

Planning Committee

Town Hall, Colchester
5 January 2012 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

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Access

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Material Planning Considerations

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

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, Government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

All applications are considered against a background of the Council's Equality Impact Assessment (EIA) Framework in order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination. The legal context for this framework is for the most part set out in the Equality Act 2010.

COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
5 January 2012 at 6:00pm

Members

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

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

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

public interest.

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

6. Minutes

1 - 9

To confirm as a correct record the minutes of the meetings held on 1 December 2011 and 15 December 2011.

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. 111927 Land to west of Boundary Road, University of Essex, Wivenhoe Park, Colchester, CO4 3SQ
(Wivenhoe Cross)

10 - 27

Reserved matters application for construction of 420 en-suite student bedrooms, arranged in cluster type flats, in three separate blocks of between four and seven storeys in height; 228 student bedrooms taking the form of two blocks of four storey terraced town houses; a two storey 'Pavilion' building, containing a small retail unit, launderette and student common room; and ancillary amenity space, cycle and refuse storage facilities, electricity sub-station and means of pedestrian, vehicular and servicing access. This follows outline application O/COL/05/2046.

2. 111941 Co-operative Building Works Depot, 102 Magdalen Street, Colchester, CO1 2LA
(New Town)

28 - 37

Temporary use of site for hand car wash and valet service.
Resubmission of 111057.

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
1 DECEMBER 2011**

Present :- Councillor Ray Gamble* (Chairman)
Councillors Christopher Arnold*, Peter Chillingworth*,
John Elliott*, Peter Higgins*, Theresa Higgins*,
Sonia Lewis*, Jon Manning, Philip Oxford and
Laura Sykes*

Substitute Members :- Councillor Michael Lilley for Councillor Stephen Ford*
Councillor Will Quince for Councillor Jackie Maclean

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

Councillor Peter Chillingworth (in respect of being a resident in Vernons Road at a quarter of a mile distant from the site) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

95. 111335 Orchard Place, Vernons Road, Chappel

The Committee considered an application for a change of use of land to form three pitches for gypsy/traveller caravans and the erection of associated utility sheds and boundary fencing and planting. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Mark Russell, Principal Planning Officer, attended to assist the Committee in its deliberations.

Sue Chalmey addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 on behalf of Chappel and Wakes Colne Parish Councils and residents in opposition to the application. She referred to the site being included in the Site Allocations DPD and questioned how a decision could be made without details of the sewage treatment system, refuse storage and disposal to be provided. The Highway Authority's response relied upon an informal speed survey which they acknowledged did not agree with guidance. She believed the applicant did not have control over the land required for the sight splay and the owner had announced that he would not relinquish the land. She implored the Committee to listen to those who had signed the petition who were present at this meeting.

David McLean addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His property shared a length of boundary with the application site. He noted that there had been a change in the designation of the site from a conservation site to a traveller site; he was unaware of the reason for the change. He surmised that planning policy was being dictated by these applications. He asked that the application be treated as any other and drew a comparison between this application and an application for three bungalows on this

site. They had retired and had no problems until recently when there had been a number of occurrences of trespass, damage to their property and theft of chicken eggs had occurred. He did not want this development to spoil a beautiful village, nor should it cause unacceptable harm to people or natural resources from pollution.

Dave Cookson, agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to several fundamental changes from the earlier application including the adoption of the Site Allocations Development Plan Document (DPD) after a full examination by the Planning Inspectorate, which included access and location; he noted that the DPD was up to date. The use for three pitches was in conformity with the DPD and therefore permitted. The statutory consultees all found the scheme acceptable. Based on acceptance of non-mains drainage for the adjacent site, the Environment Agency had accepted the use of non-mains drainage on this site subject to conditions. The Highway Authority had no objections, and it had undertaken its own survey which had demonstrated fewer problems. He referred to the applicants' lifestyle which made it difficult for them to achieve some of the requirements for the provision of water, electricity and sewage without being resident on the site. The suggestion was to provide temporary arrangements for all three services while the applicants arranged for more permanent supplies. Sewage was a particular issue and the suggestion was to provide a power free temporary solution which would not cause a problem locally.

The planning officer referred to the Site Allocation DPD. He noted that neither Essex County Council (ECC) nor the Environment Agency had indicated refusal; both were satisfied with the conditions. ECC had confirmed that the vision splays were correct, but although it appeared that the applicant was in control of sufficient splays left and right, a small triangle of land was in dispute and no-one had claimed ownership. The former status of the site was as a Conservation Countryside Area and the current extant use of the site was for agricultural purposes, but it had not been used as such for some time. He was aware of the strength of feeling in the event that matters go wrong, but he confirmed that action would be taken within a reasonable amount of time to ensure that conditions were complied with. He acknowledged that guidance regarding travellers/gypsies was different because of their travelling lifestyle. The preferred location for such sites was in rural locations near the edge of a community, whereas this was quite an open aspect and boundary fencing was required at the rear to delineate it from the neighbour's land. The Agent had referred to alternative conditions for the provision of water, electricity and sewage. Any interim solution for sewage would give rise to concerns and he considered it important that the required arrangements should be implemented as soon as was possible.

Members of the Committee related recent events on the site which had impacted on neighbouring residents; some unauthorised occupation had caused problems and some had not. Reference was made to a Government consultation which might address complaints about the planning system treating a minority group differently from the general population. Reference was also made to the commencement of works at the site in Severalls Lane and those who were intending to occupy this site could apply for pitches at that site thus avoiding homelessness. The Committee were aware that this site was allocated for three pitches in the Local Development Framework.

Members of the Committee were concerned that the Highway Authority had reduced the required sight splay without any justification being given; noting that it had not been possible to implement the original specified sight splay. The likelihood of a road accident occurring was mentioned. However, it was unlikely that the Committee could take into account any careless driving and excessive speeds in the light of the response received from Essex County Council Highway Authority. Reference was made to an increase in traffic in the lane as a result of an expansion of the neighbour's business and the situation would be further exacerbated by additional vehicles as a result of this site. Some members held the opinion that despite the Highway Authority's comments there remained a highway safety reason for refusal.

Whilst Members were aware that it was not equitable to judge the behaviour of one group of residents with another, the poor behaviour of an earlier group who had occupied the site had left local residents with a fear that those events could be repeated. The genuine fear of crime and anti-social behaviour was cited as a reason for refusal. Other members referred to the provision of enforcement powers which were available to deal with such behaviour and that this was a new applicant. The residents' concerns were acknowledged, but it was considered that the new occupants should be given the benefit of the doubt.

In respect of the provision of utilities, there were concerns about the provision of a cess pit as the preferred sewage treatment system; there was a possibility that the system might be inappropriate for the soil conditions and would require ongoing monitoring. There were concerns about the intention to provide a generator as a power source which could become a noise nuisance for adjoining neighbours. It was considered that all utilities, including waste and sewage disposal, and electricity and water supplies should be in place prior to occupation. There were also concerns that no non-domestic animals should be kept on the site, horses were specifically mentioned.

The planning officer explained that the sight splays had been changed following empirical research into the speed of traffic on this road, and also because the new Manual for Streets had come into force. In the event that the required sight splay could not be provided the permission became fallow because it could not be implemented. In terms of the issue of crime and fear of crime, it was understood that it was a material consideration, however, planning was related to land use not to individuals. If this site was considered suitable for travellers in the Local Development Framework, it was difficult to support a refusal on the grounds of bad behaviour. It was acknowledged that Members were not satisfied that a cess pit was the most appropriate method to deal with sewage. If required a package treatment plant could be secured by condition. Government guidance was that local authorities should not be over-prescriptive and whilst it would be possible to condition anything, there was a need to apply the test of reasonableness.

Some members did not think enough emphasis had been given to the damage to the neighbour's business which relied on the attraction of a quiet corner of Essex for relaxation. The business had operated for some years and customers could be deterred from returning. The neighbour's capacity for holiday trade had increased which had exacerbated the traffic situation. The view was held that it was unfair to expect the neighbour to have to endure a reduction in amenity to the extent that his

business would suffer.

