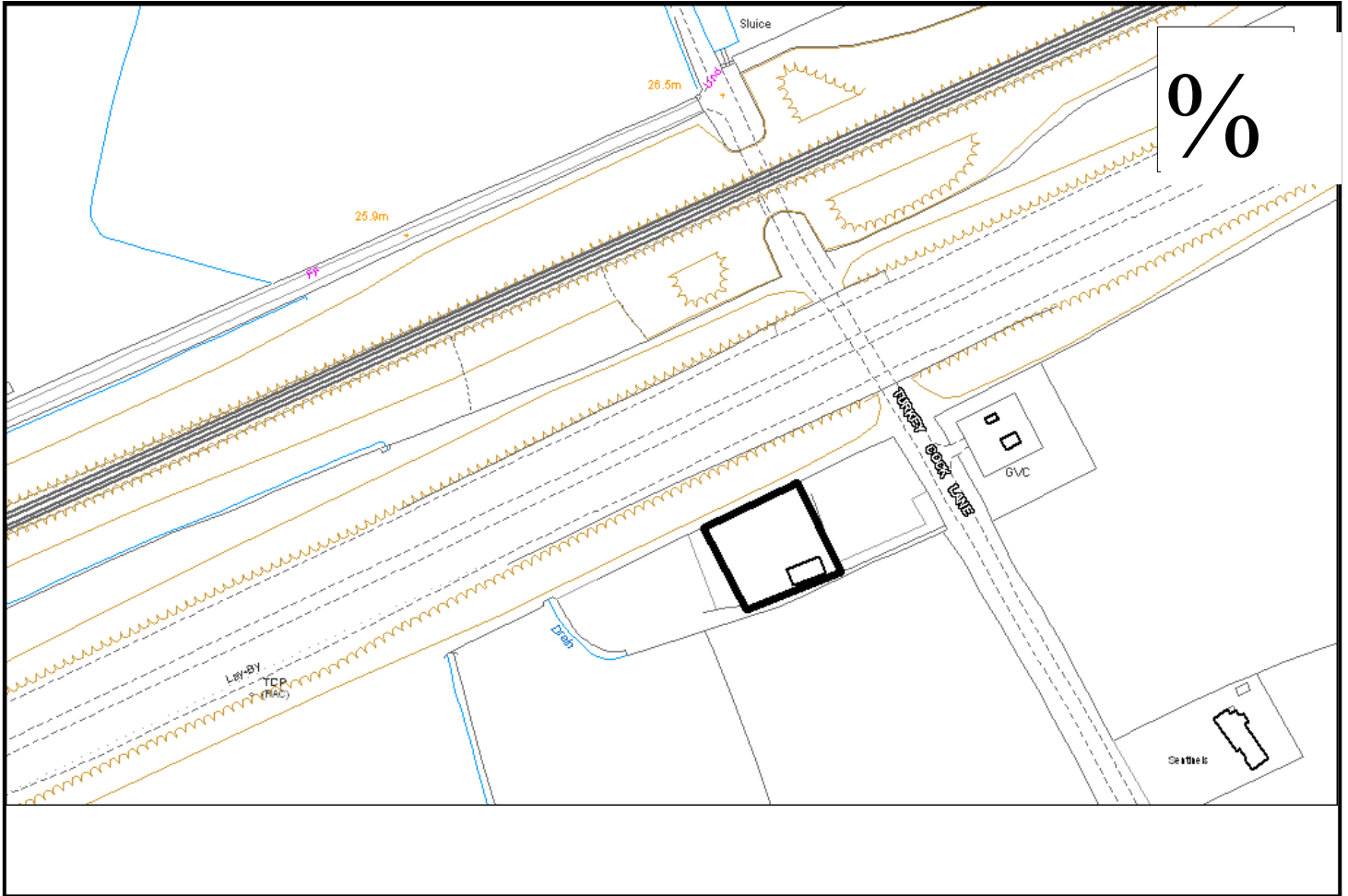
Recommendation - Conditional Approval

Conditions

1 - Non-Standard Condition

The regalia shop hereby permitted shall be carried on only by Essex Masons Ltd. and shall be limited to the sale of Masonic regalia. The area of the building to be used for the regalia shop shall be limited to that shown on the layout drawing submitted with the application.

Reason: In order to control the retail element of the proposal in this employment zone.



Application No: 081275

Location: Land Off, Turkey Cock Lane, Stanway, Colchester

Scale (approx): 1:1250

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7.8 Case Officer: **Bradly Heffer**

OTHER

Site: Turkey Cock Lane, Stanway, Colchester

Application No: 081275

Date Received: 22nd July 2008

Agent: Mrs Alison Heine

Applicant: Mr & Mrs Nathan Lee

Development: Variation of condition 5 of COL/07/0221 to permit stationing of 4no. caravans on plot 2 (6no. residential caravans in total).

