

Planning Committee Meeting

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

Thursday, 14 June 2018 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. Usually, only one person for and one person against each application is permitted.

Attendance between 5.30pm and 5.45pm will greatly assist in enabling 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 (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. At Planning Committee meetings, other than in exceptional circumstances, only one person is permitted to speak in support of an application and one person in opposition to an application. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here: <http://www.colchester.gov.uk/haveyoursay>.

Audio Recording, Mobile phones and other devices

The Council audio records public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor 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, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

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www.colchester.gov.uk

COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 14 June 2018 at 18:00

The Planning Committee Members are:

Councillor Lyn Barton
Councillor Vic Flores
Councillor Pauline Hazell
Councillor Theresa Higgins
Councillor Brian Jarvis
Councillor Cyril Liddy
Councillor Derek Loveland
Councillor Jackie Maclean
Councillor Philip Oxford
Councillor Chris Pearson

The Planning Committee Substitute Members are:

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

Councillors:

Christopher Arnold	Kevin Bentley	Tina Bourne	Roger Buston
Nigel Chapman	Peter Chillingworth	Helen Chuah	Nick Cope
Simon Crow	Robert Davidson	Paul Dundas	John Elliott
Andrew Ellis	Adam Fox	Dave Harris	Darius Laws
Mike Lilley	Sue Lissimore	Patricia Moore	Beverley Oxford
Gerard Oxford	Lee Scordis	Lesley Scott-Boutell	Martyn Warnes
Lorcan Whitehead	Dennis Willetts	Julie Young	Tim Young

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 6 are normally dealt with briefly.

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting here: <http://www.colchester.gov.uk/article/13489/Planning-Committee>

Please note that any further information for the Committee to consider must be received no later than 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 Appointment of Chairman

To appoint a Chairman for the forthcoming Municipal Year

2 Appointment of Deputy Chairman

To appoint a Deputy Chairman for the forthcoming Municipal Year

3 **Welcome and Announcements**

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

4 **Have Your Say! (Planning)**

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

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

5 **Substitutions**

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

6 **Urgent Items**

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

7 **Declarations of Interest**

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

8.1 **Minutes of 26 April 2018** 7 - 20

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 26 April 2018.

8.2 **Minutes of 23 May 2018** 21 - 22

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 23 May 2018.

8.3 **Minutes of 24 May 2018** 23 - 30

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 24 May 2018.

9 **Planning Applications**

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

9.1 **180719 Oaks Hospital, Oaks Place, Colchester** 31 - 46

Proposed new MRI side extension, theatre four and stores rear extension, re-siting of existing two storey portacabins and additional car parking.

- 9.2 **180710 Former Bus Depot, Magdalen Street, Colchester** 47 - 56
Short term temporary public paid parking, no change to the site, this use will be until the approved development then proceeds.
- 9.3 **180918 United Reform Church, 9 Lion Walk, Colchester** 57 - 62
Fitting of a small plaque at the base of the tower of Lion Walk Church, south-facing, two metres from pavement, to commemorate the Colchester Earthquake in 1884.
- 9.4 **181087 Charter Hall, Colchester Sports Centre, Colchester** 63 - 68
Consent to display two new internally illuminated signs and nine banners promoting Charter Hall, Colchester.
- 9.5 **181235 35 De Vere Road, Colchester** 69 - 74
Erection of an extension to an existing garage.
- 10 **Land at Axial Way, Colchester – Amendments to Section 106 Agreement** 75 - 78
A report by the Assistant Director Policy and Corporate giving details of changes to the requirements of the County Highway Authority in respect of application 162302 – development to the south of Flakt Woods.
- Planning Committee Information Pages** 79 - 90

- 11 **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, 26 April 2018

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Chris Pearson
Substitutes: Councillor Peter Chillingworth (for Councillor Jackie Maclean)
Also Present:

569 Site Visits

Councillors Barton, Chillingworth, Chuah, Hazell, Higgins, Jarvis, Liddy and Loveland attended the site visits.

570 Urgent Items

The Chairman explained that she had agreed that three additional agenda items would be considered at the meeting as matters of urgency, because the applications had received no objections, were intended to be determined at an earlier meeting in April 2018 and the next meeting of the Committee will not take place for another four weeks.

571 Minutes of 29 March 2018

The minutes of the meeting held on 29 March 2018 were confirmed as a correct record.

572 173115 Fletchers Farmhouse, Rams Farm Road, Fordham

The Committee considered a planning application for the conversion of an agricultural barn to a swimming pool and changing facilities with associated parking and ancillary works at Fletchers Farmhouse, Rams Farm Road, Fordham, Colchester. The application had been referred to the Committee because it had been called in by Councillor Chillingworth. The Committee had before it a report and an amendment sheet in which all 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.

Benjy Firth, Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Tom Bradshaw addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that his family

had lived and worked in Fordham since 1937. The family currently operated a livery yard and riding stables and welcomed many local residents for riding lessons. The proposed swimming pool had received support from the local primary school which would help the school meet its legal obligations to ensure all pupils were able to swim at least 50 metres. He had also been approached by a local swimming club which had 314 under six year olds on a waiting list. The proposed pool would provide five new full-time jobs thus supporting the local economy. He considered the Council's objection to the proposal was based on case law which specifically related to the conversion of agricultural buildings to residential use which he did not consider relevant as the application was not being made under permitted development rights and there was no requirement for the development to constitute a conversion. The proposal sought to re-use an existing agricultural building under the farm diversification scheme. The building was currently used for the storage of agricultural machinery and was therefore not redundant but it was no longer generating income for the farm. It had originally been built to store bales of hay but was no longer fit for this purpose. The building would be of significantly more benefit to the farm as a swimming pool than as a store. He was not aware of any policies which prohibited the change of use of an agricultural building even if it had been erected under permitted development rights. Concerns about traffic had been raised but he had not received any request for additional information of predicted traffic generation and no objection had been raised by the Highways Authority. Criticism had been made in relation to the lack of consideration of alternative locations however no alternatives had been considered as the proposal had been considered as a rural diversification scheme to re-use an existing building.

