

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
9 July 2009 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

	<b>Pages</b>
<b>6. Minutes</b>	<b>1 - 7</b>
To confirm as a correct record the minutes of the meeting held on 25 June 2009.	
<b>7. Planning Applications</b>	
6. 090551 Former Dairy Deot, Wimpole Road, Colchester (New Town)	<b>75 - 85</b>
Development of convenience retail store and 6.no flats, associated car parking, alterations to existing access.	
<b>11. Amendment Sheet</b>	<b>95 - 104</b>
See Amendment Sheet attached.	



**PLANNING COMMITTEE**  
**25 JUNE 2009**

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillor Sonia Lewis\* (Deputy Mayor)  
Councillors Mary Blandon\*, Mark Cory\*,  
Andrew Ellis\*, Stephen Ford, Jackie Maclean\*,  
Jon Manning\* and Ann Quarrie\*

*Substitute Members :-* Councillor Laura Sykes  
for Councillor Helen Chuah\*  
Councillor Richard Martin  
for Councillor John Elliott\*  
Councillor Nick Barlow  
for Councillor Theresa Higgins\*

*Also in Attendance :-* Councillor Kevin Bentley

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

Councillor Ellis was not present for the determination of all applications agreed under the en bloc arrangements, having declared a prejudicial interest in one of those items, minute nos. 34, 35, 37 and 38 refer.

### **31. Minutes**

The minutes of the meeting held on 11 June 2009 were confirmed as a correct record.

### **32. 090468 1-5 Culver Walk, 77-85 Culver Street East, Colchester**

The Committee considered an application for the demolition of first and second floors of nos. 1 to 5 Culver Walk and nos. 77 to 85 Culver Street East, Colchester. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Mark Russell, Planning Officer, attended to assist the Committee in its deliberations. The plans included raising the height of the building together with infilling above the entrance to British Home Stores.

Andy Cullen addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The intention is to

continue the upgrading of this area in a similar style to the Phase 2 submission which has already been approved. The redevelopment will attract retailers and increase footfall. This Phase 3 development continues with replacement facilities and a new two storey entrance on the corner. English Heritage required retention of the Lucams which will be clad in green copper.

Members of the Committee were generally in support of the proposal.

However, there were two issues raised regarding the York stone paving.

Firstly the applicants did not own all of the land in Culver Street East up to the retail units on the opposite side which meant they were unable to repave beyond the extent of their ownership. It was suggested that an informative be added to prompt negotiations with third parties to try and include in the renovation the paving outside the applicant's control. Secondly there were views both in favour of and in opposition to sealing the paving to enable it to be kept clean. The resealing was expensive to maintain because it would need re-sealing from time to time. This area was not particularly a food and drink highway, unlike the High Street where the paving has suffered. Other issues were if any application was received in the future for a coffee kiosk, it should be designated as a separate area. There was a request that the street furniture be improved, a comment prompted by the poor quality of the recycling bins. There was also a query on any maintenance programme for the scheme.

*RESOLVED* (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report.

**Councillor Ray Gamble (in respect of being a Colchester United Football Club season ticket holder) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**33. 090217 Land adjacent (south) Grange Road, Tiptree**

The Committee considered an application for a change of use of agricultural land to a sports field with minor regrading and drainage of the intended playing area together with an associated vehicle parking area with vehicular access from Grange Road. Community use of one pitch is proposed. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

David Whybrow, Development Manager, attended to assist the Committee in

its deliberations. He explained that at any one time there would be a maximum of 58 players present using a maximum of two pitches during the conditioned hours of use. The community pitch would be available for use during weekends for two sessions per day, from 10am to 1pm and from 2pm to 5pm. There were no changing facilities in this application however it was understood that a separate planning application, referred to as 1(b) for changing facilities was to be submitted. There is no proposal for flood lights in this application. The Highway Authority had withdrawn their objection to the proposal upon receipt of amended plans. This sort of facility is difficult to locate in an urban location and although other sites were considered this site is the preferred option. Some consultees had responded that the facility was welcomed provided it was available to the community. Other consultees who had objected had since withdrawn their objections in the light of additional information. Tiptree Parish Council had submitted objections to the scheme for various reasons as had 460 plus members of the public, all of which were set out in the report. Thirteen letters of support had also been received. The Local Development Framework indicated that this land would be suitable for mixed use, which would be residential and leisure uses. The recommendation of approval was a result of the positive responses from various consultees and the considerations of the Policy Team. The Amendment Sheet contained amendments to some of the conditions.