The Development Manager acknowledged the high level of emotion in this matter. He advised the Committee that any decision should be based on facts, and that this was a new applicant. There was no evidence of criminality or that they would not be neighbourly. The Local Development Framework process had included consultation and an examination by an Inspector who had agreed that it was an appropriate site for such a use. If some aspects of the proposal were unacceptable conditions could be imposed to mitigate against negative impacts. The Highway Authority had not objected to this site and if cross examined, there was no evidence to sustain an argument on highway grounds. All other consultees supported the application. Controls were available in the form of enforcement powers if there were any issues regarding light or noise pollution, and crime was covered by other legislation. The provision of authorised traveller sites in the borough helped to strengthen the case for enforcement measures against any unauthorised sites.

Some members accepted that there were insufficient grounds to defend a refusal at appeal and in such a situation costs would be awarded against the council. Members requested that conditions be put in place to cover the provision of a package sewage treatment, water supply, electricity supplies and waste disposal; all such services to be in place before the site was occupied. Other requirements were the provision of sight splays, extra fencing and screening including trees, only external storage approved by the Local Planning Authority permitted, only domestic animals to be kept on site, no business or trade to be undertaken on site. Officers requested that a Phase 1 contaminated land survey be added to the conditions. The planning officer commented that a housing for a generator could reduce much of the noise, given the proximity of the nearest residential property.

RESOLVED (FOUR voted AGAINST) that the application be approved with conditions and informatives as set out in the report together with amendments to the following conditions and an extra Informative to clarify the condition regarding animals:-

- Condition 12 to refer specifically to package treatment plant;
- Condition 13 to refer specifically to mains electricity and no generators;
- Condition 15 reworded to clarify that the permission only includes three pitches and also no business or trade use;
- Refuse storage to be agreed and provided;
- Phase 1 Contaminated Land Survey to take place;
- No non-domestic animals on site;
- No external storage.

96. 111582 251 Bergholt Road, Colchester, CO4 5AT

The Committee considered an application for the erection of a part two storey, part single storey rear extension plus the erection of a double garage. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

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

97. Members Engagement in Pre-Application Planning Discussions

The Committee considered a report by the Head of Environmental and Protective Services on a proposed change to the Planning Procedures Code of Practice and setting out a protocol entitled Member Engagement in Pre-Application Planning Discussions which would allow Members to become involved in pre-application meetings between the Council and developers. The Committee had before it a report in which all information was set out.

Andrew Tyrrell, Development Manager, attended to assist the Committee in its deliberations.

In the interests of clarity Members of the Committee made some minor changes to the Code of Practice and specified those members to be invited to a pre-application planning discussion should be the ward Members and, upon authorisation by the Head of Environmental and Protective Services, Members for other wards which would also be affected.

RESOLVED (UNANIMOUSLY) that –

(a) The revisions to the Planning Procedures Code of Practice be agreed and implemented with immediate effect, subject to the following changes:- deletion of Section 3, paragraph 5; deletion of Section 4, paragraph 2; clarification of Section 5, paragraph 1 – Councillors can meet with residents and other people not associated with the planning application submission.

(b) The Protocol for Member Engagement in Pre-Application Planning Discussions be agreed and implemented with immediate effect, subject to the following change:- that the Eligibility of Members section be clarified so that invitations to meetings will also be sent to affected Members from other Wards identified by the Head of Service instead of being limited to the Ward Members for the application site.

**PLANNING COMMITTEE
15 DECEMBER 2011**

Present :- Councillor Ray Gamble* (Chairman)
Councillors Christopher Arnold*, Peter Chillingworth*,
John Elliott*, Stephen Ford, Peter Higgins*,
Theresa Higgins*, Jackie Maclean, Jon Manning and
Laura Sykes

Substitute Member :- Councillor Marcus Harrington
for Councillor Sonia Lewis*

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

98. Minutes

The minutes of the meeting held on 17 November 2011 were confirmed as a correct record subject to the words "or a small tree" being deleted from the second line of the fifth paragraph of minute no. 86.

99. 111927 Land to west of Boundary Road, University of Essex, Wivenhoe Park, Colchester, CO4 3SQ

This application was withdrawn by the Head of Environmental and Protective Services to resolve issues raised by the Environment Agency.

100. 111981 Colchester Town Station, St Botolphs Circus, Colchester, CO2 7EF

The Committee considered an application for the development of the Colchester Town Railway Station approach area, including the removal of the parking area, to form a new pedestrian space. Works included new paving, lighting and bespoke artwork for seating, guarding/gates and feature rails, inset within the paving. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

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

Neil Hopkins, Colchester Borough Council Regeneration Programme Co-ordinator, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The design had been worked up by Colchester Borough Council Urban Design Team in collaboration with an artist appointed to the project. He explained that cycle parking had not been included because there would be six cycle racks outside the magistrates' court. In discussions

with East Anglia Railway they had indicated that their preference would be for cycle racks to be provided on the railway platform rather than in the square. The objective was to make Colchester different and to create a space respected and cared for; the more high quality the space the better would be the social behaviour.

Members of the Committee had a number of concerns:-

- there was no drop-off point for taxis. There should be a drop off point within walking distance. Dropping people off in the roundabout was neither efficient nor safe. A nearby bus stop was suggested as a possible solution;
- the granite seating had no lumbar support and would be uncomfortable with the stud insets included. They were neither functional nor art;
- cycle racks should be provided within the square rather than on the railway platform. People may not feel they should park in the cycle racks outside the magistrates' court; cycles racks should be designed to keep cycles dry;
- the granite path in front of the old building leading to the platform should be made in a material other than granite; some members did not like all surfaces in granite;
- some members did not consider it appropriate for the Committee to comment on matters of taste; the area should be designed so that it could be used by all.

It was explained that cycle racks on the platform would be outside the red line of the application and therefore could not be conditioned. The situation would be the same for a taxi drop off point outside the red line area. The resurfacing material adjacent to the listed building would be granite sett. English Heritage were content with the use of granite and did not want the use of a range of different materials.

RESOLVED (UNANIMOUSLY) that the application be deferred for investigations into the possibility of providing cycle racks on site, the provision of a taxi drop off point nearby or for signage to a nearby drop off point, and further consideration of the seating.

Councillor Ray Gamble, Councillor Peter Higgins, Councillor Theresa Higgins and Councillor Jon Manning (in respect of being acquainted with the public speaker) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

101. 091088/9 3-4 Greens Yard, Colchester, CO1 1QP

The Committee considered a listed building application, 091088, for the conversion of 4 Green's Yard into two separate dwellings including an associated loft conversion, together with a planning application, 091089, for the conversion of 4 Green's Yard into two separate dwellings. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Josephine Hayes addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained the dates of origin of the cottages, the year they were listed and when the unauthorised alterations were undertaken. She referred to there being new render on the front and rear elevations, the use of softwood windows which she considered to be unsuitable, and to an inappropriate gas flue. She believed this case should be prosecuted and the application refused.

Arthur Clarke addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He intended to bring the property up to a modern standard and convert it into two homes. He believed he was not doing anything detrimental to the building. All the properties had been extended at the rear and he did not intend to do anything to the frontage.

Members of the Committee commented that this was a delightful terrace of cottages typical of the time they were built. It was advantageous that this cottage was being divided into two and that they were being brought up to date. The Committee had to consider the situation as it currently stands and ignore past problems. No concerns were expressed about the rear elevation, but it was considered important to retain the front facade as it should be. Mention was made of the possibility of removing the gas flue.