The Planning Officer confirmed that the case law referred to in his report provided clarity on what was considered to be a conversion, not what type of conversion. It had been raised on the basis that different policy requirements would apply depending on whether the proposal was a new build or a re-build.

One member of the Committee was of the view that the proposal could provide considerable community benefit. The site was six miles from Colchester and there were several village communities in the area, as well schools and groups who would benefit from the proposal. He referred to the erection of the building under permitted development rights which, he considered, gave scope to allow a change of use. He was of the view that the building could not be considered redundant given the changing nature of the farming business and there were other uses the building could be put to, such as the storage of farm equipment. He was further of the view that the proposal should be considered as farm diversification which would provide income and jobs from something other than pure agriculture and, as such the re-use of the building should be encouraged. He did not consider that the proposal would constitute a new building, he referred to the lack of objections in relation to environmental and highways issues and he welcomed the proposal as a valuable addition to the community.

The Planning Officer confirmed that applications for farm diversification schemes

required the submission of a diversification plan showing how the diversification would contribute to the viability of the farm, whilst the Council's policies on community facilities required the submission of an analysis of need, both of which were missing from the application documents and, as such, the application was a premature one which lacked the required evidence base.

The Development Manager explained that the key consideration for the committee members was the sustainability of the location which was reflected in the Council's diversification policy. He explained that this policy also requires the submission of evidence that the proposed use shouldn't be better located in a more sustainable location. The proposed use would potentially give rise to considerable trip generation by private vehicles, given the interest from local schools would not sustain the use in its entirety and he therefore considered that the proposal was not located appropriately in terms of sustainability. This was a matter that the Committee members needed to weigh up against the public benefit of providing a community facility a location which was not served by sustainable modes of transport.

Other members of the Committee did not consider that the proposal would meet the requirements for agricultural diversification, especially given the potential short term nature of the contributions made from the diversification to the overall farm business. There was also concern that there would be a lack of adequate reason for the Committee to overturn the officer's recommendation, in this instance. Reference was also made to the prematurity of the application given no evidence of viability and need had been submitted in support of the application.

RESOLVED (SEVEN voted FOR, TWO voted AGAINST) that the application be refused for the reasons set out in the report.

573 180478 2 Mede Way, Wivenhoe

The Committee considered a planning application for a proposed extension and alterations at 2 Mede Way, Wivenhoe, Colchester. The application had been referred to the Committee because it had been called in by Councillor Cory. The Committee had before it a report in which all information was set out.

Eleanor Moss, Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Alan Thomas addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he lived in the adjoining property to the application site. He considered that the conversion of a two bedroom bungalow into a family home was not in keeping with the locality. He explained that he and his wife had moved to the area attracted to the peace and quiet and the fact that the majority of residents were retired. He considered that the size of the

proposed extension would have a negative impact on his quality of life as the height of the proposal would restrict the light to his property.

Michael Bowler addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposal satisfied all material planning considerations and, as such, was recommended for approval. He was of the view that the adjoining neighbours did not want the application to go ahead, despite the fact that they had already extended their own properties. Concerns had been expressed in relation to disruptive building works and the occupation of the property by a young family. The proposal had been demonstrated to have no overshadowing, parking or overlooking issues and he confirmed that concerns in relation to foul water and drainage would be addressed at the building regulations stage. He also referred to the applicants' fall-back position under the larger homes procedure. He asked the Committee members to endorse the planning officer's recommendation.

Councillor Cory attended and, with the consent of the Chairman, addressed the Committee. He had called in the application as he considered that the neighbour's concerns had not been taken fully into account. He made reference to the need for the adequate arrangements to be in place for planning officers' reports to be made accessible for residents who were without access to the internet. He considered there would be a small loss of light and amenity for the neighbours due to the height of the extension, which would project above the roof height. He was familiar with the area and was of the view that the proposed doubling of the footprint of the property would not suit the locality. He welcomed the fact that some of the neighbour's concerns had already been addressed within the proposal but he was of the view that some concerns remained outstanding. He also asked that the conditions proposed be sufficiently robust. He further referred to the introduction of a window which would overlook the neighbouring property and asked for a condition to be added to provide for either an obscure window or the extension of the fence to the front of the property. He further asked for advisory note ZT0, in relation to the safety of the land, to be fully satisfied prior to commencement of the construction work, given the neighbouring resident's current negative health issues and his concern that this should not be exacerbated.

The Planning Officer confirmed that it was not possible for the make-up of a household to be taken into consideration when assessing the merits of a planning application. The proposed extension would be six metres deep and three metres high which was not considered to be excessive, whilst there was also a realistic fall-back position under permitted development rights for an extension six metres deep and four metres high. In terms of impact upon light, this was considered to be marginal, with the tests in the Essex Design Guide having not been breached and, as such, it would not be possible to sustain a refusal of the application. No objections had been raised by the Contamination Officer which was why no recommendation for a contamination condition had been proposed. The extension proposed was to the rear of the property and, as such, any

negative impact on the character of the area would be marginal. The proposed new window could be inserted at any time under permitted development rights and she would not support a requirement for obscure glazing as the window would serve a bedroom and would not be appropriate. She invited the Committee members to consider the suggestion in relation to the extension to the fencing.