John Lawson, representing Colchester United Football Club, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Club were striving for excellence but a major barrier is a fit for purpose training facility. For a club of this size their current facilities were inadequate. They had looked at other sites including one at Mile End but all had various constraints. The Tiptree site was considered to be ideal. It would be a low key open space use, compatible with its surroundings. They had worked hard on the design and with other consultees. The revised scheme comprised five pitches of which only two would be in use at any one time. One pitch would be a community sports pitch which would fulfil a recognised need for local clubs. All trees and hedgerows would be retained. A dedicated minibus service and pedestrian and cycle links are to be provided. The principle of use is established and a changing room proposal would be brought forward which would allow the club to transfer to Tiptree. He asked the Committee to support the officer's recommendation to approve the application.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. He was speaking as one of the five local councillor representatives. He is also speaking on behalf of public objectors. There had been no consultation with the local community. He has not been approached by the applicant and no attempt has been made to talk to residents. He asked that the matter be deferred for consultation with the local residents. He was

puzzled that there were no changing facilities with this application which, if this is a fully fledged training facility, it must meet appropriate requirements. This site was a considerable distance from the Stadium whereas the current training ground at Essex University was closer. It was not possible to speculate on applications which do not exist. There have been 464 letters of objection; residents had studied the plans and sought professional advice. He urged the Committee to reject the application or defer it for further consultation and asked that consultation with local people be a high priority. He also requested that any amended application come before the Committee.

Members of the Committee had a number of concerns. This application is very important for the local community. However this proposal was purely a commercial application from a professional football club and this facility did not need to be in Tiptree but could be located anywhere. The community pitch was to be allocated to a couple of teams and as such was not a community pitch. It was considered the local community should get some form of benefit from the facility. Tiptree Parish Council had objected to the application and were keen to get the whole 30 acres earmarked as open space for recreation.

The Parish Council had wanted the application to be deferred and the Development Team officers asked to secure a Section 106 to transfer the balance of the field, 7 acres, to the Council so it would be a genuine council facility for community use for the whole area. In that form it was believed that many local people would accept it. There was a view however, that given the history of failed Section 106 agreements for Tiptree which have never actually delivered, the residents may have lost faith in the Council's ability to gain benefits on their behalf.

The lack of facilities was raised as an issue. Training grounds for similar clubs have facilities such as toilets, changing rooms, showers and physiotherapy facilities. Without such facilities the proposal constituted a field with five football pitches. In effect the application when judged on its merits was not fit for purpose for a professional football team without the necessary facilities.

The community use proposed in the application was for useage by two organisations in Tiptree and as such was considered to be inadequate and not a true community facility. It was considered that they are only community facilities if they are not only for two organisations. It was suggested that the application should be deferred for the Development Team to re-negotiate the community pitch provision. Members of the Committee were also uncertain that one community pitch would be sufficient; more pitches will be needed especially in bad weather. The location of the community pitch was also raised as an issue. Currently it was in the middle of the professional pitches whereas it would be better located at the south end.

The applicants did not appear to have consulted directly either with the Parish Council or the local people and this was raised as an issue. This comment was directed at the applicant as the local authority has consulted as it is required to do.

In response to the issues raised it was explained that whilst the facilities were an issue, they formed phase 1(b) of the proposals. If approved the programme would be that the pitches were prepared and ready for use by 2010 which allowed time for the facilities to be applied for and built. It was agreed by planning officers that the use would not be acceptable without such facilities. The issue regarding the location of the proposal in Tiptree had been addressed by the Policy Team which had suggested various alternative sites to look at. For one reason or another they were discounted. This was not an application on which a Section 106 package was being sought. The matter had been considered by the Development Team and the policy view was set out in the report. The community gain was in the form of the community pitch. In respect of the comment made about wear and tear of pitches, the community pitch would be used at weekends only and would have time to recover during the week. The Club pitches would be subjected to more use, however the level of their use would permit recovery time and the limited hours of use would be governed by condition. It was recognised that liaison between the applicant and residents did not take place in this case. It was not possible to say if the training facility would grow into something greater but lighting is not proposed at the moment. In respect of the suggestion for a deferment, from an officer point of view this proposal has run the full gamut of consultation and generally has been of a favourable nature. Members concern about the lack of facilities was understood. Also understood were members concerns with regard to the community use but the proposed conditions have attempted to address these. It would be possible for the Committee to defer consideration of the application for lack of changing facilities and detail of the scope of the community use. The Policy view is that if this was simply a proposal by Colchester United Football Club it would not be in the right location; the community element is important. Members must determine this application on its merits.

*RESOLVED* (UNANIMOUSLY) that the application be refused on the grounds that the facilities are inadequate and there is a lack of information on how the proposal is going to benefit the community in terms of scale and scope.

#### **34. 090460 Borrow Pits North and South Langenhoe Marsh, Fingringhoe**

The Committee considered an application for the extraction of clay from two new borrow pits for the construction of an access berm adjacent to the

seawall on Langenhoe Marsh. Following extraction of clay the borrow pits will be landscaped to create two conservation lagoons. The Committee had before it a report in which all information was set out.

*RESOLVED* (UNANIMOUSLY) that subject to there being no objections to the application prior to 26 June 2009, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

### **35. 090608 61 Oaklands Avenue, Colchester**

The Committee considered an application for a proposed two storey side extension with front porch, rear single storey extension, conservatory and internal alterations. The Committee had before it a report in which all information was set out.

*RESOLVED* (UNANIMOUSLY) that the application be refused on the grounds set out in the report.

### **36. 082055 Marks Tey Railway Station, Sstation Road, Marks Tey**

This application was withdrawn from this meeting by the Head of Environmental and Protective Services to permit consideration of further information submitted by the applicants in order that members have what the applicants believe to be all relevant information before them.