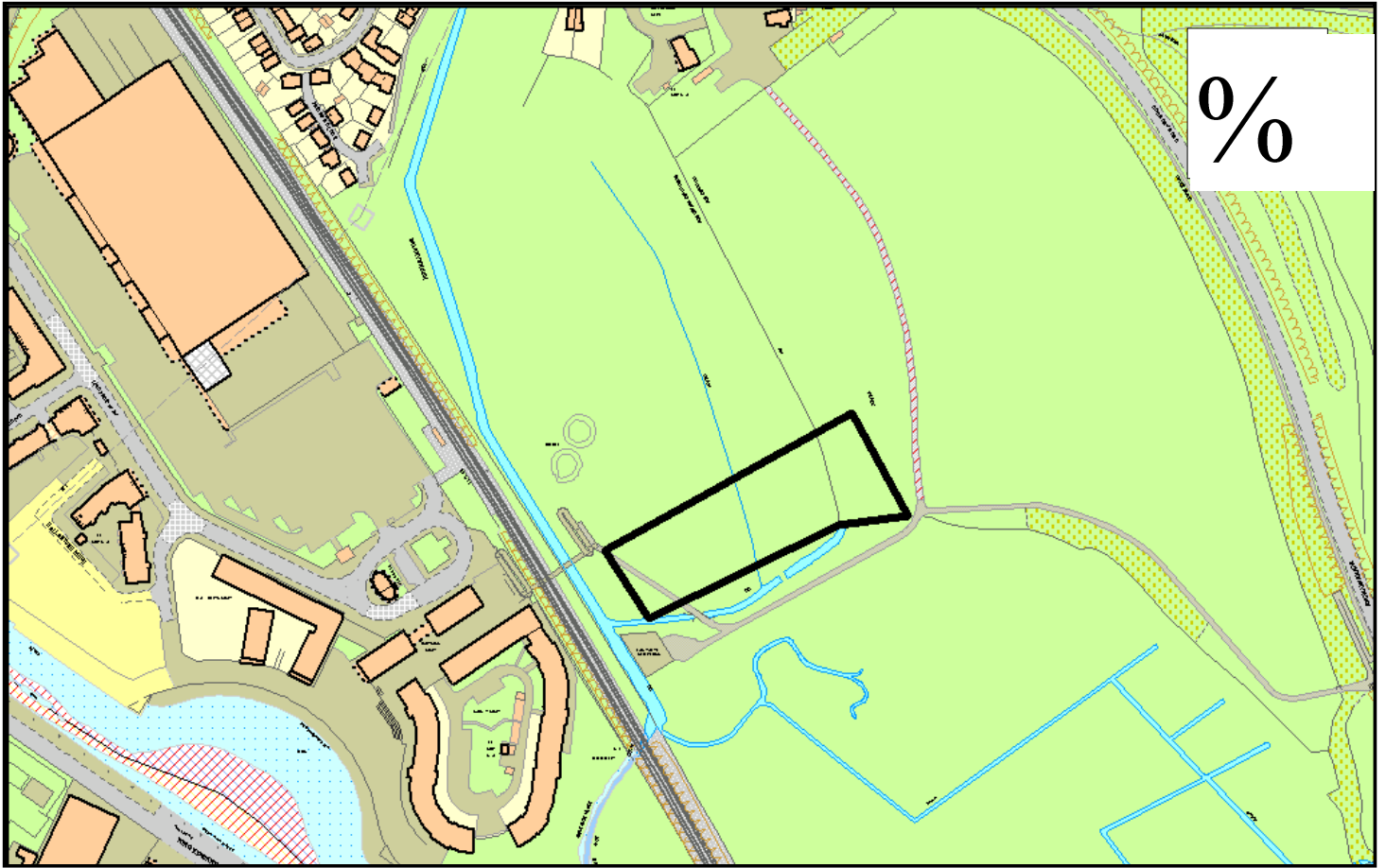
The planning officer explained that prosecution issues had been investigated thoroughly and had been resolved prior to her involvement. There was insufficient evidence about what the internal structure had been before the works were carried out. She considered it would be possible to discuss the gas flue with the applicant. In the event that the application was refused there would be enforcement issues but if it was approved there would be no enforcement issues. The Development Manager explained that the Unilateral Undertaking would have to be signed prior to any consents being given. It was also clarified that the application had been with the planning team for some time but as it addressed retrospective work to a listed building it was important to get the right resolution and not a quick answer, therefore the application had not been rushed even since the current case officer took it over from a former colleague in July.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of Listed Building application 091088 and Planning application 091089 be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet for Listed Building application 091088 and Planning application 091089, together with an

additional condition requiring re-positioning of a gas flue within the building if practicable.



Application No: 111927

Location: Land to West of Boundary Road, University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ

Scale (approx): Not to scale

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **5 January 2012**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: **Bradly Heffer**

MAJOR

Site: University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ

Application No: 111927

Date Received: 7 October 2011

Applicant: Mr Stephane Slama-Royer

Development: Reserved matters application for construction of 420 en-suite student bedrooms, arranged in cluster type flats, in three separate blocks of between four and seven storeys in height; 228 student bedrooms taking the form of two blocks of four storey terraced town houses; a two storey 'Pavilion' building, containing a small retail unit, launderette and student common room; and ancillary amenity space, cycle and refuse storage facilities, electricity sub-station and means of pedestrian, vehicular and servicing access. This follows outline application O/COL/05/2046.

Ward: Wivenhoe Cross

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application was withdrawn from the last Committee meeting by the Head of Environmental and Protective Services to resolve issues raised by the Environment Agency. Any comments received will be reported at Committee.

2.0 Introduction

- 2.1 This application is referred to the Planning Committee because the proposal has been called-in by Councillor Julie Young for consideration by the Planning Committee. The following statement has been received from Councillor Young:

'I wish to call this application as it falls foul of our planning policy in respect of parking provision. 420 student flats are being proposed with no parking provision at all which is ridiculous. Allowing this to go ahead will only create more problems for the surrounding community who will suffer even more problems with parking'.

3.0 Synopsis

- 3.1 The report will describe the proposed development and also advise of the relevant background to the submission of this application which is a reserved matters application, seeking approval for details following the approval of outline planning permission. The report will consider the issue of parking in the light of Councillor Young's comments. The conclusion and recommendation to Members is that planning permission should be granted for the development, subject to the imposition of suitable conditions that are listed at the end of the report.

4.0 Site Description and Context

- 4.1 The site for this proposal is a broadly rectangular area of land (with a given size of 1.05 hectares) that is located within an overall site known as the Knowledge Gateway, an extensive area of land that is immediately adjacent to the established University of Essex campus. The overall Knowledge Gateway is a substantial strategically-important site that is allocated for a mix of uses including residential (private and student accommodation), commercial, industrial and leisure uses.
- 4.2 The application site is level and currently bounded by Heras-type fencing. A notable feature on the site is a line of established trees (towards the eastern end) which runs on a north-west/south-east axis. The majority of land surrounding the application site currently appears as a construction site. This is because the permission granted under reserved matters approvals are being implemented whereby the new road junction serving the site from Clinghoe Hill is virtually complete and the main spine road network that will serve the overall Knowledge Gateway is under construction.
- 4.3 Some distance away to the north of the site is established residential development that is accessed off Elmstead Road. The western end of the site is adjacent to a railway line (with a newly constructed service road between the site and the railway) and the associated bridge crossing that was constructed as part of the University Quays development. The bridge would allow elevated views of the site when it is approached by foot from the west. To the north of the site is land that is allocated for private residential development as part of the Knowledge Gateway outline planning permissions, while to the south is marshland that is not allocated for development.

5.0 Description of the Proposal

5.1 Under this reserved matters application planning permission is sought for the provision of student-only accommodation on the site in the form of blocks of apartments and also townhouses. The submitted scheme also proposes the provision of a pavilion feature at the northern end of the site.

5.2 The apartment blocks would be located on the south-western and south-eastern boundaries of the site, whereas the townhouses would be located on the north-eastern and north-western boundaries.

5.3 Information submitted as part of the planning statement accompanying the report describes the proposed development as follows:

- 420 en-suite bedrooms, arranged in cluster-type flats, in three separate blocks of between four and seven storeys
- 228 student bedrooms taking the form of two blocks of four storey terraced town houses
- A two-storey 'Pavilion' building, containing a small retail unit (with a limited home delivery food offer), launderette and student common room
- Ancillary amenity space, cycle and refuse storage facilities, electricity sub-station and means of pedestrian, vehicular and servicing access.