Members of the Committee, whilst sympathising with the residents current negative health issues, confirmed that they were unable to make decisions on the basis of emotional responses. Concern was expressed regarding comments relating to certain localities being restricted to an age of resident. Committee members also sought assurances that practices were in place to enable access to committee reports for those without access to the internet. It was considered that the proposal would not have a negative impact on the street scene and, whilst acknowledging the likelihood of an impact on the neighbours, this was not considered to be significant. Acknowledgement was also given to the existence of a fall-back position for the applicants under permitted development rights. The suggestion to consider a condition to extend the fence to the front of the property in order to shield the view from the bedroom window was not supported on the grounds that there would be little to be gained.

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

Councillor Chillingworth here left the meeting.

574 172272 Land to the rear of Field House, Dyers Road, Stanway

The Committee considered a planning application for the creation of 35 two, three and four bedroom detached, semi-detached and terraced houses, plus associated roads, car parking, landscaping and public open space at land to the rear of Field House, Dyers Road, Stanway, Colchester. The application had been referred to the Planning Committee because it was a major application with objections and subject to Section 106 agreement. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Alistair Day, Principal Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations. He confirmed that the Highway Authority had raised no objections to the proposal, subject to conditions. He also recommended that the legal agreement be subject to a further condition providing for the public open space to remain in perpetuity with general access for the public.

Annette Oakley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained that she

was representing herself and five other residents of Grieves Court, Stanway and to ask the Committee to refuse the application or to refer it for further investigation. She referred to the woodland area to be developed which was one of few remaining in Stanway, housing a variety of wildlife, including bats and badgers which would be disturbed as a consequence of the development. She referred to the other considerable housing development proceeding in Stanway and considered it unnecessary for the woodland and wildlife to be disturbed for the sake of 35 extra houses. She understood that only 19 trees would be retained within the development and she had also received notification of a further development adjacent to the site currently being considered which would result in the loss of further trees. She asked whether Committee members had visited the area to see what the trees looked like. She considered Councillors should protect residents and the environment from unnecessary and unwanted development and not to approve what the Government dictated. She regretted the recent changes in Stanway and the persistent traffic problems due to extra traffic.

Michael Smith addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He welcomed the report and explained that the scheme would deliver a high quality development, in accordance with the council's planning policies and the allocation of the site for residential use in the site allocations DPD. The scrub and undergrowth in the central part of the site would be cleared leaving two thirds of the land for redevelopment. The mature woodland would be retained with the benefit of an ongoing management regime to bring it back to full health and access would no longer be restricted. Across the scheme 120 trees would be retained and two large trees, the subject of TPOs, would form a focus for the extension to the existing public open space at Egremont Way. He confirmed that proposals to construct a cycle way to Egremont Way had been omitted in response to concerns raised by residents. Funding, as part of the planning obligations, would be available to improve the landscape within the existing open space as well as for affordable housing, a new community hall, improvements to existing open space, expansion of primary school provision, a footway to Dyers Road and new bus stops in Blackberry Road. The scheme complied with the council's policies in relation to development sizes, car parking and back to back distances. Care had also been taken to create appropriate distances between the new houses and existing housing to the north, to ensure views of the woodland are retained and there would be no overlooking. Arrangements had also been made to meet with ward councillors and residents to the north to agree the form of boundary enclosure should the application be approved. He concluded by confirming that the proposal was in accordance with planning policy, retained woodland area, addressed the concerns of local residents where possible, it delivered a wide range of community benefits, would be a high quality development and in-keeping with the surrounding area, as such, he asked the Committee members to approve the application.

Councillor Lesley Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She thanked the developer and the officers involved in the

application for listening to concerns expressed by residents in relation to the cycleway cutting across the open space in Egremont Way which had been proposed in the original scheme and was now intended to be re-routed to Dyers Road. She was concerned about the impact of the development on existing residents occupying the properties to the north of the site. She was aware of concerns about a loss of amenity and a loss of outlook. She referred to the substantial changes in ground levels between the application site and the properties in Grieves Court. Many residents had lived in the locality for a number of years and were distressed by the potential loss of outlook. She asked for assurances that the boundary treatment to the northern boundary of the development be sited at the bottom of the slope to ensure residents' outlook is protected. She requested that the developers offer to meet with ward councillors and residents to discuss the boundary issue be maintained and she asked that the boundary issue be brought back to the committee for determination, should there be any disagreement. She also asked for confirmation regarding the trigger points to release funding to be included in the Section 106 obligations.

Councillor Jessica Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She referred to the ecological and diversity aspects of the application and, in particular, the concerns expressed by the North East Essex Badger Group that the badger's foraging space would be curtailed. Residents were also concerned about the wildlife, given the area was recognised as having high ecological significance. There had been sightings of monk jack deer in the area but there was no mention of them in the ecological and biodiversity report. She asked that the green space in this and the adjacent site be given to the community in order to facilitate the wildlife. She welcomed the provision of bat roosting opportunities, bird boxes and reptile habitats and hedgehog holes in fences but remained concerned as to where the deer and badgers would go. She welcomed the non-standard conditions in relation to garages and the construction method statement but asked the committee to defer their consideration.

The Principal Planning Officer further confirmed that the site, in its entirety, was allocated for residential development and, as such, the principle of development of the site had been agreed in the Local Plan. He confirmed that the woodland block to the west of the site was being retained in its entirety, the trees of low value would be removed and the two high value oak trees in the centre of the site were being retained. Ecology was clearly important and the comments from the Badger Group had been acknowledged in the report. The Group had noted that the green corridor along the southern boundary tapered whilst the development of the site to the south would be coming forward in due course and, accordingly, had asked that the green link be strengthened as part of that application. The issue remaining was in relation to the translocation of reptiles, provision for which had been made in a proposed condition for adequate mitigation for reptiles. He doubted it would be practicable to position the boundary fence to the development at the bottom of the slope as this would create a potential for existing residents to overlook / look down into the rear gardens of the

proposed dwellings and would create an area of no man's land which would become unkempt and unmanaged. He confirmed that loss of outlook was not a material planning consideration, however, care had been taken to ensure that the plots adhered to the minimum back to back distances outlined in the Essex Design Guide. The recommendation was for the Section 106 agreement to be determined by officers. As the scheme was quite small, it had been proposed that the majority of the financial provision trigger points will be delivered at the occupation of about 20 units. The package of mitigation measures had been agreed by the Council's Development Team and, as such, had been considered to be appropriate.