**Councillor Andrew Ellis (in respect of having previously used the applicant's services) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and left the meeting during its consideration and determination.**

### **37. 090390 Homagen, Chappel Road, Great Tey**

The Committee considered an application for an amendment to a proposal approved under application 081527 to retain one window at the rear of the barn and insertion of one window to the side of the barn. The Committee had before it a report in which all information was set out.

*RESOLVED* (UNANIMOUSLY) that the application be approved with

conditions and informatives as set out in the report.

**38. 090499 Highwoods Square, Colchester**

This application was withdrawn from this meeting by the applicant.

**39. 090533 Visitor Centre, Turner Road, Colchester**

The Committee considered an application for an extension to the visitor centre to provide a new classroom office/kitchen area and toilet facilities including a DDA accessible w.c. The Committee had before it a report in which all information was set out.

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

**40. Section 106 Requirements // Garrison Area P1, Ypres Road, Colchester**

The Head of Environmental and Protective Services submitted a report on a planning gain/mitigation package proposed by the Development Team to provide a sum of £65,720 to secure the maintenance of the public open space / green link for a period of 25 years. The sum described for the purpose above is considered to satisfy the tests prescribed in Circular 1/97.

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

*RESOLVED* (UNANIMOUSLY) that the proposed Section 106 legal agreement be agreed as described in the report.



## **URGENT ITEM 7.6**

**Case officer : Sue Jackson**

**EXPIRY DATE : 22/07/09**

**MAJOR**

**Site:** Former Dairy Depot Wimpole Road Colchester

**Application no:** 090551

**Date Received** 22/04/09

**Agent :** Boyer Planning Limited

**Applicant:** East of England Co-operative Society

**Development:** Development of convenience retail store and 6. no flats, associated car parking , alterations to existing access.

**Ward:** New Town

**Summary of Recommendation :** conditional approval subject to the signing of a section 106 agreement

### **1.0 Site Description**

1.1 The site is located on the east side of Wimpole Road and comprises part of a former dairy depot. This use was relocated some years ago but whilst operating here it gave rise to complaints from residents due to the time of deliveries, size of vehicles, vehicles reversing into the residential streets opposite and noise from refrigeration lorries and plant.

1.2 To the north are large commercial buildings set back from the street operated as two car dealerships. Beyond is the mixed use area of Barrack Street. To the east are mainly Victorian terraced houses in Rebow Street and Cannon Street. To the south is the recently erected Co-Op funeral headquarters whilst to the west are terraced and semi-detached houses with several similar streets leading off at right angles. Wimpole Road forms the east boundary of this part of the New Town conservation area.

### **2.0 Description of proposal**

2.1 The application site is 0.1873 hectares and has a frontage of 55 metres onto Wimpole Road and a depth of approx 35 metres. To the rear of the site is further land also in the Co-Op's ownership, which has a rear boundary with Rebow Street.

2.2 This full application proposes a single building close to the road frontage comprising a small convenience store on the ground floor with a total of 6 2-bed flats on the first floor and in the roof area. The building comprises some single storey flat roof elements at the rear but the upper floor comprises an “L” shaped pitched roof building. Part of the flat roof area provides an amenity area for the new flats.

2.3 An existing but improved vehicular access along the north boundary will serve a total of 15 parking spaces and parking/ turning for delivery vehicles. The access continues to the rear of the Co-Op’s land where there is an existing easement to the rear of a car dealership building. Parking area and cycle parking to the front of the site will be partially screened by new railings and soft landscaping.

2.4 The drawings indicate the possible residential development of the land to the rear. Whilst it does not form part of this application this information is necessary to demonstrate the current development would not prejudice the satisfactory future development of this land.

2.5 The application documents include a Design and Access Statement, Retail Planning Assessment and a Contaminated Land Assessment.

### **3.0 Land use allocation**

3.1 Residential

### **4.0 Relevant planning history**

4.1 O/COL/02/1045 outline application to redevelop former dairy depot site to form new funeral parlour/ head quarters building, new retail store and residential development. Permission granted. The application, whilst outline, included an illustrative street elevation which indicated a 3-storey building plus roof. A condition on the decision notice required the development to be in substantial accordance with the illustrative plans.

4.2 F/COL/ 03/1607 Application for erection of funeral parlour/headquarters planning permission granted.

### **5.0 Principal policies**

5.1 Planning Policy Statement 6 (Planning for Town Centres)

5.2 Core Strategy Adopted December 2008

SD1 Sustainable Development

SD2 Delivering Facilities and Infrastructure

CE1 Centres and Employment Classification and Hierarchy

H2 Housing Density

H3 Housing Diversity

H4 Affordable Housing

UR2 Built Design and Character  
PR1 Open Space  
PR2 People Friendly Streets  
TA5 Parking  
ENV1 Environment

### 5.3 Adopted Review Colchester Borough Local Plan 2004

DC1 Overall Development Control Policy  
UEA2 Conservation Areas  
UEA11 Design  
UEA12 Design Character  
P1 Pollution  
P4 Contaminated Land  
L5 Open Space provision within Developments  
T9 Car Parking Provision