5.4 The range of materials proposed for use in the construction of the accommodation buildings would consist of a brick ground floor treatment with render above. The proposed design of the buildings also incorporates an architectural motif of coloured panels that are introduced to address the potential monotony of the rendered elevational treatment. The pavilion building would express a different architectural treatment that would utilise glazed walling and coloured panelling. Members should note the Design and Access statement submitted with the application advises that '...the project is targeting the award of 'Excellent' under BREEAM Multi-Residential 2008 assessment and will implement a number of solutions to improve sustainability. Photovoltaic panels are to be mounted on the elevated roof of the cluster flats and these in the main will be hidden by the parapet; only two flues rising from the energy-efficient combined heat and energy (CHP) plant will give an indication of the technologies being used...'

6.0 Land Use Allocation

6.1 The site for this proposal is located within the following allocated areas as allocated in the adopted Local Development Framework:

- East Colchester Growth Area (the Knowledge Gateway is located within this area)
- Predominantly residential area
- Environment Agency National Flood Zone
- Colchester Local Wildlife site

7.0 Relevant Planning History

7.1 Under outline planning application O/COL/05/2045 outline planning permission was granted for the following:

‘A mixed use development to provide for an extension to Research Park (B1), residential development (C3), student residences (C2), hotel and public house/restaurant (C1/A4), leisure development (D2) and retail development (A1/A2/A3) together with associated infrastructure works and car parks, including new roundabout access and associated highway works upon the A.133 and Elmstead Road.’

7.2 Members should note that at specific condition attached to the grant of outline planning permission required that submission of reserved matters applications should be substantially in accordance with the masterplan for the site that was submitted with the outline application. As part of the overall approved masterplan for the Knowledge Gateway site the provision of student accommodation (which totalled 1300 bed spaces) should be constructed in two phases and the site for each phase was shown on the plan. One of the sites identified for student accommodation is the subject of this current application.

7.3 Subsequent to the approval of the outline application referenced above a full planning application (ref. F/COL/06/0320) was submitted for the erection of a 632 student bedroom development on the identified site. This application was subsequently approved by the Council following consideration by Committee at the meeting held on 27th July 2006. The permission granted expired on 16th August 2009.

7.4 The overall Knowledge Gateway site has also benefitted from reserved matters approvals (under application references 091662 – 091664 and 110952) for the infrastructure and structural landscaping works that are currently taking place on the site.

8.0 Principal Policies

8.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 9: Biodiversity and Geological Conservation
Planning Policy Statement 10: Planning for Sustainable Waste Management
Planning Policy Statement 12: Local Spatial Planning
Planning Policy Guidance 13: Transport
Planning Policy Statement 22: Renewable Energy
Planning Policy Statement 25: Development and Flood Risk

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
UR1 - Regeneration Areas
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling

TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

- 8.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP2 Health Assessments
DP15 Retention of Open Space and Indoor Sports Facilities
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy

- 8.4 Lastly the following policy of the Local Development Framework Site Allocations document is relevant to the determination of this reserved matters application:

SA EC7 – University of Essex Expansion

- 8.5 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
Sustainable Construction
The Essex Design Guide
External Materials in New Developments

9.0 Consultations

- 9.1 The Highway Authority has confirmed that it has no objection to the proposal subject to the imposition of a condition and informatives.
- 9.2 The comments of the Urban Design Officer on the submission were initially as follows:

‘The application drawings appear as negotiated and in principle I am satisfied with the building design and layout.

The remaining issues are:

The refuse store adjacent to the electricity substation is only accessed from behind the large double gates. This refuse facility is intended for general access and requires a side door to enable students to deposit rubbish without opening the large gates.

Lighting

Given the solid steel canopies over the cycle parking there is a need for lighting in the cycle stores. I would suggest that this is on timed switches and operated from within the store. Other lighting around the campus is not described so more information should be provided.

Gate and fences.

These were not discussed in detail during the pre application process and the details shown in the submission are not satisfactory. The 2 metre high fences and gates are very utilitarian and aggressive in appearance. A more considered design is required that does not appear as a cheap palisade or fortifications of an overbearing nature.

Officer's comment: Members are advised that amendments to the identified elements of the scheme have been secured and the Urban Design Officer has confirmed his support.

- 9.3 Natural England identified in its original consultation response that further bat survey work would be required bearing in mind the presence of larger trees on the site (including two oaks). However, following further consideration the following additional comment has been received:

'I now understand that all the trees on site are planned to be retained in the development, notwithstanding the implication from the applicant's response that one diseased tree will potentially be removed. By nature of its condition, this tree is likely to have the most bat potential.

Whilst it is generally accurate that bat activity surveys need to be undertaken between April and September, in the case of trees (which bats may use for over-night roosting and in a more transitory way than with buildings), the best time to assess their roost potential can be over the winter, when the lack of foliage enables easier access and assessment. The applicant need not therefore have to wait until May to undertake an assessment of the trees bat roost potential.

Given the above, I suggest that the matter could be dealt with by conditions on any grant of consent. A condition along the lines that any felling of, or works to, trees on site should be preceded by an assessment of their potential for roosting bats, to be carried out by suitably qualified ecologist(s), would be appropriate. Should any bats or evidence of bats be found, tree works should not commence, and Natural England be contacted for advice, as a European Protected Species licence is likely to be required prior to works taking place.

I assume that protective measures would be insisted upon in any event for retained trees during construction.'

- 9.4 The Archaeological Officer has requested that the standard archaeological watching brief condition is imposed on the grant of a planning permission.
- 9.5 The proposal has been presented to the Council's Development Team for consideration, at the preliminary stage. As a result the Team noted the proposal but a mitigation package (to be secured through a S106 agreement) was not identified. This is because the outline approval was accompanied by a S106 agreement. The Team did identify however that further consideration would be needed with regard to waste collection from the site and the Council's requirements have been reflected in the submitted scheme.
- 9.6 The Environment Agency's final comments will be reported at Committee.
- 9.7 The Council's Head of Natural History has identified that the possibility of bat presence in the trees on the site should be the subject of further investigation. This accords with the comments received from Natural England.
- 9.8 The Council's Arboricultural Planning Officer has advised that he has no objection to the proposal subject to the imposition of conditions.

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

10.0 Town Council Response

10.1 Wivenhoe Town Council has commented as follows:

Recommendations: In view that sewerage and drainage are already at near capacity; concerns are that this development will have a drain on already stretched resources.'

Officer comment: The application submission is a reserved matters proposal following on from outline planning permission. The outline submissions were accompanied by information relating to site infrastructure and drainage. Both Anglian Water and the Environment Agency have been consulted on this reserved matters application which includes a utilities statement which advises as follows:-

"The Knowledge Gateway Infrastructure Works carried out by Jackson Civil Engineering include the installation of main utility service runs to serve each individual development site.

The location and routing of these services are shown on combined services drawing no. 10-164-MDL=CSD.

In developing its proposals for the Meadows Student Residences site the applicant has taken this information into consideration.

The water, gas and electricity loadings that will be imposed on the utilities infrastructure by the new development have been calculated and checked against the available capacities.

The University has confirmed that these loadings are within the available limits and, as such, will not require an upgrade of the existing local infrastructure in order to meet assessed demand."

11.0 Representations

11.1 As a result of local notification no responses have been received from residents etc. However, a call-in request has been received from Councillor Julie Young. The reason for the call-in is given at the start of this report.

12.0 Parking Provision

12.1 Under the currently adopted parking standards of the Council the applicable standard would require the following parking provision for new student accommodation:

Car Parking: a maximum provision of 1 space per full time equivalent staff and one space per 5 students. It should be noted that a specific allocation of disabled parking space provision is not made – the number is to be considered on individual merit.

- *4 car parking spaces are proposed for staff, to be used in conjunction with the operation of the Facilities Management Office on the site. One of these spaces is proposed for disabled use.*

Cycle Parking: a minimum provision of 1 space per 5 staff and 1 space per 3 students.

- *The application proposes the provision of 216 spaces on the site which accords with the Council standard for student cycle provision. Information submitted with the application also advises that at least 50% of the spaces would be covered in accordance with the University's own requirements.*

PTW (Powered Two-wheeled vehicles): a minimum provision of 1 space, plus 1 per 20 car spaces (for 1st 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces).