Ward: Copford and West Stanway

Summary of Recommendation: Temporary Approval

1.0 Planning Report Introduction

1.1 This planning application relates to a proposal for the provision of an additional caravan on a gypsy site at Turkey Cock Lane, Stanway.

2.0 Description of Proposal

2.1 Members will be aware that a two year temporary planning permission was granted for the following development on this site (Ref: F/COL/07/0221):-

"Change of use to residential, stationing of two mobile homes and three touring caravans."

2.2 The permission granted restricted the number of mobile homes/caravans to 5 in total (the amount on site at the time the application was submitted). This proposal seeks planning permission for the provision of an additional caravan on the site, to be occupied by a member(and dependants) of one of the two families that occupy the site. If permitted, the number of units in total would be six.

2.3 The site, identified as 'Bridgeside Caravan Park' by the applicants, is an area of land immediately adjacent to the southern embankment of the A12 trunk road. It has a frontage on to Turkey Cock Lane. As part of the planning application submission an explanatory document is included which is included as Appendix 1 to this report. This document can also be viewed on the Council's website, along with the other application forms, plans etc.

3.0 Land Use Allocation

3.1 The site for this proposal lies in an a area of no notation i.e. white land as allocated in the adopted Review Colchester Borough Local Plan.

4.0 Relevant Planning History

- 4.1 78/1759 - Outline application for erection of one dwelling - application refused.
- 4.2 79/0363 - Outline application for erection of bungalow – application refused.
- 4.3 80/1513 - Change of use of grazing land to lorry parking for maximum of six lorries. Construction of hardstanding - application refused.
- 4.4 C/COL/04/1336 - Change of use of land for use as a travellers site comprising the creation of hardstanding for 6 no. caravans for the travelling families together with the erection of two toilet/shower blocks on the site and use of existing access from Turkey Cock Lane - application refused. A subsequent appeal against the Council's refusal was dismissed following a public inquiry.
- 4.5 COL/07/0221 - Change of use to residential, stationing of two mobile homes and three touring caravans - Two year temporary permission granted which expires on 22 October 2009

5.0 Principal Policies

- 5.1 General central government advice regarding gypsy matters is contained in Circular 1/2006 - 'Planning for Gypsy and Traveller Caravan Sites' - February 2006
- 5.2 Adopted Review Colchester Borough Local Plan DC1 - General Development Control criteria
- 5.3 Members should be aware that Policy H6 (Gypsy Caravan Sites) in the Local Plan is identified by Go-East as one that cannot be used after 27 September 2007.

6.0 Consultations

- 6.1 The Highway Authority comment as follows:-

"Having regard to the proximity of this site to the A12 Trunk Road it is assumed that the Local Planning Authority has already consulted the Highways Agency on this proposal.

Officer Comment: As the proposal does not include an access to the A12 the views of the Highways Agency were not sought. However, the impact of lighting on the A12 is reflected in the range of suggested conditions.

The Highway Authority raises no objection against the proposal subject to suitable conditions to achieve the following:

- Prior to occupation the vehicle access shall be upgraded to current Highway Authority policy standards including:
- For the first 6m from the highway the surface of the access shall be constructed of bound, stable, free draining materials.
- A suitably constructed dropped kerb line shall be provided.

- Gates at the vehicle access shall be set back no less than 10m and shall only open inwards to allow the largest vehicles using the site to stand clear of the highway while the gates are opened or closed.

Reason: The above recommendation is made in the interests of highway safety and efficiency having regard to Policy 1.1 in Appendix G to the Local Transport Plan."

6.2 The Environment Agency comments as follows:-

"Following a review of the information provided in support of the planning application and the Environment Agency Flood Maps we would advise the Council that we have no formal objection to the development proposal. None of the additional caravans proposed under the application would APPEAR (we assume the site plan is based on a professional survey) to fall within Flood Zone 2 or 3. On this basis the additional caravans falls within Flood Zone 1 and under the Environment Agency Standing Advice we should not have been consulted."

6.3 Environmental Control has no objection subject to the imposition of a condition to control lighting.

7.0 Parish Council's Views

7.1 Stanway Parish Council comment as follows:-

"Stanway Parish Council STRONGLY OBJECTS to the variation of Condition 5 of COL/07/0221. The existing consent is an extension of an enforcement notice. It is unacceptable that further caravans should be sited and additional members of a family granted the right to reside at what is a temporary site."