## **6.0 Consultations**

6.1 Planning Policy have commented that the primary policy consideration is the compatibility of the retail element with PPS6 (Planning for Town Centres) and its requirement that new retail development follow a sequential approach to protect town centres. PPS6 (Para 2.58) also refers to the need for a positive approach to strengthening local centres within urban areas. The consultation on a revised economic development PPS provides flexibility for town centre uses not in a centre as long as adverse impacts are not considered to be significant and are likely to be outweighed by significant wider economic, social and environmental benefits. (Policy EC21.1.3)

The applicants have submitted a Retail Assessment to address the questions of retail impact, which categorise the proposal as a local convenience store. This approach is appropriate given the location would otherwise conflict with the PPS6 requirement to follow a sequential approach to retail development prioritising town centre locations.

The site is in an out of centre location and is not within a designated local shopping centre although it is around the corner from the Barrack Street designated local shopping centre. The retail assessment defines the potential catchment for the store as being confined to households within 800m of the site. Wimpole Road is a secondary distributor within the ECC road hierarchy, but it is not a main route in and out of town so the proposed location would not be considered likely to serve passing trade for a wider community. It identifies that there are currently limited opportunities only for top-up retailing within Barrack Street and Military Road. The two wards in the area New Town and Castle have a high percentage of households with no access to cars or vans at 34% and 35% respectively which contrasts with the Borough-wide average of 21%.

The proposed area for the store, 279 sq. m puts it just within the Competition Commission's category for convenience stores, or those smaller than 280 sq. m. The proposed Tesco on Mersea Road was also this size and in that case the planning policy recommendation was for refusal. The circumstances in this case however are considered to support a different conclusion. The proposed Tesco was on a main road and accordingly would be likely to serve a wider catchment of drivers heading to and from Colchester to Mersea. Additionally it was seen to present a serious challenge to the viability of nearby convenience stores.

In this case it is considered the proposal does constitute a local level facility, which would meet a need for top-up convenience shopping, and on that basis the proposal is considered acceptable in retail planning policy terms

The housing element is considered compatible with policy guidance supporting mixed uses and making best use of brown field sites.

6.2 Highway Authority has no objection subject to conditions these require the existing uncontrolled pedestrian refuge in Wimpole Road, outside the site being upgraded to a zebra crossing at the applicants expense, vehicle visibility splays, pedestrian visibility splays, loading/offloading facilities, an existing access point to be removed, details to prevent the discharge of surface water on the highway, car parking provision including spaces for the mobility impaired, bicycles and powered two wheelers,

6.3 Environmental Control has no objection subject to conditions which include a site boundary noise level, opening times, delivery times, noise survey for new residential properties, control on lighting and land contamination.

6.4 Design Officer raised concerns regarding the original design and position of the buildings. A strong and continuous building frontage is needed to fill in the present gap on the street and improve the townscape. The immediate area is characterised by Victorian terraces with small front gardens set back from the road about 6m and part of a conservation area. There are some larger commercial properties on the eastern side of Wimpole Road near Barrack Street but significantly set back from the street. The proposed building leaves only a narrow footpath to the frontage of a relatively tall building, which is uncharacteristic for the area. The projecting bay of the flats entrance creates a pinch point in the street. To improve the streetscape and give a pedestrian priority to the mixed use scheme the public footpath should be of adequate width a minimum of 3 metres. The new pedestrian crossing should be realigned with the pedestrian entrance.

Pedestrian priority should be extended into the internal courtyard by good quality surface material and additional landscaping. A limited range of paving material would unify the space and trees instead of shrubs would soften the effect.

### Scale proportion and architectural detail

The proposed building is 3 storey high, at around 14m in height, (**the applicants agent has confirmed the height is actually 12m amended to 11.2m**) in an area of mainly 2 storey Victorian terraced and semidetached buildings 8-9 m in height. Although there is an opportunity to introduce a focal point at the street a maximum of 2.5 storey would be a more appropriate overall height with a higher element to mark the corner. All roof pitches are 45 degrees which are uncommon and appear static the overall height can be reduced by reducing the building depth and by a lower pitch. Given a fairly traditional architectural approach and close proximity to a conservation area the simplicity and symmetry should be reflected and re-enforced in the new build. The symmetry of the Wimpole Road elevation could be re-enforced by introducing another bay,

Preliminary amended plans have been received which include setting the building back to secure a 3 m wide footway, a reduction in roof pitch, reduction in height to 11.2 m and introduction of a 2<sup>nd</sup> projecting bay. The proposal is considered acceptable subject to conditions and receipt of full amended drawings.

6.5 Street Care and Recycling Manager initially collections will have to take place from Wimpole Road and refuse storage would need to be in the vicinity of the cycle store.

## 7.0 Representations

7.1 The Colchester Civic Society has no objection to a small retail development in this location and supports the principle of residential development above.

7.2 Colchester Cycling Campaign request cycle parking for the flats and store and a contribution towards local cycling facilities.