Members of the Committee acknowledged the concerns of the neighbours in relation to the building of more and more homes and the continuing expansion of communities. Assurances were requested in relation to the robust nature of the archaeological conditions recommended, given the site was considered to have high potential for the existence of archaeological remains. In addition, further information was sought in relation to the proposed protection to be given to wildlife on the site, particularly the translocation of reptiles. Reference was also made to the proposed agreement in relation to the boundary treatment and whether any conditions had been included to provide for this. Concern was expressed in relation to that suggested positioning of a boundary fence at the bottom of the slope, given the topography of the land.

The Principal Planning Officer further commented that the Highway Authority comments had been delayed but it had been confirmed that they did not consider there would be any significant impacts in terms of highway capacity and highway safety. In relation to construction traffic, a condition had been recommended to provide for the submission of, and agreement to, a Construction Method Statement. The Council's Archaeology Officer had recommended a condition for ground investigation work but, subject, to satisfactory results, there were no grounds upon which to refuse the application.

Committee members referred to the area being zoned for housing and the principle of development was already established. The layout and design of the development was considered to be good, with generous sized gardens, it complied with parking standards and the provision of seven affordable houses was welcomed.

RESOLVED (UNANIMOUSLY) that, subject to the submission of an acceptable mitigation strategy for reptiles and the addition of an appropriately worded condition to provide for the implementation of the agreed ecological mitigation strategy, the Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report, as well as further conditions specified by the Highway Authority and a further clause in the Section 106 agreement providing for the public open space to remain in perpetuity with general access for the public and 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, in the event that the legal agreement is not signed within six months, authority be delegated to the Assistant

Director Policy and Corporate to refuse the application, or otherwise to be authorised to complete the agreement to provide for the following:

- Affordable Housing: Shared Ownership – 1 two and 1 three-bed terraced house; Affordable Rent – 3 two-bed terraced houses and 2 three-beds (one terraced, one detached) and one unit designed to Part M4 (2) standard with a level access shower installed;
- Education - £133,707 Stanway Fiveways Primary School;
- Community Facilities - £60,000 contribution to hall on Western Approaches Road in Stanway;
- Open Space - £247,334.25 – towards Adult gym, Dog agility equipment, Egremont Way landscape improvements and provision of play equipment and landscape improvements at Stanway Country Park;
- Highways – bus stops on Blackberry Road;
- Footpath / cycleway link to boundary of the site to the south;
- All sums to be index linked.

575 180057 Garrison Area J2B, Circular Road North Colchester

The Committee considered a planning application for the Conversion of retained ex-Ministry of Defence buildings on Parcel J2B, Colchester Garrison, to two commercial units and 70 dwellings with minor demolition, forming of openings to allow adaptation of existing buildings at the Garrison Area J2B, Circular Road North, Colchester. The application had been referred to the Planning Committee because it was a major application with objections and subject to Section 106 agreement. The Committee had before it a report and an amendment sheet in which all 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 Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report, the amendment sheet, as well as an additional condition / informative (as appropriate) offering the redundant gates to a local organisation and subject to the signing of a linking legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the linking legal agreement is not signed within six months, authority be delegated to the Assistant Director Policy and Corporate to refuse the application, or otherwise to be authorised to complete the agreement.

576 180540 Hill House, Carters Hill, Boxted

The Committee considered a reserved matters application following outline approval 170997 for the erection of 36 residential dwellings, public open space, landscaping, new

access and highways, associated and ancillary development at Hill House, Carters Hill, Boxted, Colchester. The application had been referred to the Planning Committee because Councillor Chapman had called in the application. The Committee had before it a report and an amendment sheet in which all information was set out.

Mark Russell, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. He explained that the site had been included in the Neighbourhood Plan, together with a reference to materials for the buildings proposed, including hand-made clay tiles, feather edge weatherboarding and other vernacular materials. He considered it reasonable to require the provision of clay tiles and wood weatherboarding but did not consider it reasonable to stipulate tiles to be hand-made. He also referred to trees rooted in the application site which were obscuring the pedestrian crossing adjacent to the site which the ward councillors had asked to be cleared.

Angela McLauchlan, on behalf of Boxted Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained that the Parish Council objected to any street lighting in the development. The clearance of trees near the pedestrian crossing was welcomed but assurances were sought that there would be an ongoing maintenance commitment and who would be responsible for it. Concerns were expressed regarding parking on the green and asked about the provision of double kerbs on the verges to prevent parking, as well as planting or diamond fencing around the boundary of the green. She asked for more discretion in relation to the detailed allocation of the Section 106 funding contributions so that it could be used for community improvements. She asked for details of the transport plan to be made available and for more clarity on the latest recommendations.

