

Planning Committee Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Thursday, 02 February 2017 at 18:00

The Planning 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 five 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. 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.

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 most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Your Council> Councillors and Meetings>Have Your Say at www.colchester.gov.uk

Audio Recording, Mobile phones and other devices

The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Councillors are permitted to use devices to receive messages and to access papers and information via the internet and viewing or participation in social media is at the discretion of the Chairman / Mayor presiding at the meeting who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A water dispenser is available on the first floor and a vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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www.colchester.gov.uk

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan* 1989) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council 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.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

- | | |
|--|-------------------------|
| 1. Necessary | 2. Relevant to planning |
| 3. Relevant to the development permitted | 4. Reasonable |
| 5. Precise | 6. Enforceable |

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer's Association Parking Standards. These standards set out that:

- 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.

For residential schemes:

- 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.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

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

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

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

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

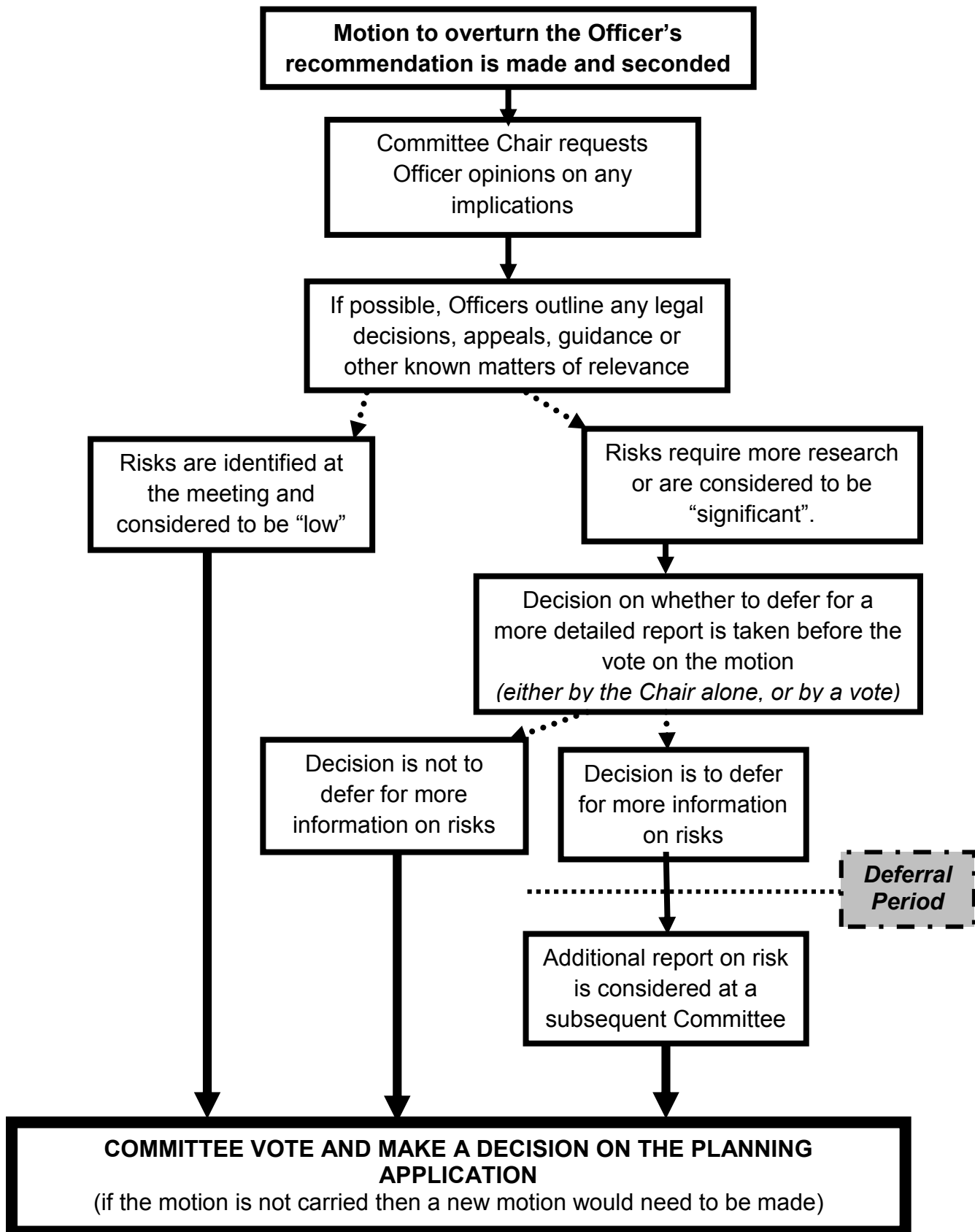
Interpretation of Class C4

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 02 February 2017 at 18:00

Member:

Councillor Theresa Higgins
Councillor Cyril Liddy
Councillor Lyn Barton
Councillor Helen Chuah
Councillor Pauline Hazell
Councillor Brian Jarvis
Councillor Derek Loveland
Councillor Jackie Maclean
Councillor Philip Oxford
Councillor Rosalind Scott

Chairman
Deputy Chairman

Substitutes:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop:-

Councillors Christopher Arnold, Tina Bourne, Roger Buston, Karen Chaplin, Nigel Chapman, Peter Chillingworth, Phil Coleman, Nick Cope, Robert Davidson, Beverly Davies, John Elliott, Annie Feltham, Adam Fox, Martin Goss, Dominic Graham, Dave Harris, Darius Laws, Mike Lilley, Sue Lissimore, Fiona Maclean, Patricia Moore, Gerard Oxford, Chris Pearson, Lee Scordis, Jessica Scott-Boutell, Lesley Scott-Boutell, Paul Smith, Martyn Warnes, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A
(open to the public including the press)

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 available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days 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.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- (b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;

- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of the 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.

These speaking provisions do not apply in relation to applications which have been subject to the Deferral and Recommendation Overturn Procedure (DROP).

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, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

5 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest,

the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6 Minutes of 19 January 2017 17 - 21

To confirm the minutes of the meeting held on 19 January 2017.

7 Planning Applications

In considering the planning applications listed below, the Committee may choose 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.

7.1 162607 Equity House, 2 Bergholt Road, Colchester 22 - 40

Change of use of office building B1(a) to 67 self-contained apartments (C3 use) and the erection of additional floor and alterations to the buildings external appearance.

7.2 163101 Wood Cottage, Station Road, Wakes Colne, Colchester 41 - 45

Double garage.

7.3 163109 43 Oaklands Avenue, Colchester 46 - 51

First floor extension to convert bungalow into a house.

7.4 163095 23 Shears Crescent, West Mersea, Colchester 52 - 59

Single storey rear extension, first floor side extension, brick plinth and cladding to external walls.

8 Exclusion of the Public (not Scrutiny or Executive)

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).

Part B

(not open to the public including the press)

Planning Committee

Thursday, 19 January 2017

Attendees: Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford

Substitutes: Councillor Jessica Scott-Boutell (for Councillor Helen Chuah), Councillor Dave Harris (for Councillor Rosalind Scott)

429 Site Visits

Councillors Hazell, Higgins, Jarvis, Liddy, Loveland, J. Maclean and J. Scott-Boutell attended the site visits.

430 Minutes of 5 January 2017

The minutes of the meeting held on 5 January 2017 were confirmed as a correct record.