- *The scheme does not propose the provision of spaces for PTW vehicles.*

13.0 Open Space Provisions

13.1 The scheme is for student accommodation and the Council does not have a specific policy standard for the provision of open space in this form of development. Nevertheless it is noted that the submitted scheme does include an enclosed area of amenity space bounded by buildings that would be accessible to students only. Additionally there would be a publically-accessible area of open space that would incorporate the existing trees on the site.

14.0 Report

14.1 The report submitted for Members' consideration will be sub-divided into the following headings:

- *Scale, Height and Massing*
- *Design and Layout*
- *Impact on the Surrounding Area and Neighbouring Properties*
- *Highway Issues*
- *Parking Issues*

Scale, Height and Massing

14.2 As noted earlier in this report this planning application seeks approval for reserved matters following the grant of outline planning permission. In granting an outline approval the Council linked the permission to the masterplan for the Knowledge Gateway site that was submitted with the outline application. Members are advised that the masterplan did show the general arrangement of buildings on the current application site – and this reserved matters proposal follows the principles for building position and height established at that time. It is important to note that the Urban Design Framework for the site that accompanied the masterplan envisaged that the buildings would be at their highest where they faced towards the railway line (being of similar scale to those on the University Quays development) and would become lower across the site. The Framework does identify that the building heights would range up to six storeys, and it will be noted from the submission that part of the submitted proposal does achieve seven storeys. However, this element of the overall development (located in the south-eastern corner) is not considered to be an excessively high or over-dominant element *in this context*. The requirement for the development heights to reduce across the site is still achieved in a visually

sympathetic manner. In terms of building position the arrangement of buildings is such that an perimeter block is achieved whereby there is a clear spatial demarcation between public and private areas. Also it is noted that the building arrangement is such that the lower townhouses would be located nearer to the remaining area of the Knowledge Gateway site that is allocated for private residential development on the approved masterplan. In terms of general scale this is a considered approach in that the scale of this element of the development will be similar to that to be provided to the north in future.

Design and Layout

- 14.3 The design of the proposed development is clearly a contemporary architectural response. The apartment blocks are large structures and therefore careful consideration is necessary to ensure that the buildings do not appear overly bland and monolithic, without becoming an unseemly mixture of architectural styles and materials. It is your officers' view that the scheme before Members for determination achieves this important aim. The use of subtle treatment in the rendered elevations of the apartment blocks adds visual interest and depth, furthermore while the application of colour on the buildings is unusual; it is executed in a sympathetic manner that adds to the overall value of the development. Similarly although the *scale* of the townhouses is domestic, the overall appearance of these buildings is clearly contemporary and utilises the same approach to colour as a design device. Lastly the proposed pavilion building will have a key function, both within the development as a social hub and also as an element that forms part of a public square design as intended within the overall adopted masterplan. The arrangement of buildings on the private residential development to the north of the site would be such that the pavilion would have a direct visual relationship with the square. As such it is felt that the design of this building would add visual interest to this area. This building also incorporates the use of colour as an architectural element which creates interest in itself and also links this building with the others on the development helping to create an overall unity of design and appearance.

Impact on the surrounding area and neighbouring properties

- 14.4 As will be noted from previous sections of this report this development would constitute the first element on the Knowledge Gateway site. The remainder of the Knowledge Gateway site consists, in the main, of levelled areas of land bounded by recently a recently-constructed network of service roads, constructed as part of the initial phase of reserved matters approvals. Additionally the junction linking the service roads with Clingoe Hill has also been completed.
- 14.5 Additionally the site is relatively remote from the existing residential development in the area, the nearest development being further student accommodation on the opposite (south-western) side of the railway line and also the private residential development that is located to the north. In the case of the private residential development the nearest dwellings scale at approximately 200 metres distance. The existing student accommodation is considerably closer to the site (scaling at approximately 45 metres). However, it is felt that the provision of the proposed development in this location would not have a harmful impact on the amenity of the occupiers of the building. The relative remoteness of the windows of existing and proposed development would mitigate possible loss of privacy and also the significant intervention of the railway, and its associated structural elements, would it is felt

further reduce the overall impact of the proposal on the Quays development. Apart from the identified residential areas the main existing development in the vicinity of the application site is the B&Q DIY store which is away to the north-west, again across the railway line. While the development would be visible from this site it is felt that its impact would not be harmful.

Highway Matters

- 14.6 It has been noted that the site would be served by a newly constructed network of service roads and a new junction that links the Knowledge Gateway site with the wider road network. The design of this infrastructure was established at the outline application stage. To this end it is noted that the highway authority does not object to this reserved matters proposal. The only comment received by that Authority is that during the construction phase of the development wheel-cleaning facilities for construction traffic should be provided within the site and adjacent to the egress on to the highway.

Parking Issues

- 14.7 As Members will note, this application has been called-in by Councillor Young due to the fact that the development would not provide spaces for students to park cars on the site. This is seen as creating a problem for on-street parking demand within the surrounding area. This comment is fully acknowledged and appreciated. In fact the application submission is accompanied by a statement that deals with the issue of parking on the University of Essex campus, as it was anticipated that the issue of parking would be one of the key concerns in the consideration of this proposal. This document is entitled 'Transport and Parking Statement' and the full text is available to view on the Council's website. The following extracts have been taken from the document for Members' information:

2.2.2 The University of Essex's commitment towards the promotion of alternative transport modes to the private car is embodied with a Sustainable Transport Strategy (July 2006) whose main aims are to:

- Significantly decrease car parking demand on campus and reduce the impact of University generated traffic on the local environment, particularly in terms of congestion and carbon emission levels. This will be achieved by increasing the opportunities of staff, student and other campus users to travel by alternative means of transport and a long term commitment to changing travel patterns related to work, thereby reducing the need for single occupancy car journeys.
- Promote a sustainable, integrated approach to transport both on and off campus.

2.2.3 The document outlines how the expansion of the University has not kept pace with its parking requirement and that, as a consequence, a scheme has been introduced to manage the demand for car travel and parking. The elements of this policy briefly include:

- Registration Scheme which prohibits resident students from bringing cars on to campus;
- Pay and Display Visitors Car Park;
- Wheel clamping regime;

- Improved cycle facilities including cycle parking, shower facilities and cycle paths;
 - Improved pedestrian walkways;
 - Closure of Boundary Road to through traffic;
 - Improved bus services through the campus and provision of better bus shelters;
 - Ongoing commitment to the provision of a University rail station;
 - Creation of a taxi drop-off point;
 - Introduction of business mileage for cyclists.
- 2.2.4 The above measures ensure that the University is able to pro-actively address issues related to parking and demonstrate that there already is a successful track record of promotion and enforcement.
- 3.2.1 Within the main campus there is excellent provision for pedestrians with footways linking all the key facilities. There is street lighting within the campus providing a safe environment for students. Colchester Town centre is a 35 minute walk on footways and adjacent roads with good levels of street lighting.
- 3.2.2 Figure 2 shows isochrones indicating the destinations that can be reached within 30 minutes. It shows that:
- Tesco Superstore is within 15 minute walk;
 - University's academic buildings is within 15 minute walk;
 - Hythe Station is within 15 minute walk; and
 - Colchester Town Centre is just over 30 minute walk.
- 3.3 CYCLE FACILITIES
- 3.3.1 The main campus is within 15 minute cycling distance of Colchester and Wivenhoe and is well served by cycle routes and infrastructure due to Colchester's status as a cycling town.
- 3.3.2 Figure 3 shows the destinations that can be reached from the proposed development within 30 minutes. All of Colchester and the surrounding villages of Elmstead Market, Alresford and Wivenhoe can be reached. The main train station can be reached in 20 minutes and the town centre in 15 minutes enabling access to jobs and shopping.
- 3.3.3 There are nine separate cycle paths on campus as shown on Figure 4 located around the periphery of the academy buildings. There are currently cycle routes on Boundary Road and Valley Road providing links from Colchester and Wivenhoe to cycle parks at both ends of the campus. There are three further routes onto campus planned, including one from the riverside trail between Wivenhoe and Colchester providing a leisure route for students. Figure 5 shows the cycle routes within Colchester.
- 3.4 PUBLIC TRANSPORT
- 3.4.1 As a centre for higher education, the University of Essex is well served by public transport, especially buses. Colchester has an extensive network of services which provide access to all parts of the town. Those services which serve the University campus are show in Table 3.1 below. Service 61/61A also serves University Quays which is linked to the proposed development via a bridge over the railway. Students are able to purchase a Unicard for the academic year for £129 to enable travel on First Buses within the Colchester Zone Area 1.
- 3.4.2 It is understood the public transport services that currently use Elmstead Road would either divert using the new link through the University of Essex Knowledge Gateway site or would benefit from a bus gate at the point where Elmstead Road is severed to make way for the new A133 roundabout which will