*Officer comment cycle parking is secured by condition. The development team has considered the application and there is no requirement for a contribution towards local cycling facilities*

7.3 Six letters from residents have been received, 3 living opposite the site in Wimpole Road, 1 living opposite the site in Winsley Road and 3 living at the rear of the site in Rebow Street.

### Objections from residents in Wimpole Road/Winsley Road

- The buildings is a lot higher than the buildings previously on the site building should be set back in the middle of the site so it does not invade privacy or light. New windows will face lounge and bedroom windows resulting in a loss of privacy and the height will mean loss of natural light
- The buildings are not residential
- 3 storey not in keeping with a conservation area
- Consideration should be given to opening times and goods deliveries

- Wimpole Road is already busy Sunday the one day that is relatively quiet; object to Sunday opening
- Increased traffic

#### Objections from residents in Rebow Street

- Parking is already a problem as people park and walk into town. Will there be enough parking spaces?
- Increase in traffic and risk to children as sat navs often guide large lorries into these narrow streets
- Increase in pollution
- Loss of light to houses and gardens
- Increase in the level of noise from deliveries, noise from teenagers
- Buildings are too tall out of keeping and will reduce privacy
- A retail store is not required there are 2/3 good alternatives within a 5 minute walk of the site
- Noise from night time deliveries

### **8.0 Report**

8.1 The application proposes a convenience store and 6 flats. The policy considerations are detailed in the response from planning policy and members will note no policy objection is raised. Officers have taken into account the recent recommendation of refusal for a similar store on Mersea Road Blackheath, recently considered at a public inquiry, but conclude there are significant differences between the two proposals.

8.2 Density. Looking at the residential part of the scheme 6 flats on a site of 0.1873 represents a density of approx 32 units per hectare although this figure does not take into account the ground floor retail use. However the density is considered appropriate in this location which is close to the town centre, the town station and bus routes and facilities (obviously including the proximity of the new store).

8.3 Design. The building is located to address the street, which is in need of frontage buildings. Currently the site is enclosed by security hoardings and the adjacent sites towards Barrack Street have wide open frontages. The elevation facing the parking areas and the pedestrian entrance to the store is also appropriately detailed.

Concerns regarding the height, proximity to the street and design have been discussed in the design officer's consultation response. Amended plans have been received which satisfactorily address these issues. The height of the building has been reduced by almost 1 metre, the building has been set back further into the site and a 2<sup>nd</sup> bay feature added.

The materials proposed are red brick and render. A good quality artificial slate is required on the main roof and this will be secured by condition. Profiled cladding is indicated for the single storey elements.

8.4 The amenity area for the 6 flats is proposed on top of a single storey flat roofed part of the building, the area proposed is considered acceptable in this location. Whilst there is no objection to this in principle it requires careful detailing to ensure this is an attractive space for residents and it does not result in loss of amenity to existing residents. It will be screened from the gardens of the houses in Rebow Street by part lean to roof and to the side by screen panels.

8.5 A total of 15 spaces are proposed 1 space per flat and 9 for the store this satisfies current standards. Also as explained above the site is in a sustainable location with access to other means of transport and a range of facilities. Conditions will secure parking cycle parking and parking for 2 wheeled vehicles.

#### 8.6 Comment on representations

Residents have raised concerns about noise from deliveries and customer conditions are proposed to restrict delivery and opening times. Members may be aware that until recently the site contained a small shop and a large dairy depot operation. The height of the building is considered appropriate for the area. Drawings showing sections through the site and the relationship to houses opposite will be available at the meeting. However Wimpole Road is relatively wide and there is a distance of approx 17 metres from the front of the building to the front of the houses opposite. It is considered residents will not be overlooked or suffer a loss of privacy to an unacceptable degree. The situation is not different to other streets with residential properties on either side. With regard to the houses in Rebow Street there is a distance of over 45 metres from the amenity area to these rear boundaries and the amenity area although at first floor will be screened from these gardens.

#### 8.7 Section 106 matters

The application has been considered by the development team and there is a requirement for a contribution for open space and affordable housing. The applicant is offering to provide an area of land in their ownership (either on this larger site, or elsewhere) for affordable housing.

8.8 Conclusion The application is considered acceptable subject to conditions restricting the type of goods sold and conditions to protect the amenity of existing/new residents and design material etc.

### **9.0 Background Papers**

9.1 PPS6, Core Strategy, ARC, HA, HH, NLR, Waste Manager, Design Officer

## 10.0 Recommendation 1

### Defer for a section 106 Agreement

The application is deferred for a section 106 agreement to secure the open space and affordable housing contributions. If the agreement is not concluded before the 22<sup>nd</sup> July 2009 the application to be refused due to the lack of a legal agreement. If the agreement is satisfactorily concluded the Head of Environmental and Protective Services be authorised to issue a delegated permission subject to the following conditions