Jennifer Carroll addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She explained that Linton Homes were committed to designing well-built and high quality homes. She confirmed that the application concerned matters relating to appearance, layout, landscape and scale. The scheme was focussed on delivering a high quality and appropriately detailed and rural residential development with trees, open space and landscaping. Linton Homes had taken time to understand the area and hoped the application was a positive example of working with stakeholders and the council. Work had been undertaken with planning, urban design and landscape officers before the final scheme had been submitted as well as undertaking correspondence leading to the determination of the application, including discussions with the Highway Authority. The development provided a mix of family dwellings, generous open space areas and seven affordable units in accordance with the Section 106 agreement. Careful consideration had been given to the setting of Hill House and, as such, a buffer had been provided to separate the application site from that of Hill House, within which no development would be included. There would be meaningful landscape planting throughout the scheme, including a new

village green with footpath routes to open up the site to new and existing residents. She confirmed that there were no proposals to light any part of the development. She confirmed that the open space would be managed by a management company, whilst it was possible for the village green to be gifted to the Parish Council, if this was not acceptable it would revert to the responsibility of the management company.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He explained that the application was the culmination of the Neighbourhood Plan and, as such, the development of the site was supported. He was disappointed that there had been no involvement of the local community within Linton Homes' consultations to date and suggested that an approach should have been made to either Borough or Parish Councillors and the local community as well as the planning officers and Highway Authority. He referred to the principle of dark skies regime and that this was supported by communities in the Dedham Vale and, as such, he hoped lighting would not be brought into the development. He asked for assurances regarding restrictions on construction vehicle deliveries during school drop off times, given the school's catchment across a lot of North Colchester.

The Principal Planning Officer confirmed that there were no proposed lights for the development however, the Highway Authority may consider lighting was necessary on the adopted highway. He confirmed that in order to facilitate tree clearance near the pedestrian crossing, access would need to be provided to the ditch. The transport plan and management company responsibilities were covered by outline conditions. The section 106 agreement had been completed at the outline application stage and, as such there was no longer discretion to vary the details.

Members of the Committee were supportive of the restriction of construction vehicle deliveries, in order to safeguard children walking to the local school and asked that discussions take place with the Highway Authority to seek their support for the adoption of dark sky principles in the area. Support was also given to the provision of appropriate measures, in-keeping with the locality, to deter parking on the village green in order to comply with the provisions of the Neighbourhood Plan.

The Development Manager explained that the existing condition covering a construction method statement had been discharged at the outline application stage of the development and, as such, an informative would be the most appropriate method to seek the restriction of the hours of construction vehicle deliveries. He further suggested adding a clause to the landscaping condition to provide a means for the enclosure of the village green.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and the amendment sheet as well as the addition of an informative requesting the restriction of the hours of construction vehicle deliveries between the usual school dropping off times and the addition of a clause to the landscaping condition

to provide for a means to suitably enclose the village green.

577 180555 40 Berechurch Road, Colchester

The Committee considered a planning application for two three bed bungalows on vacant land at the rear of 40 Berechurch Road, Colchester. The application had been referred to the committee because Councillor Chapman had called in the application. 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.

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

578 180102 Side wall of 44 St Johns Street, Colchester

The Committee considered a planning application for an interpretation panel containing general historical information and logos including friends of Colchester Roman Wall at the side wall of 44 St Johns Street, Colchester. The application had been referred to the Committee because the applicant was an Honorary Alderman. The Committee had before it a report in which all information was set out.

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

579 180104 Castle Park, High Street, Colchester

The Committee considered a planning application for an interpretation panel containing general historical information and logos including friends of Colchester Roman Wall at Castle Park, High Street, Colchester. The application had been referred to the Committee because the applicant was an Honorary Alderman. The Committee had before it a report in which all information was set out.

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

580 180106 Vineyard Street Car Park, Vineyard Street, Colchester

The Committee considered a planning application for an interpretation panel containing general historical information and logos including friends of Colchester Roman Wall at Vineyard Street Car Park, Vineyard Street, Colchester. The application had been referred to the Committee because the applicant was an Honorary Alderman. The Committee had before it a report in which all information was set out.

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

Planning Committee

Wednesday, 23 May 2018

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, Councillor Chris Pearson

Substitutes: No substitutes were recorded at the meeting

Also Present:

581 Appointment of Chairman

The Committee was invited to appoint a Chairman for the forthcoming Municipal Year but no majority could be reached on the nominees.

RESOLVED that the appointment of Chairman for the forthcoming Municipal Year be deferred to the first meeting of the Committee.

582 Appointment of Deputy Chairman

The Committee was invited to appoint a Deputy Chairman for the forthcoming Municipal Year but no majority could be reached on the nominees.

RESOLVED that the appointment of Deputy Chairman for the forthcoming Municipal Year be deferred to the first meeting of the Committee.

Planning Committee

Thursday, 24 May 2018

Attendees: Councillor Lyn Barton, Councillor Vic Flores, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Chris Pearson

Substitutes: Councillor Gerard Oxford (for Councillor Philip Oxford)

Also Present:

583 Appointment of Chairman

The Committee was invited to appoint a Chairman for the Municipal Year or for this meeting only but no majority could be reached on the nominees.

Councillor Pearson sought an adjournment of the meeting but, on being put to the vote, no majority could be reached and, accordingly, Ian Vipond, Strategic Director of Policy and Place, facilitated the meeting.

584 Site Visits

Councillors Barton, Hazell, Higgins, Jarvis, Liddy, Loveland and Maclean attended the site visits.

585 Minutes

There were no minutes for confirmation at this meeting.

586 180245 Garages, Willows Court, The Willows, Colchester

The Committee considered a planning application to vary condition 2 of planning permission F/COL/02/1970 at Garages, Willows Court, The Willows, Colchester. The application had been referred to the Committee because it was a major application and unresolved objections had been received. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Eleanor Moss, Planning Officer, presented the report and assisted the Committee in its deliberations.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He confirmed that he was supportive of the application but sought clarification regarding the proposed recycling arrangements for the site and that adequate storage facilities for recycling would be provided to residents. He also referred to an area which had previously been used for cycle storage and whether this could be reinstated as cycle storage.