- provide the main vehicular point of access to the extended University Campus in the future.
- 3.4.3 The students union also provide a safety bus enabling students to be dropped off as near as possible to their halls of residence or home.
- 3.5 COACH SERVICES
- 3.5.1 The University benefits from a coach stop located on its campus from which there is a daily service to Liverpool which calls at numerous cities such as Nottingham, Leicester and Manchester and 3 services in each direction to London. In addition there are 9 coaches per day to Ipswich, Stansted and Heathrow Airport from Colchester Town Centre which can be reached by local bus from the campus.
- 3.5.2 The coach service enables many destinations to be reached by coach from the campus either directly or via one change enabling students to visit home easily and reducing the need for a car.
- 3.6 TRAIN SERVICES
- 3.6.1 There are 4 stations, Hythe (Essex), Colchester Town, Colchester and Wivenhoe within a 5 km radius of the Campus. Hythe a 15 minute walk or 5 minute cycle ride away, has an hourly service to Colchester and stations to Walton-on-the-Naze. There are direct trains to London in the AM and direct trains from London in the PM peak enabling connections to national and international destinations to be made.
- 3.6.2 Colchester Station is 4.5km from the proposed development and can be reached by service 61 which runs every 20 minutes from University Quays, just over the railway bridge from the development. It is a 20 minute cycle ride from the development along National Cycle Route 51.
- 4.3 CAR PARKING
- 4.3.1 Student car ownership levels are generally low in the context of those living in the general populations. In some urban cases, where restrictions to car parking are in place, there can be issues associated with unauthorised parking in adjacent streets and where traffic management measures are deemed to be required.
- 4.3.2 In Colchester, as stated previously, there will not be any parking provision for those living on campus. Students generally are discouraged from bringing a vehicle with them in line with the parking strategy but there is a blanket restriction for on-campus accommodation.
- 4.3.3 The location of the development will mean that there is a limited opportunity nearby for any unauthorized parking to take place. There are already parking restrictions on Elmstead Road where most residential parking occurs within the curtilage of properties.
- 4.4 SUSTAINABLE TRANSPORT MEASURES
- Campus Parking Strategy
- 4.4.1 The University already have a robust car parking strategy in place which restricts parking to those living off campus or with a genuine need for a car such as disability or course requirement. When applying for a permit or registering for a discount, ownership of the car must be demonstrated, by stopping a person living on campus getting someone living off campus to register their car on their behalf.
- 4.4.2 The parking charges on campus are high for those without a parking permit or discount card. Parking for 9 hours, covering the time that parking charges apply, is £7.50 which equates to £37.50 per week making the cost of keeping a car on campus prohibitive.

- 4.4.3 It is recognized that there are some residential streets within 10 minutes walk where there are no parking restrictions and there may be concern that students might park in surrounding streets and then walk to their accommodation. In line with current parking management the University will continue to strive to remove or reduce this problem with appropriate intervention measures (including clamping). These can be supplemented through the tenancy agreements which students will be obliged to meet.
- 14.8 It is noted from the information in the report that the University does have processes in place to control parking within the Campus. Additionally the report identifies the variety of transport modes that are available to students living on campus. It is also noted in the report that ‘...By increasing the number of rooms available on campus for students, it is envisioned that fewer students will need to live off-campus and therefore there will be fewer students commuting on to campus by car, relieving some of (the) current demand issues...’
- 14.9 Members should also bear in mind that this application is a reserved matters application that follows on from the approval of an outline planning application. The outline planning permission included an approved masterplan and associated Urban Design Framework that set out layout and design principles. The approved masterplan did not include parking provision for the student accommodation element of the overall Knowledge Gateway development. On the other hand parking provision would be required for the other approved uses on the site. This reserved matters application is submitted in accordance with the outline planning permission previously granted by the Council.
- 14.10 In consideration of this parking issue as well as the fact that the Council has previously endorsed the development of the Knowledge Gateway site as shown on the masterplan it is noted that the subsequently approved full application for this site (granted under reference F/COL/06/0320) also did not include student parking provision on the site – albeit that the amount of parking for staff was larger than that currently proposed with 22 spaces shown. In terms of physical location of the application site it is also considered that its position in relation to the main University campus and the provision of a footway and cycleway network would also help to mitigate the need for a car for students to access the campus. Your officer noted that students residing at the University Quays development were using the footbridge link across the railway and walking to the campus along the footways newly provided within the Knowledge Gateway site. The fact that application site is closer to the Campus would mean that it is more likely, in your officer’s view that this existing network of footways and cycleways would be used. The fact that the network does benefit from lighting, and the ongoing development of the Knowledge Gateway over time would provide additional passive surveillance, would make it a safe choice for pedestrians and cyclists. Members will be aware of problems with parking that have arisen in the past, associated with on-street parking by Essex University students, particularly within the neighbouring Ward of St. Andrews. However, it is considered that the locational factors relevant to this application site help to underpin the non-provision of student parking in this instance.

15.0 Conclusion

- 15.1 In conclusion it is considered that this reserved matters planning application accords with the terms of the outline planning permission for the Knowledge Gateway site, in relation to the masterplan, urban design framework and a condition that requires the reserved matters approval to be in accordance with the outline planning permission.
- 15.2 The submitted scheme is considered to achieve an appropriate standard of architecture for this site, reflecting the context of its surroundings and also anticipating the nature of the development that will follow on around the application site.
- 15.3 The concerns of the Councillor with regard to the lack of parking provision for students is fully acknowledged and appreciated. It is fair to say that, the issue of parking has been carefully considered in the submission and it has been demonstrated that there are a number of factors and controls in place, as described in the identified report accompanying the submission that help to mitigate the demand for parking created by this form of accommodation.
- 15.4 It is also felt that the location of the site in relation to the main campus is an important consideration. While sites remote from the campus have certainly given rise to parking problems in the past it is felt that the proximity of this site would mean that it is a convenient walking or cycling distance away from the University itself.

16.0 Background Papers

- 16.1 PPS; Core Strategy; CBDP; Local Development Framework Site; SPG; HA; DHU; NE; AT; Development Team; NR; Natural History; PTC: NLR

17.0 Recommendation – Conditional Approval

Conditions

1 - A1.8 Reserved Matters

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission Ref O/COL/05/2046 relating to this site and the extant conditions attached thereto remain in force.

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

2 - Non-Standard Condition

The development hereby permitted shall be carried out in accordance with the following drawings (including subsequent amended drawings) and supporting information submitted with the application unless otherwise agreed in writing with the Council.

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

3 - Non-Standard Condition

The premises shall be used for student accommodation purposes only as defined in the Use Class Order and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: To avoid doubt as to the scope of the permission hereby granted and as the Council would wish to consider alternative proposed uses of the building in relation to the potential for on-site parking demand.

4 - Non-Standard Condition

The refuse storage facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the proposed development hereby approved before the development/use is occupied or becomes operational. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate facilities are provided for refuse storage and collection.

5 - Non-Standard Condition

The external materials and finishes to be used shall be as stated in the Design and Access Statement accompanying the application and as indicated on the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure a visually satisfactory form of development.