431 162790 Dunelm, Unit 1, Turner Rise Retail Park, Petrolea Close, Colchester

The Committee considered an application to vary condition 12 following grant of planning permission 91/0887 at Dunelm, Unit 1, Turner Rise Retail Park, Petrolea Close, Colchester. The application had been referred to the Committee because it had been called in by Councillor Goss. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Lucy Turner, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that the mezzanine floor in the store was currently used for storage and the intention was to make it accessible to the public which would provide for a new store concept bringing a greater range of goods, wider aisles and an improved café. It was anticipated that the development would enhance Turner rise generally. The applicants had been made aware of concerns from local residents, as a result of which discussions had taken place on site and plans had been put in place to manage potential noise issues through

conditions providing for an agreed management plan to ensure noise was self-contained. In addition a 24 hour telephone number would be available for residents to report any concerns and a maximum noise level would need to be adhered to at all times. In response to concerns regarding trolley collections, a condition was also being made to provide for the management of the trolleys. She considered the proposal to be an exciting opportunity for Colchester and hoped the Committee would consider it favourably.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He was aware that the Colchester Dunelm store was one of the most successful in the country and welcomed the expansion proposed. However, he was concerned about disturbance for residents, particularly regarding the proposed 24 hour operation for the construction. However, he had been impressed with the information set out in the Committee report and welcomed the many issues which had been addressed. He remained concerned however in relation to the applicant's poor track record in response to reports of abandoned trolleys and he advocated a condition seeking the adoption of the Trolley Wise system which enables the reporting of abandoned trolleys via Twitter.

In response to comments raised, the Principal Planning Officer explained that a condition was proposed for the management of trolleys but that it had not been considered reasonable to impose a particular management system upon the applicant.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and the amendment sheet and with a further informative suggesting the applicant consider the adoption of Trolleywise or a similar trolley management service.

432 161380 Land north of Wyvern Farm, London Road, Stanway

The Committee considered an application for a revised development to provide 176 one, two, three and four bedroom houses and apartments, plus associated road and parking, public open space, landscaped buffers and drainage works at land north of Wyvern Farm, London Road, Stanway. The application had been referred to the Committee because it was a major application and objections have been received. The Committee had before it a report and an amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

RESOLVED (UNANIMOUSLY) that the Head of Commercial Services be authorised to approve the planning application subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting to link this application to the legal agreement for application 145494, in the event that the legal agreement is not signed within six months, authority

be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement, subject to the conditions set out in the report and the amendment sheet.

433 163132 Sheepen Road, Colchester

The Committee considered an application for advertisement consent for one vehicle direction sign and one pedestrian direction sign at Sheepen Road, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the advertisement consent be approved subject to the conditions set out in the report.

434 162639 White Lodge, Roundbush Road, Layer Marney, Colchester

Councillor J. Maclean (in respect of her previous attendance at a Parish Meeting at Layer Marney) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the change of use and alterations to a rural outbuilding to form one dwelling with new access (a resubmission of application 160537) at White Lodge, Roundbush Road, Layer Marney, Colchester. The application had been referred to the Committee because it had been called in by Councillor A. Ellis. The Committee had before it a report in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Mark Russell, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Development and Projects Manager, assisted the Committee in its deliberations.

Ted Gittins, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the application was a serious attempt to overcome the issues which had come to light in relation to the previous application. He explained that the applicant had genuinely believed the building was Listed but had found that it had actually been erected 30 years ago. The previous proposal to remove a section of the building had not been welcomed and, accordingly, the current application had revised this element by means of the creation of an opening through the building so that there would be no harmful effect on the building. He was of the view that Layer Marney was not a remote community but that it had very few

opportunities to increase the housing stock. He considered the proposal to be sensitive to the location and that it was appropriate for this limited change to be embraced by the Committee.

Councillor A. Ellis attended and, with the consent of the Chairman, addressed the Committee. He thanked the Committee members for visiting the site, from which they could see that the site was tucked away but not remote. He confirmed that the vast majority of people who lived in the countryside needed to use a car and acknowledged that the rural bus services were poor. He considered that little harm would be caused by the proposal and that it had much to commend it – Tiptree was only 1 ½ miles away, the building already existed and the proposal would make a modest contribution to the community's housing stock. Village meetings were well attended 2 or 3 times a year by community members who had expressed support for the growth of the settlement by means of a few small dwellings. He considered the proposal was one on which the Committee members could take a balanced view such that, although the report was recommending refusal, he considered the proposal would make a positive contribution to the community.

In response to comments raised, the Principal Planning Officer explained that the proposal was considered harmful to the setting of the building, the building could not be considered to be a heritage asset and he confirmed the isolation and remoteness of the location due to its considerable distance from the nearest settlement and community facilities. He also explained the implication, should this application be approved, in terms of a precedent being set in relation to this type of building in the countryside.

Members of the Committee sympathised with the views expressed by the ward councillor and the aspirations of the local community in relation to modest growth of its housing stock. However the importance of complying with relevant policies was also acknowledged as well as the need not to create a precedent for the future.

The Major Development and Projects Manager confirmed the requirement for the Committee members to determine applications in accordance with the development plan and he explained that there was a legitimate mechanism to enable rural communities to respond to housing need. He advised against the acceptance of the current application as the principle associated with the conversion of generously-sized garages situated in the countryside would create an unwelcome precedent.

RESOLVED (SIX voted FOR and FOUR ABSTAINED) that the application be refused for the reasons set out in the report.

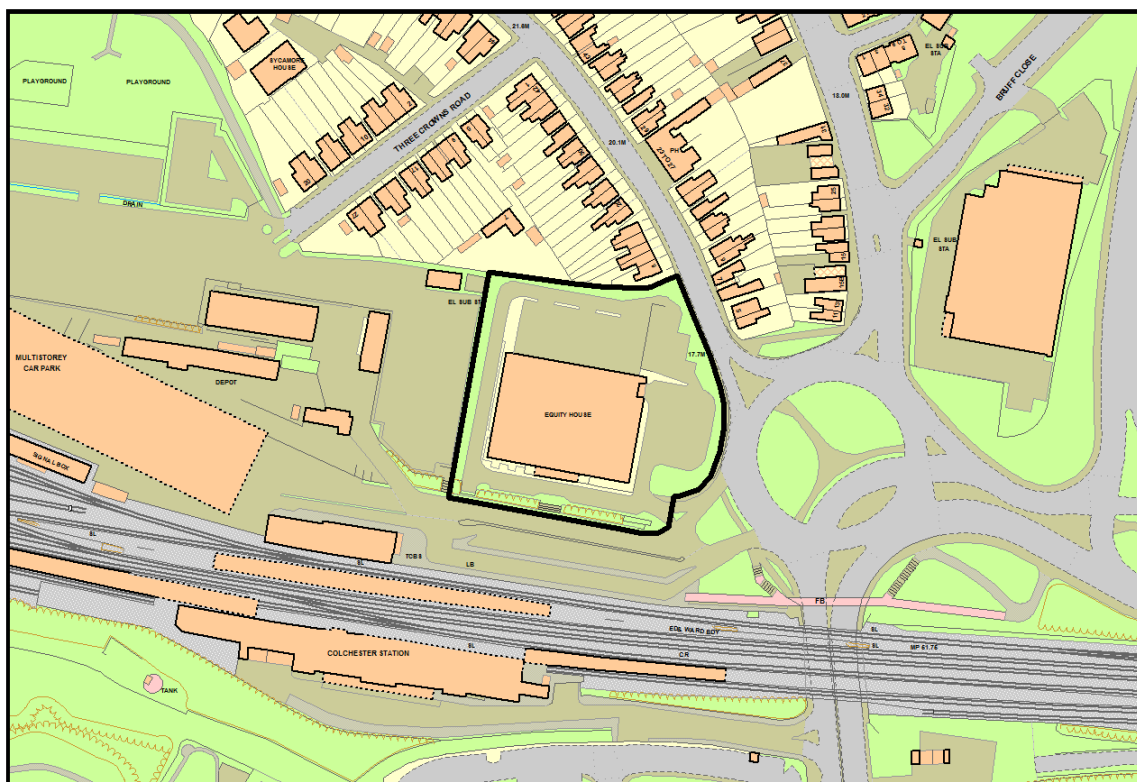
435 162723 Colchester Leisure World, Cowdray Avenue, Colchester

Councillor Liddy (in respect of his Directorship of Colchester Borough Homes) declared a non-pecuniary interest in the following item pursuant to the provisions

of Meetings General Procedure Rule 7(5).