Members of the Committee welcomed the application, particularly if this was an encouraging sign that the completion of the development may be coming to pass.

The Planning Officer confirmed that the reinstatement of the area formerly used as cycle storage would be for the land owner to determine but she had no knowledge of the ownership. In terms of an anticipated timely completion of the development which had first been commenced in 2002, she could not give any assurance but was hopeful that this current application was a positive indication of a desire to complete the scheme by the developer. She also explained that, in the interests of absolute clarity, it was her intention to amend the wording of Condition 2 to provide for the details of all the approved plans to be specified. She also confirmed that the roads within the development would remain un-adopted and, as such, road maintenance would be a matter for the developer and that a scheme would be provided for the collection of waste and recycling off site.

RESOLVED (NINE voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report and, in the interests of absolute clarity, with condition 2 being amended to provide for the details of all the approved plans being specified.

587 180694 Units 6-7, Hawkins Road, Colchester

The Committee considered a planning application for approval of reserved matters following outline approval 152493 (Erection of 37 apartments, 2 office units and associated layout, access and parking) at Units 6-7, Hawkins Road, Colchester. The application had been referred to the Committee because it was a major reserved matters development proposal, an objection has been received from a Councillor on parking/highway impact grounds whilst the recommendation of the case officer was for approval. The Committee had before it a report and an amendment sheet in which all information was set out.

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

588 173119 Ranges Service Station, 154 Mersea Road, Colchester

The Committee considered a planning application for a mixed use development comprising an extension of the forecourt shop, reorientation of the drive through hand car wash and an additional storey at first floor level to house two residential flats with associated car parking at Ranges Service Station, 154 Mersea Road, Colchester. The application had been referred to the Committee because it had been considered by the Planning Committee on 8 March 2018 and deferred to allow a Construction Method Statement to be submitted, consideration by the Health and Safety Executive and the Fire Authority and for an amendment to retain the protective Trief kerb on part of the Northern boundary of the site. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Chris Harden, Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations. The Planning Officer confirmed that negotiations with the developer had succeeded in ensuring that the existing Trief kerb would be retained. In addition, he explained that a change to Condition 10 was required in order to provide for newspapers to be included as well as fuel deliveries as exceptions from the opening/delivery hours restriction.

Kevin Bridge addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was addressing the Committee on behalf of his parents who lived adjacent to the site. He acknowledged that the safety concerns that he had made at the Committee's previous consideration had been further investigated and welcomed the news that agreement had been reached to the retention of the Trief wall. He emphasised that his parents remained concerned in relation to the parking of large vehicles at the boundary of the site, opposite the window to their kitchen. He also acknowledged that deliveries were permitted until 10:30pm but confirmed that his parents experienced disturbance from deliveries occurring after the hours of 10:00pm.

Paige Harris addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She referred to the application site's sustainable location, that the proposal complied with national and local planning policies, the need for the site to be modernised and receive investment and that the expansion of the site would allow for the business' continued use. During the course of the application process various elements had been amended in order to address comments made by the officers, residents and the Committee and the developer had been happy to do this. A highly detailed Construction Method Statement had been submitted in response to a request made by the Committee members and this had confirmed that construction could proceed safely. In addition, in order to address additional concerns, it had been agreed that the Trief wall would be retained and the petrol station would be closed during the construction phase of the development.

Councillor Harris attended and, with the consent of the Chairman, addressed the Committee. He welcomed that additional work provided by the developer and the case officer since the application was first considered by the Committee. However, he remained of the view that the proposed height of the proposal would be overbearing for the neighbouring residents. He thanked the developers for agreeing to retain the Trief wall and sought clarification in relation to the restriction on occupation of the new residential units to employees of the petrol station business. He appealed to the developer to continue the dialogue which had taken place with the neighbouring residents on a regular basis throughout the construction phase to ensure that they would feel involved in the process and would have a point of contact if something of concern needed to be addressed. He remained concerned regarding the proximity of the high voltage cables to the new residential units, particularly noting the potential for the clearance beneath the cables to decrease during times of particularly hot weather.

The Planning Officer confirmed that the height of the new residential units and their distance from the neighbouring properties was considered to be sufficient to adequately reduce the impact on the neighbouring residents. He welcomed the support for the retention of the Trief wall and the outcome of the considerable discussions which had taken place. He confirmed that the restriction on the occupancy of the residential units would mean that when the business closes, the occupants would be required to vacate the units. He confirmed that there was already provision within the condition relating to the Management Plan for a 'good neighbour' newsletter to be issued.

One member of the Committee was concerned about the continued potential for unreasonable nuisance from parking adjacent to the boundary fence in the area intended to be allocated for residents parking and sought clarification as to whether any measures could be considered to address this issue.

Reference was also made by another Committee member to continued concerns in relation to electro-magnetic pollution, the need for deliveries other than fuel and newspapers to be made from as early as 6:00am, the ability to legally enforce a restriction on the occupancy of the residential units, the need for increased high voltage cable clearance distances at times of high temperatures and clarification regarding the reference by the Fire Authority to an Essex Act.

Other members of the Committee considered that the proposed new layout for the forecourt would adequately address perceived parking problems, particularly if consideration could be given to the installation of folding parking posts. Early morning deliveries of food items such as bread, milk and sandwiches were considered to be essential to the success of the shop whilst the potential inclusion of an onsite bakery may lead to increased early morning nuisance issues for the neighbouring residents.

The Planning Manager explained that the Fire Authority is consulted at two stages of the

planning and build process and the first occasion was in accordance with the provisions of the Essex Act. Acknowledging experiences from another petrol station site, he further suggested that an additional condition could be added to ensure any planning permission granted did not include an onsite bakery operating before opening hours.