### Recommendation 2 – Conditional Permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004
2. Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.  
Reason: To ensure that the development preserves and enhances the adjacent Conservation Area.
3. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate: Existing and proposed finished contours and levels. Means of enclosure. Car parking layout. Other vehicle and pedestrian access and circulation areas. Hard surfacing materials. Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting). Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.). Retained historic landscape features and proposals for restoration. Soft landscape details shall include: Planting plans. Written specifications (including cultivation and other operations associated with plant and grass establishment). Schedules of plants, noting species, plant size and proposed numbers/densities. Planting area protection or decompaction proposals. Implementation timetables.  
Reason: To safeguard the provision of amenity afforded by appropriate landscape design.
4. All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

- Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.
5. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.
- Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.
6. No deliveries shall be made to [and no goods despatched from] the site outside the hours of 07:00 to 19:00 hrs Monday to Saturday nor at any time on Sundays or Public/Bank Holidays.
- Reason: To safeguard the amenities of nearby residential properties.
7. The use hereby permitted shall not be open to customers outside the following times 08:00 hrs to 21:00 hrs Monday to Saturday 08:00 hrs to 18:00 hrs Sunday and Bank Holidays.
- Reason: To safeguard the amenities of nearby residential properties.
8. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos; (ii) an assessment of the potential risks to:
- human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). 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: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.
9. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

- Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.
10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
- Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.
11. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10.
- Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.
12. Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition [ 9 ] above. This certificate is attached to the planning notification.
- Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.
13. A competent person shall ensure that the rating level of noise emitted from the site plant, equipment, machinery shall not exceed 5dBA above the background prior to the building hereby approved coming into beneficial use. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises, including the flats in the application. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority prior to the building hereby approved coming into beneficial use, All subsequent conditions shall comply with this standard.
- Reason: To safeguard the amenities of nearby residential properties.
14. Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with the initial noise condition above The noise generated by such equipment shall not have anyone 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise sensitive premises.
- Reason: To safeguard the amenities of nearby residential properties.
15. Prior to the commencement of development there shall be submitted a noise survey for proposed residential properties, which shall have been undertaken by a competent person. The survey shall meet the requirements of Planning Policy

Guidance Note 24 (PPG24) and include periods for daytime 0700-2300 hours and night-time 2300-0700 hours and shall identify appropriate noise mitigation measures. It shall also take into account adjacent commercial sites. In addition, all residential units shall be designed so as not to exceed the noise criteria based on figures by the World Health Authority Community Noise Guideline Values given below:-

- Dwellings indoors indaytime: 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 LAmax)
- Outside bedrooms at night-time: 45 dB LAeq 8 hours (60 dB LAmax)

Such detail as shall have been agreed in writing by the local planning authority based on the submitted and approved survey and appropriate consequential noise mitigation measures shall be implemented prior to occupation of any building on the site and thereafter maintained.

Reason: To safeguard the amenities of nearby residential properties.

16. Prior to the commencement of development a scheme showing details of the screening, landscaping, materials, surface treatment of the amenity area for the flats shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the occupation of any residential unit.

Reason: To ensure satisfactory provision of private amenity area and because the details submitted require amendment.



# **AMENDMENT SHEET**

**Planning Committee  
9 July 2009**

## **AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED**

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

#### 7.1 Swift Construction Group Ltd., North Lane, Marks Tey

The following amendments and clarifications are referenced by paragraphs as they appear on the Committee Agenda.

- 2.1 All (not “some”) of the existing hardstanding is proposed to be retained, and this is proposed to be continued throughout the entire site to its eastern extremity. The applicant has stated that the entirety of the site is required for storage purposes, and that no planting belt, other than the etc...
- 2.2 The height of the nursery crescent buildings would be seven metres (not four as wrongly quoted here and at 9.13). This is the approximate height of the eaves of the existing main buildings.
- 6.3 The applicant has stated a desire to be allowed mezzanine floors for “storage only” uses. Your Officer has agreed to this, and a condition to limit this use is, therefore, appended at the foot of this amendment sheet report.
- 9.5 The applicant wishes to point out the “warehouses” referred to are effectively one large warehouse, and that this is in use. Your Officer concurs that it is one building, and that it is currently about half-filled with scaffolding. The current level of usage is, however, low.
- 9.10 The agent, Mr Parker of Ford Street, Aldham, has provided a letter of evidence from a call centre operator based in Ford Street, Aldham, stating that this company would be interested in using the site at North Lane as a call centre if it “should become available.”

Condition 08 is now modified to reflect the fact the required amended drawings have been received. This is as follows:

“The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing no 5866/ 1105/ Revision L, and 5866/1106/ Revision C, dated 1<sup>st</sup> September 2008, received 10<sup>th</sup> June 2009, in addition to those originally submitted which are not superseded, i.e. drawing nos 5866/ 1002, 5866/ 1303/ Revision B, 5866/ 1304/ Revision A, 5866/ 1503/ Revision B, 5866/ 1504/ Revision E, and 5866/ 1602/ Revision B, Received 25<sup>th</sup> March 2009.