The Committee considered an application for the construction of a single storey, 246 m2 extension to the current fitness suite (Gymnasium) located at Leisure World, Colchester at Colchester Leisure World, Cowdray Avenue, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Homes. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.



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Item No: 7.1

Application: 162607

Applicant: Crown House Homes

Agent: Pomery Planning Consultants

Proposal: Change of Use of Office Building B1(a) to 67 Self Contained Apartments (C3 Use) and the erection of additional floor and alterations to the buildings external appearance.

Location: Equity House, 2 Bergholt Road, Colchester, CO4 5EY

Ward: Mile End

Officer: Daniel Cameron

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application to which objections have been received, some of them regarding material planning considerations.

2.0 Synopsis

- 2.1 The site already benefits from permitted development rights to convert from an office use to 64 self-contained flats. Such conditions that refer to highways impacts, contamination and flood risk have already been applied as per the provisions of the General Permitted Development (England) Order 2015.
- 2.2 The key issues for consideration with regards to this application are the strength of the developers' fallback position (the permitted development rights) as a material planning consideration and whether the change of use and conversion of the building is likely to result in significant issues of overlooking impact upon existing residents.
- 2.3 The application is subsequently recommended for approval as the strength of the fallback position of developers is such that they could convert the building to a residential use without the need for planning permission. Any positive contributions that this planning application could deliver to the local area, and any control of the development that could be exercised through use of planning conditions would be lost if the developer defaulted to the scheme permitted by the provisions of the GPDO (2015).

3.0 Site Description and Context

- 3.1 Equity House is a large office building constructed in the 1970's and lying immediately to the north of Colchester North Station. Built in a brutalist style and deliberately turning away from the surrounding public realm the building has very limited architectural appeal. Due to its prominent position at a key gateway to the town, its impact is particularly pronounced (albeit screened by mature conifer hedging).
- 3.2 To the north-west of the site area a series of rear gardens serving the properties accessed along Three Crowns Road which are bounded by a large coniferous hedge; while to the north and north-east lies Bergholt Road and residential properties which line it. To the immediate east of the site is the North Station roundabout and beyond that Turner Rise Retail Park.
- 3.3 The site itself is well screened by planting with the exception of the southern elevation of Equity House which is open to the forecourt of North Station. None of the tree planting surrounding the building is protected. However, most of the planting is of good quality and substantially screens the existing building from the nearby residential uses.

4.0 Description of the Proposal

- 4.1 This application proposes the change of use of Equity House to from a B1a office use to form 67 no. apartments (C3 residential dwellings). Proposals include the erection of an additional pent house storey together with alterations to the buildings external appearance.
- 4.2 The residential element of the application comprises self-contained flats and the 67 units are made-up of 35 no. one bedroom units and 32 no. two bedroomed units. The existing floors will each accommodate 19 units, while the new floor would provide the remaining 10 units.
- 4.3 Little alteration is proposed to the north, east and western elevations of Equity House. The existing ribbon windows would be retained, although it is proposed to replace the window frames. More dramatic changes are proposed to the front elevation (southern elevation) comprising a symmetrical window pattern incorporating Oriel bays which the scheme proposes to introduce flanking a central projecting feature over a replacement entrance.
- 4.4 The proposed pent house addition is proposed to be predominantly glazed with a narrow profile overhanging metal roof. This is to be set back from the edges of the existing building to allow some external balconies.
- 4.5 There is some proposed alteration to the surrounding external areas to provide the necessary secure cycle storage, electric vehicle charging points, vehicle parking, and bin stores. There is also some areas of new planting proposed.

5.0 Land Use Allocation

- 5.1 Within the current Local Plan, the site is not allocated for any specific use although it does form part of a wider mixed use regeneration area. The relevant site allocation policy is SA TC1 setting out the appropriate uses for this area. The policy specifies that in general a mix of commercial and residential uses are considered appropriate for this location.

6.0 Relevant Planning History

- 6.1 Equity House benefits from the ability to change from its previous B1 office use to create 64 no. C3 residential dwellings under Schedule 2, Part 3, Class O of the General Permitted Development (England) Order 2015 (as amended 2016).
- 6.2 Under the permitted development regime, the Local Planning Authority must give prior approval on aspects of the proposed development relating to highways, contaminated land and flood risk. No concerns were raised by stakeholders relating to these aspects of the development that could not be satisfied by condition.

- 6.3 The site therefore has all the necessary planning approval required to change its use provided the conversion works are completed before the end of May 2019. No external changes are permitted under the permitted development regime meaning that Equity House would need to retain its uncompromising appearance.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards

- 7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA TC1 Appropriate Uses within the Town Centre and North Station
Regeneration Area

- 7.5 The Myland & Braiswick Neighbourhood Plan (2016) is also relevant. This forms part of the Development Plan in this area of the Borough.
- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
EPOA Vehicle Parking Standards
Myland Parish Plan
Myland Design Statement

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. The full text of consultation responses is available to view on the planning section of the corporate website.
- 8.2 Landscape – Minor revisions to the existing landscaping plans were requested to move two trees further away from the external wall of Equity House so that future issues surrounding structural stability being undermined by the roots of the trees were avoided. Revisions to the layout of the landscaping plan have responded to this and are acceptable subject to the imposition of condition detailing the management of the landscaping.
- 8.3 Network Rail – Owing to the proximity of North Station Network Rail responded that proposed development must not, either in construction or completion adversely affect the safe operation of the railway. These concerns were passed to the developer, however, owing to the distance between Equity House and the railway line itself, there are no adverse impacts to consider.
- 8.4 Environmental Protection – Should planning permission be granted Environmental Protection wished to see conditions attached to cover the installation and maintenance of refuse and recycling areas, details of the management company responsible for the communal storage areas within the development and limits to the hours of work during the construction phase of the project to protect the surrounding areas residential amenity.
- 8.5 Contaminated Land – Owing the previous uses of the site, some form of soil contamination is likely. In applying for the permitted development prior approval a phase 1 desk study into potential contamination on the site concluded that as no ground works were needed as part of the change of use of the site, however, it did mention that some form of procedure should be in place, should any unforeseen groundworks uncover any contaminated material. It has been recommended that this is secured by condition so that in the event that contamination is discovered, development shall cease until such time as an investigation into the contamination has been undertaken and remedial action required has been completed.

- 8.6 Urban Design – A number of points were raised, several of which have been addressed satisfactorily through the planning process. It has been noted that the relationship between the upper floors of accommodation and the existing properties on Three Crowns Road and Bergholt Road meets with the default privacy standards set out within the Essex Design Guide for living accommodation within upper floors. It has been suggested that certain aspects of detailed design and materials be conditioned.
- 8.7 Sustainable Drainage Systems (SuDS) – As the application was for change of use and did not increase the impermeable footprint of development, Essex SuDS have not provided formal comments.