6 - C2.1 Watching Brief

Prior to the commencement of development, details of a watching brief to be carried out by a suitably qualified archaeologist during construction works shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with these agreed details. In the event that any important archaeological features or remains are discovered which are beyond the scope of the watching brief and require a fuller rescue excavation the construction work shall cease immediately and shall not recommence until a revised programme of archaeological work including a scheme of investigation has been submitted to and approved, in writing, by the Local Planning Authority.

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

7 -Non-Standard Condition

Prior to commencement of the development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided prior to commencement of the development and maintained during the period of construction.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

8 - Non-Standard Condition

Prior to the felling of, or works to any tree or trees on the application site, an assessment of their potential for roosting bats shall be carried out by a suitably qualified ecologist. The results of the assessment shall be provided to the Local Planning Authority. Should any bats, or evidence of bats, be found tree works shall not commence and Natural England shall be contacted for advice.

Reason: The Council considers that the trees on the site may provide roosts for bats and a proper assessment is necessary in order that this potential is known and in the event that bat roosts and/or bat activity is evident a European Protected Species License is likely to be required prior to tree works or felling taking place.

9 – C10.15 Trees and Natural Feature Protection: Protected

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

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

10 – 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.

11 – C10.18 Tree and Hedgerow Protection: General

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

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

12 – Non Standard Condition

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

Reason: In order to protect the existing trees on the site.

13 – Non Standard Condition

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 12 has been approved in writing by the Local Planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason: In order to protect the existing trees on the site.

Informatives

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

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



Application No: 111941

Location: Co-Operative Building Works Depot, 102 Magdalen Street, Colchester, CO1 2LA

Scale (approx): 1:1250

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7.2 Case Officer: Simon Osborn

Due Date: 10/01/2012

MAJOR

Site: Co-Operative Building Works Depot, 102 Magdalen Street,
Colchester, CO1 2LA

Application No: 111941

Date Received: 11 October 2011

Agent: Boyer Planning

Applicant: Mr J Brati

Development: Temporary use of site for hand car wash and valet service.
Resubmission of 111057.

Ward: New Town

Summary of Recommendation: Temporary Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because the site area is in excess of 1000 square metres and an objection has been received to the application.

2.0 Synopsis

2.1 The application site was formerly in use by the East of England Co-op as a maintenance and storage depot for Co-op services, including dairy deliveries and funeral services. The application seeks temporary change of use to a car wash facility on every day of the week. Highway and Noise Impact Assessments were submitted with the application. The report considers the details submitted and the specialist consultation responses from ECC Highways and the Council's Environmental Control teams. The report recommends, that having considered these matters and the previous lawful use of the site, that the proposal is acceptable in planning terms. An initial period of 12 months is recommended.

3.0 Site Description and Context

3.1 The application site relates to a roughly rectangular site on the south side of Magdalen Street in East Colchester. It is a former building services site, with a large frontage courtyard behind palisade fencing and a large single storey breezeblock workshop building with a corrugated roof at the rear. The south side of Magdalen Street includes a number of commercial premises, which include a new Aldi, Dovercourt Ford showroom and forecourt, a filling station and, a distribution warehouse for St Helena Hospice, immediately to the west of the application site. There are residential dwellings opposite on the north side of Magdalen Street and also immediately to the east of the application site and in Wimpole Road, backing onto the east boundary of the application site. Immediately to the south of the application site is a

footpath/alleyway dividing the application site from the backs of dwellings in Kendall Road. The site is understood to have been vacant since December 2009.

4.0 Description of the Proposal

4.1 The application seeks temporary change of use of the land and buildings for use for a car wash and valeting service. The application initially sought permission for a 3-year period, but this was subsequently amended to 12 months following Officer negotiation. The application was accompanied by a Noise Impact Assessment and a Highways Access Statement. The proposed hours of use are 0830-1900 hours Mondays to Saturdays; the proposed opening times on Sundays and Bank Holidays has subsequently been amended to 1000-1600 hours.

5.0 Land Use Allocation

5.1 Growth Area
Regeneration Area
East Colchester Special Policy Area

6.0 Relevant Planning History

6.1 18581 - Rebuilding workshops and use of house as office, approved 1964 without conditions

6.2 89/1828 - office development approved 1990, but not implemented

6.3 111057 - temporary use of site for hand car wash and valet service, withdrawn 2011.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
UR1 - Regeneration Areas
UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

7.4 In addition, the following are relevant from the Colchester Borough Site Allocations (October 2010):
SA EC5 – Area 3 Magdalen Street

7.5 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Magdalen Street SPD

8.0 Consultations

8.1 ECC Highways stated:

“Having read the details in the submitted Highway Access and Design Statement, and taking account of; i) The current traffic association, ii) The future increased level, and iii) the improvements to the visibility splays by using the ‘one-way’ system, the Highway Authority raises no objection to this proposal as it is not contrary to the following policies:-

A) Safety - Policy DM1 of the Highway Authority’s Development Management Policies February 2011

B) Road Hierarchy - Policies DM2-5 of the Highway Authority’s Development Management Policies February 2011

C) Parking Standards - Policy DM8 of the Highway Authority’s Development Management Policies February 2011

D) Accessibility - Policy DM9-12 of the Highway Authority’s Development Management Policies February 2011

E) Efficiency/Capacity - Policies DM13-15 of the Highway Authority’s Development Management Policies February 2011

Informative: All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Area Highways Office (08456 037631).”

8.2 Environmental Control stated:

“Considering the proposed hours of operation our main concern is the possible impact on the amenity from noise caused by the jet washing and vacuuming. However, we have discussed our concerns with the acoustic consultant and studied the acoustic survey and it appears that by locating any noisy operations within the existing building at the rear of the site there will no significant impact on the existing noise levels, providing the following conditions are complied with:-

- Any noisy activity, including power washing and vacuuming, shall only take place well inside the buildings specified in the accompanying acoustic report.
- All of the recommendations in the accompanying acoustic report regarding soundproofing the building shall be fully complied with.
- The vacuuming equipment used shall not exceed the noise levels used in the accompanying acoustic report (68dB @ 2m). *(The assessment was based on the levels produced by standard ‘Henry’-type vacuum cleaners at another car wash. However, we are aware that some car washes use louder industrial cleaners which would increase the predicted noise levels at nearby receptors).*
- There shall be no amplified sound permitted on the site.

- 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.
- The hours of operation shall be restricted to those applied for. We would recommend a later start/earlier finish on Sundays and Bank Holidays.
- AWS and the EA should be consulted regarding the treatment of wastewater.
- Vehicle engines shall be switched off when queuing or being cleaned.
- We recommend that the temporary permission is for the shortest period possible in order to assess the impact of the proposal. “

8.3 Environment Agency stated:

“All car cleaning and washing operations should be carried out in designated areas isolated from the surface water system and draining to the foul or combined sewer (with the approval of the sewerage undertaker). The area where the car washing will take place discharges to the combined sewer and goes to a sewage treatment works. This is acceptable and therefore we are happy with the proposal. Please note that in order to discharge to the sewer the applicant will need the prior approval of Anglian Water Services Limited. It is noted from the application that there has been some consultation with Anglian Water Services Limited in relation to this aspect of the proposal.”

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

9.0 Representations

- 9.1 One objection received from 2 Wimpole Road, who was unhappy that the business will be open on a Sunday, because of potential noise nuisance. The previous business was only open Mondays to Fridays.

10.0 Parking Provision

- 10.1 The adopted Parking Standards are normally based upon the floor area of buildings. The application site has a very large forecourt (35m wide and 25m deep), which is considered sufficient to accommodate the cars of the 4 employees and space for the car wash operations. ECC Highways Authority considered Parking Standards within their response and stated no objection to the proposal.

11.0 Open Space Provisions

- 11.1 There are no open space provision requirements for this commercial proposal.