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

Regarding Condition 23, the applicant has advised that “every square inch” of the available area to the rear is required, and that therefore no line limiting the area of hardstanding is possible. The agent has long argued that Colchester Borough Council has accepted the authorised use of the entire rear area, and has produced some paperwork to support this claim. However, this is far from conclusive, and in any event as an application has been submitted, then such things can be controlled by condition. It is therefore proposed that the rear triangular section be excluded from hardstanding to provide a slightly more comfortable arrangement rather than squeezing in to that far corner. Condition 23 should, in your Officer’s view, remain.

Regarding the proposed hours of use, your Officer has discussed these with the applicant, and with Environmental Control. The applicant has stated that in reference to the “open storage” use there is a need for an early start as many of the scaffold lorries are involved in preparations for the 2012 Olympic Games and need to leave early to avoid heavy traffic on the approach to London. He has also stated that loading would take place the day before.

This being the case, it is possible to strip away the necessary early start from other uses on site. Environmental Control also states that 6am is too early a start for other activities, and that proposed Sunday and Bank Holiday working is not acceptable. This being the case, it is proposed that condition 25 be split into two, and read as follows:

25a) “Lorries connected with the scaffolding business shall not be permitted to leave or enter the site other than between 05:30 and 20:00 Monday to Friday; between 08:00 and 17:00 on Saturday, and at no times on Sundays or Bank Holidays.  
Reason: In the interests of residential amenity. “

25b) Apart from the above, no activity shall take place on site outside of the following hours: 07:00 to 20:00 Monday to Friday, 08:00 – 17:00 Saturday, and at no time on Sundays or Bank Holidays.  
Reason: For the avoidance of doubt as to the scope of this permission.”

At the applicant's request, Condition 31 has been re-worded to remove the reference to "Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc." The condition now reads as follows:

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

Means of enclosure.

Hard surfacing materials.

Refuse or other storage units, signage, lighting).

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

The Arboricultural Officer has replied as follows:

"I am in agreement with the recommendations made within the report provided. No trees appear to be proposed for removal and only minor access pruning is proposed. In conclusion, I am satisfied with the arboricultural content of the proposal."

He has proposed the following conditions:

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

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

- 33) 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.
- 34) All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.  
REASON: To safeguard the continuity of amenity afforded by existing trees and hedgerows.
- 35) The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.  
REASON: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

An additional condition (36) is proposed:

“Any mezzanines built within any of the units shall be used for storage, and no other use.

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

### 7.3 090688 – Willow Grove, Grove Hill, Langham

Councillor Garnett has sent the following message:

*“Due to unavoidable circumstances, I am unable to attend the Planning meeting on Thursday 9th July to speak about the above item.*

*Mr Tyrrell has provided a full and accurate report on the development of this application. He is to be congratulated on his discussions with the applicant in providing a more acceptable development on this site. Whilst I believe the proposed barn is far larger than the previous non descript dwelling, I believe most of the Parish Councils and my objections have been considered.*

*We all welcome the eco designs incorporated in the building and the protection for the trees and hedgerows (5-C10.15). Furthermore, the removal of permitted development rights is supported.*

*We wonder whether non standard condition no 2 is realistic although we welcome a definite period for the removal of the mobile home. Perhaps seven days is just a little too short a period. Perhaps 2 months would be more acceptable”.*

On the issue of the time limit for the removal of the temporary mobile home, 7 days had been stated in the condition on the basis that the applicant will be aware of their likely completion or move-in dates and could organise the removal of the mobile home accordingly. However, a 28-day timescale would offer some flexibility if the Committee were minded to offer a longer-time period.

Additionally, in relation to sustainability, there are several features identified in the DAS which Councillor Garnett refers to above. These should ensure that this dwelling performs well-above standard in terms of its sustainability, which is important in justifying the larger dwelling. However, in light of Councillor Garnett’s comments it is noted that at present the recommended conditions do not provide a mechanism to secure the implementation of these features in constructions. Paragraph 18 of PPS22 states that “local planning authorities and developers should consider the opportunity for incorporating renewable energy projects in all new developments” and that “small scale renewable energy schemes utilising technologies such as solar panels, Biomass heating, small scale wind turbines, photovoltaic cells and combined heat and power schemes can be incorporated both into new developments and some existing buildings”. PPS22 also adds that “Local planning authorities should specifically encourage such schemes”. Consequently, an extra condition is recommended to secure the sustainable elements of the design being implemented in full, as detailed below:

### **Non-Standard Condition**

**Prior to the commencement of development a detailed scheme that will include an implementation timetable, specifications and location plans for the solar photovoltaic and thermal panels, phase change thermal heat stores, mechanical ventilation and heat recovery system and rainwater harvesting goods, will be submitted to and agreed, in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.**

**Reason: To ensure that the dwelling takes appropriate steps to mitigate its overall impact as identified in the accompanying Design and Access Statement, as this is the basis on which the application has been submitted and subsequently considered against PPS22 and Policy ER1 of the adopted Colchester Borough Core Strategy.**

**7.4 082055 – Marks Tey Railway Station, Station Road, Marks Tey**

Application withdrawn from the agenda so that further consideration can be given to alternative access arrangements, landscaping and noise and disturbance issues.

**7.5 090471 - Gwynlian, Kelvedon Road, Tiptree**

Condition 4 states that the site must be provided with a “105m radius kerbed bellmouth connection” to Kelvedon Road. This is an error, and should read 10.5m radius rather than 105m.