9.0 Community Council Response

- 9.1 Myland Community Council have stated that they object to the development on the following grounds:
1. The plans do not offer enough amenity space, in conflict with Colchester Borough Council's minimum policy standards;
 2. The addition of a third floor will cause overshadowing, overlooking and will impact upon the privacy of properties to the north of the site on Three Crowns Road and Bergholt Road. It will also affect the public realm of the area;
 3. There is no social housing contribution;
 4. There is concern regarding air quality. The area surrounding North Station has a high level of air pollution, this should be considered and mitigated; and
 5. This land is designated employment land, how will the loss of employment land be mitigated?
- 9.2 They have further requested that if permission is granted then the following condition should be applied to this application. "Should the mural by Henry Collins and Joyce Pallot not be reused within the building, the applicant shall, before removal of the piece, consult and agree in writing with Colchester Borough Council's Historic Buildings and Areas Officer to determine the method for best removing the mural, and with Colchester and Ipswich Museum Service regarding recording, storage and potential display of the mural. The mural will then be removed in accordance with the details agreed.
Reason: To ensure the safety and continued enjoyment of this nationally and locally significant undesigned heritage asset."
- 9.3 With regards to the fourth point raised by the Community Council in their response, the area around North Station is not designated an air quality management area, so no specific mitigation relating to air quality is required. There is no policy within the Myland and Braiswick Neighbourhood Plan which deals with air quality either.
- 9.4 Furthermore, the Equity House site is not allocated as employment land. It is not specifically allocated for any particular purpose within the current Local Plan. As already mentioned Site Allocation Policy SA TC1 suggests that residential and commercial development be located around North Station.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 Of a total of 79 notifications issued to members of the public, a total of four representations were received. They raised issues surrounding:

- Overlooking from additional third storey (x3);
- Nuisance from existing trees – leaf litter;
- Lack of parking along Bergholt Road;
- Existing boundary planting should remain (x2);
- Overcrowding of site, could create neighbor disruption or disputes;
- Lack of amenity space for future residents;
- Existing trees overshadowing existing properties;
- Additional storey should not be added;
- New frontage is an improvement.

10.3 Of the above issues, only those relating to the potential for overlooking from the additional penthouse storey are material to this planning application and will be discussed later within this report.

10.4 Representations from ward members were also received. They highlighted concerns in relation to the following issues:

- Lack of amenity space;
- Overlooking potential from additional storey;
- Parking – how will the private and commuter parking be monitored, managed and if necessary, enforced;
- Scheme does not provide policy compliant affordable housing;
- No details of any management company is given for the building or amenity space;
- No cycle parking is provided, nor are electric vehicle charging points.

10.5 These issues led to the application being called-in by ward members. Following a meeting between planning officers, the applicants and their agent, and ward members to discuss the issues raised, additional information was to be submitted by the applicants in relation to parking and other alterations to the submitted plans. It was agreed at the meeting that should these be provided by the applicants, the call-in would be rescinded.

11.0 Parking Provision

- 11.1 Equity House already benefits from a large area of car parking totalling some 176 spaces. According to adopted vehicle parking standards 99 parking spaces are required to serve the future residents of the development and 25 spaces are required for visitors. The applicants have stated that any additional spaces are to be sold or let to commuters or local residents.
- 11.2 UK Parking Control Ltd have submitted a report indicating how the parking scheme would operate, how it would be managed and how any enforcement would operate. It has been conditioned that prior to occupation of the development, the operation, management and enforcement of any parking scheme will be submitted and agreed with the Council.
- 11.3 Alongside the car parking provision, there is a requirement to provide sufficient cycle parking for future residents, this has been provided as a secure, covered solution to be sited on the lower ground floor of the building.
- 11.4 Electric vehicle charging points have also been provided for the use of future residents and those purchasing parking at the site.

12.0 Open Space Provisions

- 12.1 Development Policy DP16 requires 25m² of open space per unit to be provided communally within flatted developments. This would equate to a total of 1,675m² for a development of this size, although where balconies are provided, their area can be taken from this total.
- 12.2 This development proposes to create two internal gardens to act as part of their open space requirements each totalling 400m². 231m² is to be provided as balcony space, which further reduces the total open space requirement.
- 12.3 This leaves some 644m² of open space to be provided to meet policy requirements. Although it is noted that several areas of open space including Highwoods Country Park and Castle Park and the Bergholt Road allotments and open space are within easy walking distance of the site.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Planning Obligations

- 14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. The developer has offered £50,000 to the Council to be allocated to such Section 106 projects as may be appropriate. Given the strength of the developer’s fall-back position, Development Team judged this to be sufficient as it was made clear that they could not support fully policy compliant contributions.
- 14.2 A Unilateral Undertaking has been prepared, splitting the offered contribution between affordable housing provision in the Borough and the expansion of medical facilities closest to Equity House. Additionally, the developer has agreed to transfer land to the Council to support and enhance two public highway improvement schemes.

15.0 Report

15.1 Policy Considerations

In terms of the principle of development there is clear policy support for the change of use from office to residential on this site from the relevant Site Allocations policy which covers it. Further, regard must be given to the support this form of conversion receives from its permitted development rights, and it should be recognised that the developer, should they wish, exercise these rights. Doing so would prevent any exterior alterations from being applied to Equity House and would also mean that the Council would be unable to exert any control or monitoring over the development in the form of planning conditions.

- 15.2 Under the permitted development rights the site would be converted for use as 64 residential flats, spread over the ground, first and second floors. As previously mentioned there is no ability to alter the external appearance of Equity House under permitted development rights, nor are normal considerations for planning applications such as providing minimum levels of amenity space or vehicle parking. Further, no facility exists to attach a Section 106 Agreement to a development undertaken under permitted development rights, so no planning contributions would be due.

- 15.3 The site is in a highly sustainable location, close to rail and bus links and is also well positioned within Colchester to make use of the town centre and other local amenities via walking and cycle links.

15.4 Design and Layout

In terms of the design context of the area, the immediate station forecourt is quite bleak. Equity House itself is brutalist in appearance and makes no positive contribution to the area. North Station is largely functional. The wider station forecourt reflects this. To the north of the site the area is residential in character and typified by polite, traditional, two storey house types finished in red brick or render.

- 15.5 In terms of external alterations to Equity House, only the front elevation will undergo significant change from what is already present on the site. A symmetrical

window pattern is to be introduced either side of a central feature. The articulation and interest create relief and visual interest in the appearance of Equity House from the station forecourt. The remaining elevations will be largely unchanged although replacement windows are proposed.

15.6 The proposed pent house is shown to be set back from the existing outer elevations of Equity House, although balconies are proposed on all sides. The additional floor is to be contemporary in appearance and is to be constructed from visually lightweight materials to avoid adding to the bulk of Equity House. The erection of the additional floor allows for larger residential units to be developed than would be the case if the development were built out under permitted development rights.

15.7 In terms of providing amenity space, the development falls short of meeting the minimum requirements of policy DP16. Without completely redeveloping the site, it is unlikely that it will be able to comply with this policy. The units on the new additional storey would access to balconies, while some significant internal open space is to be provided which can be accessed by all residents. In considering the location of the development, future residents would have easy walking access to both Highwoods Country Park, Kingsmeadow and Hillyfields.

15.8 Scale, Height and Massing

Under this proposal Equity House would be increased in height by one storey. While it is substantial in scale, it is not a particularly tall building. It is considered that the additional storey will help with alleviate the building's squat appearance and improve its overall appearance.

15.9 Impact on Immediate Area

It is considered that the design of the proposed development would do much to improve the station forecourt area. Alterations to the front elevation of Equity House would create interest and focus to the streetscene. Similar residential conversions have been achieved within the town centre with no negative impacts. The introduction of residential uses has added to the vitality of the area and increased opportunities for natural surveillance.

15.10 Impact on Neighbouring Properties

The impact of the development upon the existing residential properties along Bergholt Road and Three Crowns Road is clearly of importance to the local residents. The Essex Design Guide operates a back to back distance of 35m between residential properties where living accommodation is provided at above first floor level. The back to back distance that occurs between Equity House and the nearest property on Bergholt Road is 34.8m. At the common boundary of the properties an established line of tall, coniferous trees assists in the protection of the privacy of these residents.