The Planning Officer further explained that the risks associated with electro-magnetic processes had been referred to officers in the Council's Environmental Protection Team who had confirmed that they had no grounds upon which to object to the proposal. He considered that the restriction on the occupancy of the residential units could form part of a monitoring regime and he confirmed that the high voltage cable clearances had complied with the requirements identified from UK Power Networks modelling procedures. He also confirmed that the delivery hours proposed had been in operation at the site for a number of years and he was aware that any changes to restrict these further would cause difficulties with the successful operation of the business, particularly in relation to the sale of ancillary items from the petrol station shop.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report together with an amendment to condition 10 to provide for newspapers to be included as well as fuel deliveries as exceptions from the opening/delivery hours' restriction and additional conditions to exclude the provision of an onsite bakery and to provide for the installation of folding parking posts to the four proposed residential parking spaces.

589 180572 21-27 South Street, Colchester

Councillor Liddy (by reason 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 a planning application for replacement of single-glazed timber windows with double-glazed UPVC windows at 21-27 South Street, Colchester. The application had been referred to the Committee because it was on behalf of Colchester Borough Homes. The Committee had before it a report in which all information was set out.

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

590 180718 6 and 8 Northgate Street, Colchester

Councillor Liddy (by reason 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 a planning application for the replacement of single-glazed timber windows with double-glazed aluminium windows and to replace the front doors with hardwood alternatives at 6 and 8 Northgate Street, Colchester. The application had been referred to the Committee because it was on behalf of Colchester Borough Homes. The Committee had before it a report in which all information was set out.

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

591 End of Year Planning Performance 2017 - 2018

The Committee considered a report by the Assistant Director Policy and Corporate giving an overview of planning service performance for the Planning Committee. Performance was reported formally at the end of each year and the current report was for the fiscal year from April 2017 to March 2018, with some comparative figures for previous years given as reference points.

Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations. He explained that all of the Council's performance indicators had been met. A large volume of planning application decisions had been issued prior to, or on, their expected target deadlines and the speed of decision making had been consistently strong regardless of the scale of development. The Council had also met targets in terms of quality decision making, successfully defending its decisions against appeals determined by the independent Planning Inspectorate. There had also been fewer appeals against decisions, after a focus on better explanations around the issues that warranted refusal which had contributed to a significant increase in performance on appeals from the previous year. Additionally, there had been another increase in the formal enforcement actions taken during the year and a number of notices had been served, including stopping works in progress, and removing unauthorised development that was causing harm to neighbours or other residents, visitors or businesses.

Members of the Committee welcomed the information provided in the report.

RESOLVED (UNANIMOUSLY) that the performance of the Planning Service for the 2017/18 year be noted.

592 Summary of Appeal Decisions December 2017 – May 2018

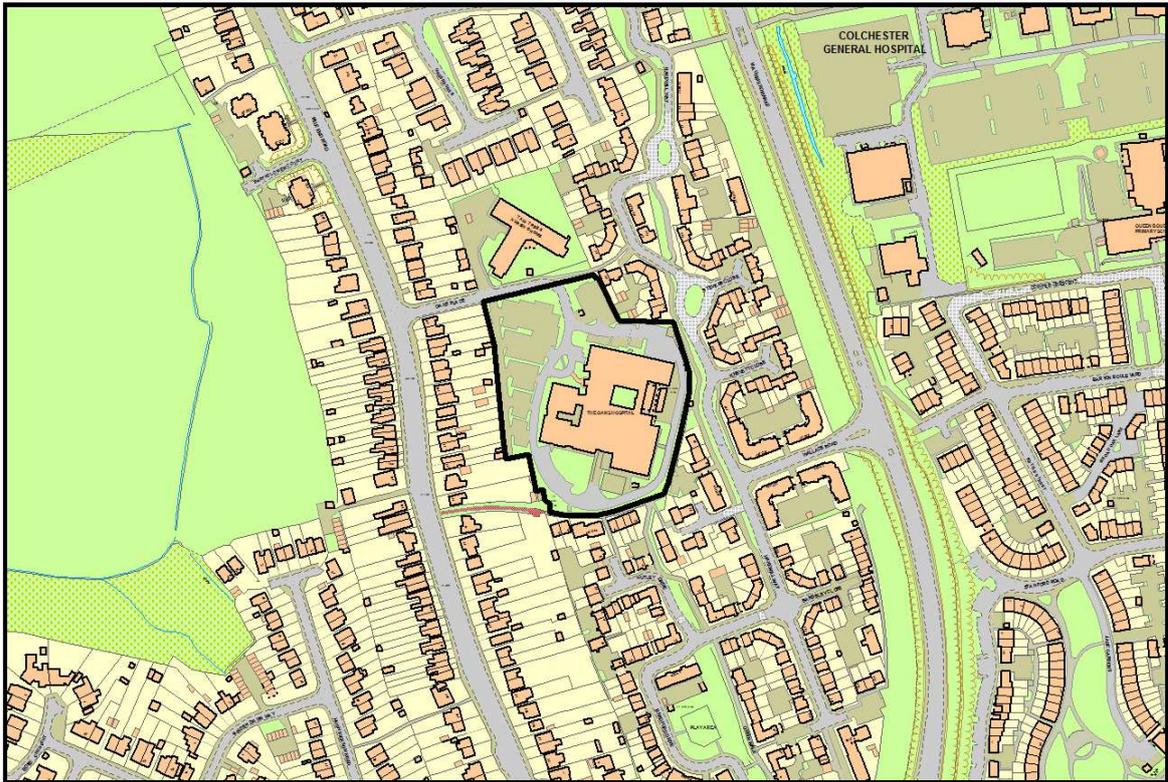
The Committee considered a report by the Assistant Director Policy and Corporate giving details of 12 recent appeal decisions which had been received between 1 December 2017 and 10 May 2018 for applications in the Borough, the intention being to enable the Committee members to remain up to date with outcomes, trends and

changes so they could further understand how Inspectors were presiding over decisions. 10 of the appeals had been dismissed and two had been allowed.