### **Additional Conditions**

**10 There shall be no more than 2 mobile homes and two touring caravans stationed at the site at any time and they shall be occupied only by Mr S Taylor and his immediate relatives. When their occupation of the site ceases, all mobile homes, structures, materials and equipment brought onto the land in connection with the use shall be removed from the site within 1 month of that date.**

**Reason: For the avoidance of doubt as to the scope of the permission and in order to safeguard the visual amenity of the locality.**

**11 The utility building/dayroom shall be used only for washing, cooking and toilet facilities and for the storage of bicycles and to serve as a dayroom. At no time shall the building be used for separate and residential occupation.**

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

**12 No commercial activities shall take place on the land, including the storage of materials, and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.**

**Reason: For the avoidance of doubt as to the scope of the permission**

**13 Prior to the occupation of the site details of the proposed surface water and foul drainage shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the site.**

**Reason: The application as submitted does not provide satisfactory details of the proposed means of drainage of the site.**

7.6 090551 – Former Dairy Depot, Wimpole Road, Colchester

Additional Conditions:-

Prior to the proposed access being brought into use, vehicular visibility splays of 90m x 2.4m by 90m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of the access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

Prior to the proposed access being brought into use, a 1.5m x 1.5m pedestrian visibility splay, relative to the highway boundary, shall be provided on both sides of that access and shall be maintained in perpetuity free from obstruction exceeding a height of 600mm. These splays must not form part of the vehicular surface of the access.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and pedestrians in the adjoining highway, in the interests of highway safety.

Prior to commencement of the proposed development, loading, off-loading and manoeuvring facilities, the details of which shall be approved in writing by the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To ensure that the adjoining highway is not obstructed by servicing activity, in the interests of highway safety.

The existing access shown on the returned plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the satisfaction of the Highway Authority, immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interest of highway safety.

Prior to commencement of the proposed development, details showing the proposed means of preventing the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway, in the interests of highway safety.

The development shall not be occupied until such time as the car parking area, indicated on the approved plans, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car 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 related to the use of the development.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers and bicycles, of a design which shall be approved in writing with the Local Planning Authority, shall be provided within the site and shall be maintained free from obstruction at all times for that sole purpose.

Reason: To promote the use of sustainable means of transport in accordance with the EPOA Vehicle Parking Standards and Policy 4 in Appendix G to the Local Transport Plan 2007/2011 as refreshed by Cabinet Member decision dated 19 October 2007.

The retail store shall not be open to the public until such time as the current uncontrolled pedestrian refuge outside the application site has been upgraded to a zebra crossing and has been provided entirely at the Applicant/Developer's expense. (See Informative 3).

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development in accordance with Policy No. 3.4 in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member decision dated 19 October 2007.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, the ground floor convenience store as shown on the approved plans shall only be used for A1 top up retail sales as described in the application namely “a wide range of grocery items” and not for any other A1 sales.

Reason: To ensure the development satisfies Government advice in PPS6, the Council’s adopted Core Strategy December 2008 and the Adopted Review Colchester Borough Local Plan March 2004.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and the Town and Country Planning (General Permitted Development) Order 1995, the amount of net retail floorspace shall not exceed the 279 square metres shown on the approved drawing.

Reason: To ensure the development satisfies Government advice in PPS6, the Council’s adopted Core Strategy December 2008 and the Adopted Review Colchester Borough Local Plan March 2004.

#### Informative 1

It should be borne in mind that, unless otherwise stated, the base for these conditions is Policy 1.1 in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member decision dated 19 October 2007.

#### Informative 2

All works affecting the highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made initially by phone on 01206 838936 or by e mail on [www.highways.eastarea@essex.gov.uk](mailto:www.highways.eastarea@essex.gov.uk).

#### Informative 3

Please note the applicant should contact the Highway Authority as soon as possible in respect of the highway works, as due to the complexities of the legal process, S278 Agreements may take 9 months to complete, this time scale should be incorporated into the building programme.

The applicant has requested that consideration be given to amending opening times to 0700 to 2100 Monday to Saturday instead of the 0800 opening suggested by Environmental Control. They have also requested the condition restricting delivery times is amended to allow deliveries by light vans (bread and newspapers) outside these times.

There has been insufficient time to properly research these requests (i.e. consideration of recent permission for similar retail premises, number of deliveries etc) but the applicant can apply to vary these conditions and submit further information to support their proposals.

## **Agenda Item 8 – Collins Green, School Road, Messing**

**Members should note that whilst work has been carried out which is not in accordance with the approved plans, the Case Officer, when agreeing the materials for Plots 1, 2, 3 & 4 did not require details of a contrast brick for the quoins and subsequently agreed the porches erected were acceptable.**

**Members should also note the modifications to the design are also required for Plots 3 & 4 in addition to Plots 1 & 2.**

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
9 July 2009 at 6:00pm**

**SUPPLEMENTARY AGENDA**

**Part B**

(not open to the public or the media)

**Pages**

**There are no Section B Items**