- 15.11 It should be noted that the relationship between Equity House and the residential properties along Bergholt Road is formed of oblique angles meaning that it is not possible for direct views to be secured into the rear of the existing resident's properties. Furthermore, the two balconies provided along the elevations facing the existing residential area are set back into the additional roof level, meaning that views from this point will be restricted to longer views out from Equity House, rather than down, whilst the rooms along that elevation are bedrooms, rather than rooms more frequently occupied, such as living rooms.
- 15.12 It should be remembered that if the permitted development rights option available to the developer was enacted, residential occupation of Equity House up to the existing second floor level would occur.

16.0 Conclusions

- 16.1 In summary, while it is accepted scheme has some shortcomings in terms of residential amenity, the fall-back position of the developer is a strong material planning consideration. A decision is therefore required as to whether a compromise on these policies can be justified given the benefits the scheme brings.
- 16.2 In considering this application, there is clear support for the principle of the development, both from national and local planning policy. The site is also highly sustainable which is a significant factor carrying weight. The alteration of the front elevation of Equity House is a clear improvement over the existing, not only with regards to the building itself, but also to the wider public realm.
- 16.3 With regards to amenity provisions, it is unlikely that the site would be able to accommodate the level of communal outdoor space required by Development Policy DP16 without full demolition and redevelopment of the site. It is considered that the amount of amenity space provided within the development in terms of communal areas and balconies are sufficient given the close proximity of the site to significant areas of open space/recreation facilities.
- 16.4 It is not considered that the addition of a third floor to the building will lead materially to issues of overlooking, or that existing residents will have their existing privacy unacceptably impacted upon. The relationship between Equity House and the existing residents satisfies the policy standard required by the Essex Design Guide.
- 16.5 Finally, it should be remembered that the developer can convert Equity House for a residential use without the need for planning permission. Any positive benefits of this scheme would be lost and the chance to control aspects of the development through planning conditions would be lost.

17.0 Recommendation to the Committee

- 17.1 Based on the conclusions set out below and details listed within this report, it is recommended to Committee that they issue an APPROVAL of planning permission subject to the following conditions, informatives, positivity statement and subject to the prior completion of the agreed Unilateral Undertaking under s.106 of the Act.

18.0 Conditions

1 - ZAA - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - ZBC - Materials To Be Agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

3 - ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 6385-1103-P1, 6385-1210-P1, 6385-1211-P1, 6385-1212-P1, 6385-1213-P1, 6385-1214-P1, 6385-1215-P1, 6385-1301-P1, 6385-1302, 6385-1303, 6385-1304, 6385-1401, and 6385-1402-P1.

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

4 – Non Standard Condition - Further Detail on Northern Elevation

Further to the detail presented on the plan showing the northern elevation of Equity House, drawing number 6385-1303, additional drawings showing the roof level in greater detail, including the proprietary doubled glazed Aluminium units and any sections of obscured glazing including the level of said obscured glazed shall be submitted to and agreed by the Local Planning Authority in writing prior to its installation.

Reason: There is insufficient detail on the existing submitted plans to sufficiently outline these details to secure a satisfactory standard of architectural detailing.

5 – Non Standard Condition – Obscured Glazing to Northern Elevation Balconies

The glass balustrades on the balconies serving the third floor residential dwellings marked 305 and 306 on drawing number 6385-1214-P1, shall be obscured glazed to at least level 3 on the Pilkington scale and thereafter shall remain as such.

Reason: To protect the residential amenity of the existing neighbouring properties to the north of the development.

6 - Non Standard Condition - Further Detail on Entrance

Further to the detail presented on the plan showing the southern elevation of Equity House, drawing number 6385-1301-P1, additional drawings illustrating the treatment of the entrance to Equity House; including signage, materials and lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any new entranceway.

Reason: There is insufficient detail on the existing submitted plans to sufficiently outline these details in order to secure a satisfactory standard of design.

7 - ZPA – Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

8 - ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00 – 18:00

Saturdays: 08:00 – 13:00

Sundays and Bank Holidays: No work.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

9 – Non Standard Condition - Reporting of Unexpected Contamination

In the event that land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of a former laundry and in the vicinity of railway sidings, where there is the possibility of contamination.

10 ZFR - Tree and 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 – ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows 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 - ZFE - Landscape Management Plan

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- EARTHWORKS (INCLUDING THE PROPOSED GRADING AND MOUNDING OF LAND AREAS INCLUDING THE LEVELS AND CONTOURS TO BE FORMED, SHOWING THE RELATIONSHIP OF PROPOSED MOUNDING TO EXISTING VEGETATION AND SURROUNDING LANDFORM)
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

13 – ZFK - *External Noise*

No works shall take place until a noise survey for proposed residential properties that are in the vicinity of the RAILWAY has been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 “good” conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours;
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm_{ax}); and
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm_{ax}).

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of ANY/SPECIFY building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

14 - ZCF - Refuse and Recycling As Shown

Prior to the first occupation of the development, the refuse and recycling storage facilities as shown on the approved plans shall have been provided and made available to serve the development. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

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

15 - ZCG - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

16 - ZIR - Vehicle Parking

Prior to the first occupation of the development, the vehicle parking, including electric vehicle charging areas, indicated on the approved plans, including any parking spaces for the mobility impaired, shall have been hard surfaced, sealed, marked out in parking bays and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development.

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

17 - ZJB - Cycle Parking (as approved plan)

Prior to the first OCCUPATION of the development, the bicycle parking facilities indicated on the approved plans shall be provided and made available for use. These facilities shall thereafter be retained as such.

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

18 - ZJD - *Travel Information and Marketing Scheme*

Prior to the first occupation of the development, the developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, which shall have been previously submitted to and approved, in writing, by the Local Planning Authority. Once approved these shall be provided to every residential unit within the development.

Reason: In the interests of promoting sustainable development and transport.

19 – Non Standard Condition – Management of Car Parking

Unless alternative details are submitted to and approved in writing to the Local Planning Authority, management of the private residents and private commercial car parking on site shall be undertaken in accordance with the report submitted by UK Parking Control Ltd dated 29th November 2016.

Reason: To ensure the ongoing management of the vehicle parking on site.

20 – Non Standard Condition – Hiterto Undiscovered Artwork

Should the mural by Henry Collins and Joyce Pallot be discovered during the course of the works hereby permitted and is not to be reused within the building, the applicant shall, before removal of the piece, consult and agree in writing with Local Planning Authority to determine the method for best removing the mural, and with Colchester and Ipswich Museum Service regarding recording, storage and potential display of the mural. The mural will then be removed in accordance with the details agreed.

Reason: To ensure the safety and continued enjoyment of this nationally and locally significant undesignated heritage asset.

19.0 Informatives

1 - ZT0 – Advisory Note on Construction & Demolition

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 - ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3 - ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4 - ZTC - Informative on Noise and Sound Insulation Competent Persons

PLEASE NOTE that, with regard to and noise measurement and sound insulation, a competent person is defined as 'someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience'.