7.2 Eight Ash Green Parish Council comment as follows:-

"The Eight Ash Green Parish Council would like it recorded that they object to this application for the variation of Condition 05 of COL/07/0221 and support Stanway Parish Council's objections on the grounds that the planning consent is an extension of an enforcement notice and it is unacceptable that further caravans should be sited on what is a temporary site."

8.0 Representations

8.1 As a result of notification, 12 letters of objection and 6 letters expressing no objection have been received. The comments made by the objectors may be summarised as follows:-

1. Access and services in Turkey Cock Lane are not adequate to serve 6 caravans on this site.
2. The proposals could create a precedent for similar applications elsewhere.
3. The Planning Inspector, in refusing the original application (Ref: C/COL/04/1336) identified the site as being encroachment on the open countryside that harmed the character of the area. This application would exacerbate his concerns.
4. The Council failed in its duty by allowing the previous temporary permission and this proposal, if approved, would compound that failure.

5. The location of the site (adjacent to the A12) makes it unsuitable for residential use.
6. The site suffers from flooding and is outside an area allocated for new development.
7. Why is the site described as a caravan park? The terms of the application are confusing.
8. There is no need to provide further caravans on the site, the proposal represents overdevelopment.
9. The proposal will lead to additional traffic generation along this narrow rural lane.
10. The lighting on the site should be on a sensor system.
11. The efficacy of the foul drainage system on the site is questionable.
12. The family members do not reside on the same site at present and sufficient room exists for an additional pitch. Conditions on site are poor.
13. If permission were granted it should run concurrently with the extant temporary permission.
14. The site causes light pollution at present and it is noted that further lights are proposed.
15. A suitable travellers site needs to be found.

8.2 Comments of no objection include:

1. If room is available it should be useable by the occupiers.
2. No other accommodation/sites are available.
3. The residents have proved themselves good neighbours.
4. It would seem churlish to deny an extra van on the site, on a temporary basis.

8.3 The following comment has been received from the Ward Councillor:-

"I am strongly objecting to the above planning application, as it is they have only been allowed temporary approval for the site last October 2007, and already we have another application coming through which I feel they have no right to do at this present time. If you allow this you will open the doors for a travellers site - if this is the intention of the travellers and the Council I think the residents have a right to know where they stand, because so far the residents have been disregarded in this planning matter.

Why do they even need to be in caravans, they have a hardstanding day room and use the caravans to sleep in, so why not encourage them to build a property which would not be such an eyesore. I can only see an improvement to the area if they were to build, we do not want any more caravans on this site. As it is they should have been evicted years ago when the eviction notices were served.

Please could you inform me how many caravans you need to make this a travellers site?"

9.0 Report

- 9.1 Members will note that the original application for a travellers site on the subject land was refused by the Council, and a subsequent appeal dismissed following a public inquiry. The second application (COL/07/0221) was approved by the Council following advice obtained from Counsel on gypsy matters - particularly in the light of the publication of Circular 1/2006 'Planning for Gypsy and Traveller Caravan Sites'. It is important to note that the publication of this circular was subsequent to the appeal decision following the refusal of Application C/COL/04/1336.
- 9.2 Advice from Counsel identified central government's expectation that Councils would have to take on a far more active role in providing sites for gypsies, and also that with the lack of approved sites, the use of 'private' sites would become far more prevalent. It was in recognition of this advice that a temporary planning permission was granted for the location of 5 caravans on the Turkey Cock Lane site - for a period of two years.
- 9.3 The Council is now charged with considering the acceptability or otherwise of stationing a further caravan on the site - to be occupied by a member of one of the gypsy families together with dependents.
- 9.4 The consideration of this application clearly has to acknowledge the advice in Circular 1/2006. Additionally, the previous policy in the adopted Local Plan (Policy H6) has now been expunged (through a directive of Go-East). Therefore, the circular advice, in your officer's view, forms the policy basis on which this application is determined.
- 9.5 As regards this proposal it is noted that the submitted plan shows that a further caravan can be physically accommodated on the application site without encroachment onto an identified flood zone. Members should note that the Turkey Cock Lane site 'straddles' a line on the Environment Agency's Flood Zone 2 which is a fundamental constraint to further expansion in your officer's view.
- 9.6 Leading on from the issue of flood zones it is felt that the addition of a further caravan on the site would not lead to an unacceptable erosion of visual amenity, given the character of the site at present.
- 9.7 It is noted that the Highway Authority does not object to the proposal, subject to the imposition of suitable conditions.
- 9.8 The provision of accommodation for gypsy families is very emotive, as can be seen by the number and range of objections received from local residents and the Ward Councillor. With regard to the comments made, the following responses are made:-
1. The access is not identified by the Highway Authority as unacceptable to serve the development, subject to improvement. The site is served by its own foul sewage disposal system.
 2. Each application for development has to be determined on its own merits.
 3. The advice in circular 1/2006 is a material consideration, as is the previous planning history of the site. The Council sought Counsel's view on the application which has temporary planning permission. The clear view at that time was that the proposal was acceptable in the light of circular advice.