12.0 Report

Principle

- 12.1 The application site is part of the Magdalen Street Policy Area 3. Policy SA EC5 in the Site Allocations (adopted October 2010) states that new development on the south side of Magdalen Street shall continue the existing mix of commercial, industrial, service and retail uses. Proposals must not adversely affect the amenity of neighbouring housing areas. Development shall also accord with the more detailed criteria in the Magdalen Street SPD. This latter document dates back to 2005 and promotes regeneration for the south side of Magdalen Street, including a series of new building frontages with open spaces behind.
- 12.2 Policy DP5 in the Development Policies generally seeks to safeguard employment premises for appropriate employment uses. Policy DP1 generally seeks to protect existing public and residential amenity.
- 12.3 The application proposes the change of use of the former East of England Co-op Building Services Depot site to a car wash and valet use for a temporary period of 3 years (subsequently amended to an initial 1 year trial period). As an alternative employment use to an existing authorised employment use, the proposal is considered to be acceptable in principle, subject to no material adverse impact arising from the proposed use. It is considered that the temporary nature of the use applied for will not prejudice the longer-term regeneration of the surrounding area.

Amenity Considerations

- 12.4 The reports submitted by the applicant indicate that the site was previously used by East of England Co-op Ltd as a maintenance and storage depot for Co-op services, including dairy deliveries and funeral services. The site had around 120 vehicles per day entering and leaving the site, including trucks and transit vans. Although the site is not currently operational, this use could continue at any time. Furthermore, no hours of use restrictions are applicable from the planning history for this site.
- 12.5 The Noise Impact Assessment submitted by the applicant assessed potential noise levels in comparison with existing noise levels at the quietest time, 8.30am on a Sunday. Much of the operation of this type of car wash generates no significant noise as the washing and drying is carried out by hand. The only operations identified that generate noise are the jet-rinse wands, powered by electric pumps, and a vacuum. It is proposed that these noisier operations are carried out within the workshop buildings at the rear of the site. There are 2 high level windows in this building that face toward the Wimpole Road properties that are in a state of disrepair and the report recommends they are blocked up in one of two ways to reduce potential noise disturbance from this source.

- 12.6 The report went on to assess the predicted noise levels from the use on the gardens of adjacent residential properties. There is a 3m high wall on the eastern boundary of the site with neighbouring houses in Magdalen Street and a composite brick and solid timber fence to a height of 2.5m on the boundary of the rear gardens on Wimpole Road. Nos. 2 and 3 Wimpole Road in particular have rear gardens roughly in line with the front of the workshop building, where this composite brick and timber fence divides the gardens from the application site. There are also properties in Kendall Road, but the workshop building separates these from the courtyard area to the front. Based on the findings of the assessment it was recommended that the jet-rinse and vacuuming activities should take place within the building, whilst hand-washing and drying activities could take place on the forecourt to the front of the building.
- 12.7 The potential noise impact on the weekend enjoyment of gardens by neighbouring residents was specifically considered by the report following discussions with the Council's Environmental Control Officer. The assessment was made on the basis of the doorway to the workshop being open; the ends of the gardens of 2 and 3 Wimpole Road are just 12m from the open doorway. The assessment found the predicted noise impact in the gardens was at worst 22dB below the WHO recommended level. This does not mean that the noise will be inaudible in the gardens, but it should be sufficiently muted so as not to cause any disturbance to persons of normal sensitivity.
- 12.8 Environmental Control discussed their concerns with the acoustic consultants during the assessment process and has studied the survey and is satisfied that by locating any noisy operations within the existing building, there will be no significant impact on the existing noise levels, provided the conditions set out in paragraph 8.2 of this report are complied with. They also recommended the hours of use on a Sunday were reduced and that the initial period of consent was reduced from 3 years. Whilst the report produced by the acoustic consultant shows the operation is unlikely to cause a noise nuisance provided the measures recommended in the report are complied with, it is often not until a proposal is actually operating that the real impact on nearby residents can be fully ascertained. Should there prove to be detriment to the residential amenity, at least it would only be for a restricted period if permission was for 12 months. In the worst case, if the operation caused a statutory nuisance, it may be difficult for Environmental Control to control it under the legislation available to them. Following Officer negotiation, the applicant agreed to reduce the operating hours on Sundays and Bank Holidays and to accept a 12 month consent. The applicant is likely to seek a further extension in due course; provided the operation works well in practice, there would be no reason to oppose this for a further temporary period.

Highway Considerations

12.9 As noted in paragraph 13.4, the site previously functioned with approx 120 vehicles entering and leaving the site. The Highways Access and Design Statement submitted with the application, included survey data of other car wash sites and estimated a trip volume of approximately 130 vehicles per day for the proposed use. Although this is slightly higher than the existing use, the proposed use is weather dependant, generally has peak hours outside the busiest times on the A134, and some of the trips will be from vehicles already passing the location. There are currently two access points on the frontage, and it is proposed to provide an internal one-way system for vehicles, so that they enter the site from the access point close to the east boundary of the site, and exit from the central access. The report concludes that there will be no highway safety concerns arising from this proposal in comparison with the existing authorised use. The Highway Authority has considered the contents of the report and advised that it has no objection to the proposal submitted.

13.0 Conclusion

13.1 The application site was formerly in use by the East of England Co-op as a maintenance and storage depot for Co-op services, including dairy deliveries and funeral services. The application seeks temporary change of use to a car wash facility on every day of the week. Highway and Noise Impact Assessments were submitted with the application. Having regard to the consultation responses from both the Highways Authority and the Environmental Control Team, and also to the existing lawful use of the site, it is considered that the proposal is acceptable in planning terms. The applicant has agreed to reduce the Sunday operating hours and to accept an initial 12 month period only, in line with Environmental Control recommendations. The application is recommended for approval on this basis.

14.0 Background Papers

14.1 PPS; Core Strategy; CBDP; CBSA; SPD; HA; HH; NR; NLR

15.0 Recommendation - APPROVE subject to the following conditions

Conditions

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

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

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

2 - A6.2 Temporary Use

The uses hereby permitted shall be discontinued on or before 12 months from the date of the use first commencing.

Reason: To enable the Local Planning Authority to judge the effect of the proposed uses on local residential amenity.

3 - Non-Standard Condition

The uses hereby permitted shall not commence until the window openings in the east elevation of the building are blocked off in accordance with the recommendations in paragraph 7.6 of the Acoustic Report submitted with the application and forming part of this permission. These windows shall remain blocked off to the satisfaction of the Local Planning Authority.

Reason: To ensure appropriate sound insulation of the building in the interest of local residential amenity.

4 - Non-Standard Condition

The uses hereby permitted shall not be operated outside the following times: 0830 to 1900 hours Mondays to Saturdays and 1000 to 1600 hours on Sundays and Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties.

5 - Non-Standard Condition

Any noisy activity, including power washing and vacuuming, shall only take place inside the workshop buildings at the rear of the site, as specified in the Acoustic Report submitted with the application and forming part of this permission.

Reason: To safeguard the amenities of nearby residential properties.

6 - Non-Standard Condition

The vacuuming equipment used shall not exceed the noise level of 68dB @ 2m, as specified in the Acoustic Report submitted with the application and forming part of this permission.

Reason: To safeguard the amenities of nearby residential properties. The assessment used in the Acoustic Report was based on the levels produced by standard Henry-type vacuum cleaners at another car wash rather than other, louder, industrial cleaners, which would increase the predicted noise levels at nearby residential properties.

7 -Non-Standard Condition

There shall be no amplified sound permitted on the site.

Reason: To safeguard the amenities of nearby residential properties.

8 - Non-Standard Condition

Vehicle engines shall be switched off when queuing or being cleaned.

Reason: To safeguard the amenities of nearby residential properties.

9 - B3.2 Light Pollution

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, or 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: To reduce the undesirable effects of light pollution on the amenity of neighbouring residential properties.

10 - Non-Standard Condition

An internal one-way system for vehicles with a separate access and exit point shall be operated in accordance with the Highways Access and Design Statement submitted with the application and forming part of this permission.

Reason: In the interest of highway safety.

11 - Non-Standard Condition

All car cleaning and washing operations shall be carried out in designated areas isolated from the surface water system and draining to the foul or combined sewer.

Reason: To prevent pollution of the water environment.

17.0 Informatives

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

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

(3) In order to discharge to the sewer the applicant will need the prior approval of Anglian Water Services Ltd.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

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

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

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

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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