5 - ZTF - Informative on Unilateral Undertaking

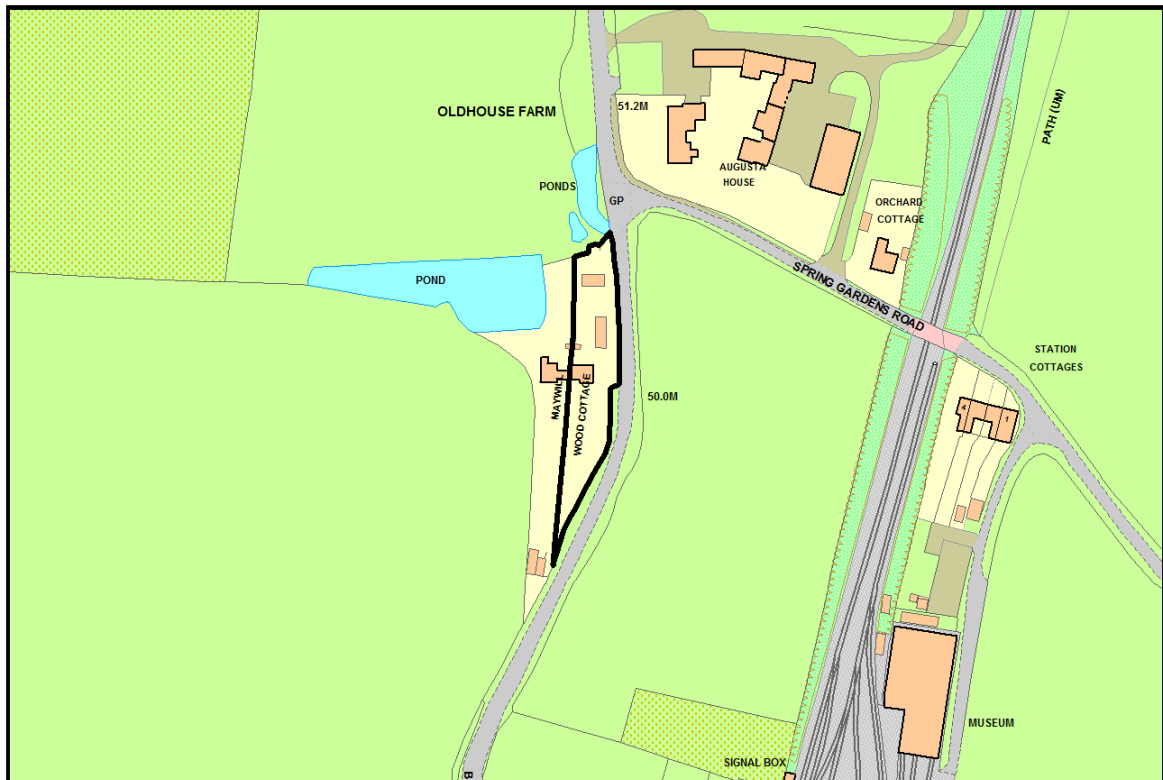
PLEASE NOTE: This application is the subject of a Unilateral Undertaking legal agreement and this decision should only be read in conjunction with this agreement

6 - ZTJ - *Informative on Land Contamination Advisory Note*

PLEASE NOTE that the site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer. Tiered risk assessment shall be carried out in accordance with the procedural guidance and UK policy relating to the contaminated land regime. Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land. The Local Planning Authority will determine the application on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post-development and that the applicant had prior knowledge of the contamination, the applicant is likely to be liable for this under Part IIA of the Environmental Protection Act 1990 and as such become an "Appropriate Person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination. Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this the applicant or those acting on his behalf will be liable under Part IIA of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment. During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public, property and the environment are protected against noise, dust, odour and fumes. The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of at an appropriately licensed landfill site. The Local Planning Authority will provide a Validation Certificate mentioned in the Condition hereby attached for completion by the applicant/developer. This certificate will not only provide confidence in the site for the local authority in terms of development control and the Part IIA regime but will help discharge conditions applied by the approved inspector and also provide confidence for solicitors and homebuyers in the conveyancing process.

7 - ZUI - Informative When Advertisement Consent May Be Required

PLEASE NOTE: A separate consent may be required under the Town and Country Planning (Control of Advertisement) Regulations 2007 in respect of the display of advertisements on these premises. Advice may be sought from the Local Planning Authority.



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Item No: 7.2

Application: 163101

Applicant: Mr Luke Crosby

Agent: Mr P Tyler

Proposal: Double garage

Location: Wood Cottage, Station Road, Wakes Colne, Colchester, CO6 2DS

Ward: Rural North

Officer: Benjy Firth

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the agent works for the Council on a consultancy basis.

2.0 Synopsis

- 2.1 The key issues explored below are the design of the proposal and its impact on the amenity of the neighbours. Both are considered to be acceptable and therefore an approval is warranted.

3.0 Site Description and Context

- 3.1 The application site sits to the west of Station Road in a rural area to the north, and just beyond, the defined settlement of Wakes Colne. The site contains a semi-detached residential property that forms part of a cluster of dwellings to the north of the village and train station.

4.0 Description of the Proposal

- 4.1 The proposal seeks to construct an open fronted double garage that includes an enclosed store and open sided lean-to log store.

5.0 Land Use Allocation

- 5.1 The site is situated in a rural area within which the residential use is established and as such the principle of development such as this is acceptable.

6.0 Relevant Planning History

- 6.1 Planning permission 140019 granted permission for the new highway access that facilitates the use of the proposed garage.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP19 Parking Standards

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process: N/A

- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
EPOA Vehicle Parking Standards

8.0 Consultations

- 8.1 No consultation responses were received by the Council.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that they have no objections.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No comments or objections were received.

11.0 Parking Provision

- 11.1 This proposal creates additional parking provision at the site. The proposed garage creates two additional spaces that are compliant with the size requirements of the appropriate policies.

12.0 Open Space Provisions

- 12.1 The proposal retains adequate amenity space within the application site.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Planning Obligations

- 14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 Design and Layout: The design of the proposal is considerate of its setting and the existing built form in and surrounding the site. All elements are therefore considered acceptable in design terms.
- 15.2 The proposed structure is only located near one boundary of the site and is well screened by vegetation along this boundary. As such the impact of the proposal is minimal from outside of the site.
- 15.3 Scale, Height and Massing: The proposal is well scaled and is not considered excessive in terms of height or massing. The proposal is therefore acceptable in this regard.
- 15.4 Impact on the Surrounding Area: The scheme will have a neutral impact on the street scene and is therefore acceptable in that regard.
- 15.5 Impacts on Neighbouring Properties: The proposal will be visible from the neighbouring property, but due to its size and location would not have any impact in terms of overbearing, loss of light or detriment to outlook. The proposal would therefore not have a significant impact on neighbouring amenity.
- 15.6 Amenity Provisions: This scheme allows the retention of ample useable amenity space. The scheme is therefore acceptable in that regard.
- 15.7 Highway Issues: This scheme raises no highway issues.

16.0 Conclusion

- 16.1 This modest scheme is only before Members as the applicant’s agent works for the Council on an ad-hoc consultancy basis. The scheme is acceptable in design terms and raises no issues in terms of its impact on amenity.

17.0 Recommendation to the Committee

- 17.1 APPROVAL of planning permission subject to the following conditions set out below.

18.0 Conditions

1 - ZAA - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004

2 - ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 892-2, 892-3 and 892-4 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