4. The issues raised in this type of application are difficult and, given the site history, it was considered very important to obtain a legal view on the matter.
5. The site is affected by the A12 trunk road but this amenity impact is not considered so detrimental as to require refusal of this proposal. The Environmental Control Section did not raise an amenity objection under the previous application.
6. The extent of Flood Zone 2 has been considered as part of this application and the caravan would be located outside this area.
7. The description is the applicant's own but does not change the planning status of the site.
8. The application demonstrates that an additional van can be accommodated. Members should note that there are no spatial requirements for caravans within extant planning policies/advise etc..
9. It is noted that the Highway Authority does not identify this as an issue.
10. If approved, conditions could be imposed regarding controls over floodlighting etc.
11. The Environment Agency has inspected the system installed on site and has not found any fault with foul water disposal.
12. The proposal seeks permission to enable an additional family member to locate on the site. As the permission granted under COL/07/0221 restrict the number of caravans on the site to 5, it is necessary for a further permission to be obtained for an additional caravan.
13. It would be a condition of planning permission that the temporary period coincided with that originally granted under COL/07/0221.
14. The issue of light pollution is one that could be controlled by condition.
15. The lack of gypsy sites is noted in the relevant circular as a problem to be addressed. Through the planning process the approval of suitable public and private sites would militate against unauthorised encampments, which is an ongoing issue.

9.9 In conclusion it is considered that the permission of an additional caravan on this site would not (in itself or in combination with any other caravans on the site) constitute an unacceptable proposal in planning terms. A positive recommendation is made, subject to the imposition of conditions as outlined below.

10.0 Background Papers

10.1 ARC; HA; NR; PTC; NLR; CBC; COL/07/0221

Recommendation – Temporary Approval

Conditions

1 - Non-Standard Condition

The additional caravan hereby permitted shall only be occupied by Mr Othey Lee and his dependants and the caravan shall be located for a period expiring on 22 October 2009 or the period during which the premises are occupied by Mr and Mrs N Lee and Mr and Mrs T Brown and their dependants whichever is the shorter.

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

2 - Non-Standard Condition

Prior to the stationing of the caravan hereby approved on the premises (or within 56 days of the date of this permission - whichever is the earlier) the vehicle access shall be upgraded to current Highway Authority standards as follows:-

1. For the first six metres from the highway the surface of the access shall be constructed of bound, stable, free draining materials.
2. A suitably constructed dropped kerb shall be provided.
3. Any gates at the vehicle access shall be set back no less than 10 metres and shall only open inwards to allow the largest vehicles using the site to stand clear of the highway while the gates are opened or closed.

Reason: In the interests of highway safety and efficiency having regard to Policy 1.1 in Appendix G to the Local Transport Plan.

3 - Non-Standard Condition

The permission hereby granted relates solely to the development as shown and described on the submitted plan entitled 'Bridgeside, Turkey Cock Lane, Colchester : Site Plan. Revisions to Plot 2 June 2008 Mr & Mrs Lee' registered on 22 July 2008.

Reason: For the avoidance of doubt as to the scope of the permission hereby granted and to restrict the development on this site to that shown on the submitted plan.

4 - Non-Standard Condition

No more than 6 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time (and for the avoidance of doubt, shall exclude the stationing of any static caravan(s) or mobile homes(s) on the site at any time).

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

5 - Non-Standard Condition

No caravans shall be stationed within Flood Zone 2 as shown on the Environment Agency's Flood Zone Maps.

Reason: To ensure that caravans are not subject to flood risk on the site.

6 - Non-Standard Condition

Within 28 days of the date of the permission hereby granted a scheme showing details of all external lighting to be provided on the site shall be submitted to and approved by the Local Planning Authority. Following written approval of the agreed scheme by the Local Planning Authority it shall be carried out to the satisfaction of the Council within 56 days of the date of the approval of the scheme and retained as such thereafter. Furthermore, the agreed scheme shall include proposals to introduce Passive Infra Red (PIR) controls over existing floodlighting, together with details of controls over light wash.

Reason: To reduce the undesirable effects of light pollution on the amenity of the area, nearby residential property and traffic using the A12 trunk road to the north of the application site.

7 – Non Standard Condition

Any lighting of the development shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

Reason: In order to protect the amenity of the area from light pollution.

Informatives

Non-Standard Informative

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

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Our goal is to be a high performing Council

Our corporate objectives for 2006-2009 are:



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