ZBB - Materials As Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

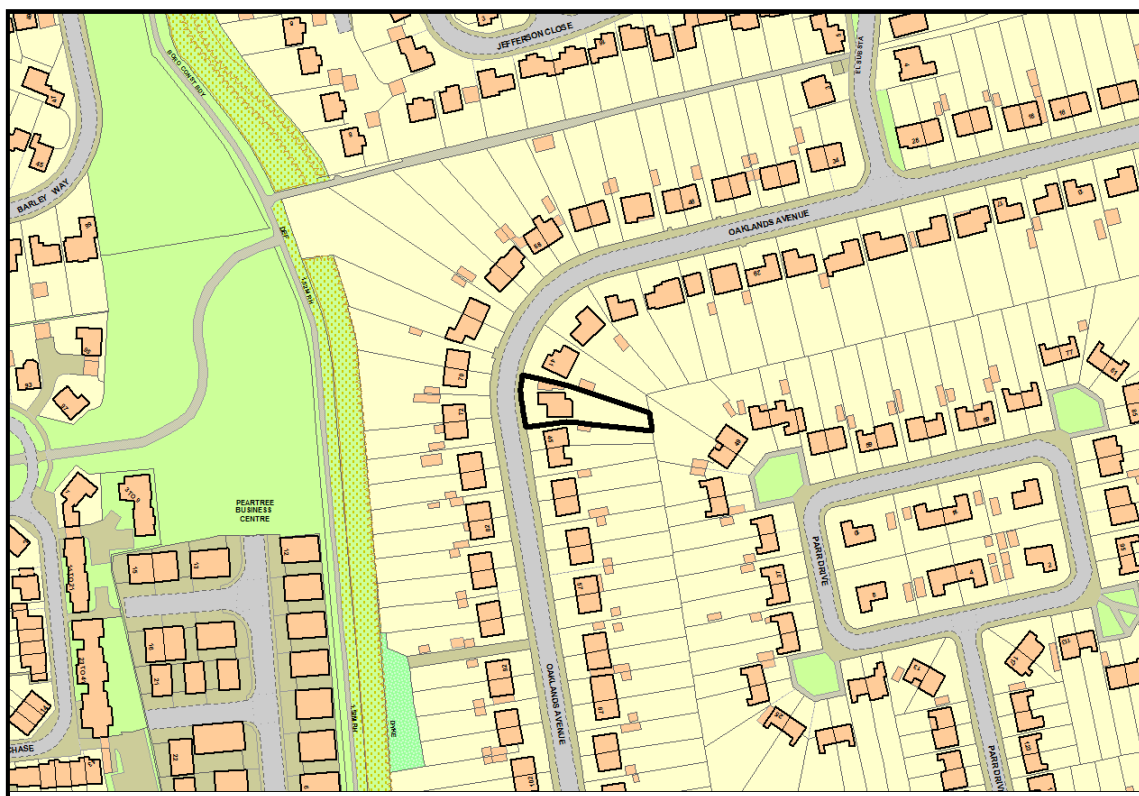
Reason: To ensure that materials are of an acceptable quality appropriate to the area.

19.0 Informatives

ZT0 – Advisory Note on Construction & Demolition

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.



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Item No: 7.3

Application: 163109

Applicant: Mr & Mrs Moorut

Agent: Peter Tyler Surveying

Proposal: First floor extension to convert bungalow into a house.

Location: 43 Oaklands Avenue, Colchester, CO3 9ET

Ward: Prettygate

Officer: Benjy Firth

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the agent works for the Council on a consultancy basis.

2.0 Synopsis

- 2.1 The key issues explored below are the design of the proposal and its impact on the amenity of the neighbours. Both are considered to be acceptable and therefore an approval is warranted.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site contains a detached residential bungalow and is situated in the predominantly residential area of Stanway. The bungalow sits within a generous sized plot and fronts the highway. The application site is surrounded by residential properties, all of which are two storey with the exception of the bungalow to the north.

4.0 Description of the Proposal

- 4.1 The proposal seeks to add a second storey to the central range of the bungalow.

5.0 Land Use Allocation

- 5.1 The site is located within a predominantly residential area within the defined settlement limits where development such as this is acceptable in principle.

6.0 Relevant Planning History

- 6.1 The property has previously been extended modestly to the front and the rear.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
Stanway Joint Design Statement and Parish Plan

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

- 8.2 No consultation responses were received.

9.0 Parish Council Response

- 9.1 No comments were received from the Parish Council.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighboring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

- 10.2 No consultation responses were received.

11.0 Parking Provision

11.1 The proposal has no impact on the existing, and adequate, parking provision at the property.

12.0 Open Space Provisions

12.1 The proposal has no impact on the existing, and adequate, open space provision at the property.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Planning Obligations

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 The design of the proposal is modest and in keeping with the character of the local vicinity. Once raised the roof will keep its original pitch which compliments the previous extensions that will remain single storey. The retention of the hipped roof is not only considerate of neighbouring properties, but also gives the proposal appropriate scale and massing within the street scene. The materials proposed are consistent with those used in the surrounding area. The design of the proposal is therefore considered acceptable.

15.2 There is no change in the footprint of the property and as such the layout is considered acceptable.

15.3 The proposal is modest and not dissimilar to other properties in the area, as such it will have a neutral impact upon the street scene and is therefore acceptable in this regard.

15.4 The application site is a generous plot and the proposal is modest, therefore it is not considered the proposal would appear overbearing from the street or neighbouring properties.

15.5 The application does seek the addition of numerous first floor windows, but their relationship to neighbouring properties would not be dissimilar to other properties in the area. It is therefore not considered that these would cause overlooking or have a significant impact on the privacy of neighbouring properties.

15.6 Similarly, there are no concerns regarding loss of light. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that the proposal satisfies this requirement. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Councils standards for assessing this issue as set out in the Essex Design Guide.

15.7 The proposal does not raise in concerns in respect of other planning matters. There are no highways issues and no substantial trees on the site. The proposal also has no impact upon the provision of parking or private amenity space.

16.0 Conclusion

16.1 This modest scheme is only before Members as the applicant's agent works for the Council on an ad-hoc consultancy basis. The scheme is acceptable in design terms and raises no issues in terms of its impact on amenity.

17.0 Recommendation to the Committee

17.1 APPROVAL of planning permission subject to the following conditions set out below.

18.0 Conditions

ZAA - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004

ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 895-1, 895-4, 895-5 and 895-6 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

ZBB - Materials As Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

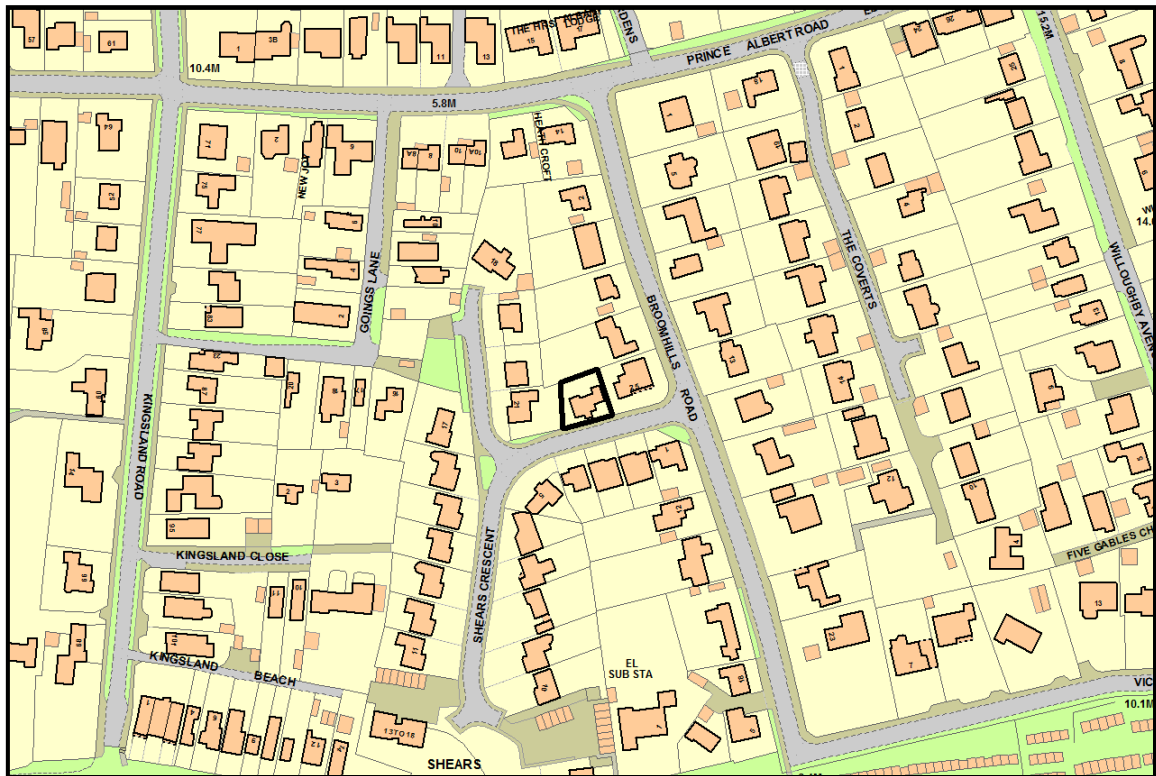
Reason: To ensure that materials are of an acceptable quality appropriate to the area.

19.0 Informatives

ZT0 – Advisory Note on Construction & Demolition

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

All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.



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Item No: 7.4

Application: 163095

Applicant: M Mark Anstey

Agent: Mr P Tyler

Proposal: Single storey rear extension, first floor side extension, brick plinth and cladding to external walls

Location: 23 Shears Crescent, West Mersea, Colchester, CO5 8AR

Ward: Mersea & Pyefleet

Officer: Bruce OBrien

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Peter Tyler is a former member of staff at Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of the proposal on the amenity of neighbours and over development of the site.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site is situated within a residential area of West Mersea. The site contains a detached dwelling, built under planning permission granted in 1980. The site has other residential dwellings to all sides, although directly to the rear of the site is the garden area of 8 Broomhills Road, the road adjacent to Shears Crescent.
- 3.2 The detached dwelling at 23 Shears Crescent is a three bedroom property with an attached side garage and front driveway parking. Within the area of the site, there are trees which will need to be considered as part of the development tree protection plan.

4.0 Description of the Proposal

- 4.1 The proposal is for three main elements. A single storey rear extension, a first floor extension above an existing garage and the cladding of the dwelling in a cement based weatherboarding, above brick plinths.
- 4.2 The rear extension is not seen as significant in scale. It would be less than 20 m² in footprint and 3.3m high at the ridge of its lean-to roof. There would be two roof lights within the extension, a casement window to the eastern side elevation and French doors to the western side elevation and the rear.
- 4.3 The extension above the exiting garage would be in the form of a gabled return wing extending from the right hand section of the main dwelling. The gable would be quite shallow, but this is necessary in order to supply internal space, and to be subservient in height to the main dwelling.
- 4.5 There would be a window in the north elevation to serve an en-suite, and a window to the southern elevation, facing the highway, serving a bedroom. During a conversation on site, the applicant agreed to obscure glaze the northern elevation window.
- 4.6 The applicant has asked for permission to change the materials cladding the external walls of the dwelling. The use of a light coloured weatherboard is deemed acceptable. Many dwellings within the West Mersea area are adopting

this material as an external cladding material, particularly when there is a need to add insulation to external walls.

5.0 Land Use Allocation

- 5.1 The site is located within the defined settlement limits and a residential area where development such as this is acceptable in principle.

6.0 Relevant Planning History

- 6.1 The dwelling at 23 Shears Crescent was granted planning permission in 1980 under application number 80/1408. As part of the application a condition was placed on the site to remove the right to build any further extensions to the dwelling.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below.
- 8.2 The tree officer at Colchester Borough Council has requested an Arboriculture Impact Assessment to be carried out. This will be conditioned as part of any approval.
- 8.3 The archaeological officer at Colchester Borough Council considers that no harm will be caused to archaeological assets as a result of the proposal. More information may be set out on our website.

9.0 Parish Council Response

- 9.1 The Parish Council have stated that they disapprove of the scheme, due to design reasons, quoting Section 7, Paragraph 58 of the NPPF as policy reasons to support for their objection to the scheme.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 The neighbour at 8 Broomhills Road has objected because of perceived overlooking issues and over development of the site.

11.0 Parking Provision

- 11.1 The parking provision will remain unaltered as a result of the proposed development.

12.0 Open Space Provisions

- 12.1 This scheme raises no concerns regarding open space.

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Planning Obligations

- 14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

Design and Layout.

- 15.1 The design is in two parts, a single storey rear extension and a first floor extension above a garage. Both have been designed in traditional forms, one as a gabled return wing, and the other as a lean-to single storey extension. The layout will create further dining area to the ground floor and a bedroom and ensuite at first floor level. The new extensions, along with the remainder of the dwelling would be clad in a light weatherboarding.

Scale, Height and Massing.

- 15.2 It is considered that the scale of the proposal is acceptable. The total footprint of the dwelling after extension would be 32 m², less than 50% of the site area which is 72 m². This would leave amenity space of 40 m². The height of both proposed extension elements are acceptable. The highest point of the single storey extension would be 3.3m at the ridge and the height of the side extension would remain subservient to the main dwelling. The side extension would be above the existing garage, which lies one metre from the neighbouring boundary.

Impact on the Surrounding Area

- 15.3 House extensions are a common factor of the residential areas of West Mersea. The use of cladding for the external walls is becoming an increasingly common sight within the area. It is only the first floor side extension that would be visible from the highway, and it is considered that this element would not be a harmful addition to the character of the area.

Impacts on Neighbouring Properties

- 15.4 The neighbours to the north of the application dwelling have objected to the proposal for reasons of overlooking. One window in the rear northern elevation of the proposed first floor extension would overlook a screened garden of number 8 Broomhills Road. However, this objection is easily eliminated through a condition that will obscure glaze the offending window and prevent it from being opened below 1.7m from floor level. The neighbours at 8 Broomhills Road and the Town Council have objected for reasons of design and over-development. The proposal would increase the footprint of the dwelling by less than 20m² and as such this would not be considered as an over-development of this site. The design of the proposal is considered to be acceptable. The forms are traditional and the side extension would be subservient to the main dwelling.

Amenity

- 15.5 The proposal has been assessed against Colchester Borough guidelines for issues of overlooking, overbearing and overshadowing. Whilst it is accepted that the neighbours at number 8 Broomhills Road may lose an amount of light to their rear garden, it is not considered enough to form the basis for a refusal. On other counts, the proposal passes guideline tests and where necessary the application would be conditioned appropriately.

Landscape and Trees

- 15.6 The tree officer has called for an AIA. This has been requested from the agent and as it has not been forthcoming prior to the decision, then this will be requested as a pre-commencement condition.

Highway Safety and Parking Provisions

- 15.7 These arrangements would remain unaffected.

Private Amenity Space Provision

- 15.8 The proposal would leave the site with 40 m² of private amenity space. Whilst this would not be adequate for a new residential development with 4 bedrooms, where extensions are concerned, many applications are granted with this amount of amenity space and therefore this 40 m² space is considered adequate.

Other Matters.

- 15.9 When the development was granted planning permission in 1980, the approval was conditional. As the original dwelling was an infill site, one of the conditions was to prevent any further extensions on the site. It read:

3. Notwithstanding the provisions of the Town and Country Planning General Development Order 1977, Schedule 1.1, the building shall not be extended beyond that permitted by this planning permission without the express consent in writing of this Council.

Reason: Any extension of the building beyond that now proposed would be liable to be detrimental to the character of the area and adversely affect the residential amenities of adjoining properties and a preserved tree.

However, planning policies have changed over almost forty years, and extensions built on plots of this size are now viewed as acceptable and they are commonplace.

16.0 Conclusion

- 16.1 To summarise, the proposal is acceptable in terms of design, size and amenity space. It complies with Colchester Borough Council Core Strategy Policies SD1 and UR2, and development policies DP1. The proposal meets the NPPF guidelines for sustainable development and the scheme is therefore acceptable.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAM - *Development to Accord with Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 883- 5, 6 and 7 unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3. ZDF - *Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)*

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the window in the northern elevation of the proposed first floor extension shall be non-opening below 1.7m from floor level and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

4. ZFP - Full Arboricultural Survey

Prior to the commencement of development, details including a survey of the development site as existing and, as appropriate, a Land Survey in accordance with BS 5837, shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with such agreed details.

Reason: To allow the proper consideration of the impact of the proposed development on the amenity value of the existing site

18.1 Informatives

- 18.1 The following informatives are also recommended:

ZT0 – Advisory Note on Construction & Demolition

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.

ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.