Andrew Tyrrell, Planning Manager, presented the report and assisted the Committee in its deliberations.

Members of the Committee welcomed the information provided in the report.

RESOLVED that the contents of the report be noted.



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Item No: 9.1

Application: 180719

Applicant: Ramsay Healthcare Ltd.

Agent: Hall Needham Associates Llp

Proposal: Proposed new MRI side extension, theatre 4 & stores rear extension, re-siting of existing 2 storey portacabins and additional car parking.

Location: Oaks Hospital, The Oaks Hospital, Oaks Place, Colchester, CO4 5XR

Ward: Mile End

Officer: James Ryan

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it was called in by Councillor Goss for the following reasons:

“Concerns raised about the car parking. In essence it's only an increase of 4 spaces. 15 will be removed and 19 new ones delivered only delivering a net gain of 4. Concerns raised this isn't adequate for the increase in visitors to the hospital”.

2.0 Synopsis

- 2.1 The key issues for consideration are the parking implications and the design and layout of the scheme.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The Oaks is a private Hospital located off of Mile End Road and is accessed via Oaks Place. It sits in a backland position. Apart from a care home to the north-west, it is surrounded by dwellings. It is a 1990's two storey render and brick clad building with hipped roofs. To the rear are portacabin/modular buildings containing offices. The car park surrounds much of the site which is interspersed with sporadic landscaping areas.

4.0 Description of the Proposal

- 4.1 The scheme proposes an extension to the main building for a new MRI suite. A new operating theatre and associated accommodation is proposed to the rear on what is currently a parking area and is also where the admin offices in modular/portacabin buildings sit. The existing portacabins will be moved from this position at the rear to one that is adjacent to the side. Extra parking spaces will be created at in a number of positions around the site.

5.0 Land Use Allocation

- 5.1 The land is within the settlement development boundary.

6.0 Relevant Planning History

- 6.1 The site has a detailed planning history but the applications that are of particular relevance to this scheme are:
- 6.2 COL/91/0098 - Outline application for 70 bed hospital – Approved
- 6.3 COL/91/0098A – Reserved Matters application for 57 bed hospital – Approved
- 6.4 COL/97/1827, F/COL/02/1711 and 072800 – Proposed single story physiotherapy department – approved and renewed twice.

- 6.5 COL/97/1488 and F/COL/02/1710, 072799 – Proposed extension to Consultants Suite – approved and renewed.
- 6.6 T/COL/03/1565 – Portacabins for office use – 5 year temporary approval.
- 6.7 101235 – Proposed single-storey extensions for consultants’ suite. Replacement physiotherapy department, and corridor link in courtyard and 7 no additional car parking spaces and other minor works – Approved.
- 6.8 102693 - 3no. proposed portacabin type offices linked to existing hospital building, 2no. additional existing car parking spaces retained, and visitor motorbike and cycle shelter provision (inc. minor plan revisions to approved extensions under planning ref. no. 101253) – Approved.
- 6.9 160375 - 3.No proposed portacabin type offices linked to existing hospital. (Retention of existing installation constructed under planning permission No 102693 date 23rd February 2011) – Approved.

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
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- CE1 - Centres and Employment Classification and Hierarchy
- UR2 - Built Design and Character
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

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
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP14 Historic Environment Assets
- 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:

N/A

7.5 The Neighbourhood Plan Myland & Braiswick 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
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Community Facilities
- Sustainable Construction
- Cycling Delivery Strategy
- Sustainable Drainage Systems Design Guide
- Managing Archaeology in Development.
- Developing a Landscape for the Future
- ECC's Development & Public Rights of Way
- North Colchester Growth Area
- Air Quality Management Guidance Note, Areas & Order
- Myland Parish Plan AND Myland Design Statement

7.7 The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing. The following emerging policies are considered to be relevant:

- SP1 - Presumption in Favour of Sustainable Development
- SP4 - Providing for Employment and Retail
- SP5 - Infrastructure and Connectivity
- DM1 - Health and Wellbeing
- DM2 - Community Facilities

DM9 - Development Density
DM15 - Design and Amenity
DM20 - Promoting Sustainable Transport and Changing Travel Behaviour
DM21 - Sustainable Access to Development
DM22 - Parking

Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- (1) the stage of preparation of the emerging plan;
- (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and
- (3) the degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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 Landscape Planning Officer – No objection. Landscaping and landscape management condition requested.
- 8.3 Arboricultural Planning Officer – No objection. Tree protection conditions requested.
- 8.4 Archaeology – No objection and no investigation or conditions needed.
- 8.5 Urban Design – Parking issues noted. Hospital should consider building up on this cramped site. MRI suite needs better detailing although the functional requirement for a lack of window is understood.
- 8.6 Environmental Protection – No objection, a site boundary noise levels condition requested.
- 8.7 ECC Highways – No objection subject to the applicant signing up to a new travel plan and subject to additional secure cycle parking.
- 8.8 Contaminated Land – No objection but, based on the limited information provided, a condition and an informative is requested.

8.9 Natural England – No objection.

9.0 Parish Council Response

9.1 The Parish Council have stated: MCC support this application although we acknowledge resident's concerns regarding parking. We also note assurances on working hours.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. Three objections were received from neighbours along with general observations from Cllr Goss and The Colchester Cycling Campaign. 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.

- This site is already too tight in terms of parking and can't take any more development.
- More than four additional parking spaces are needed.
- The use sometimes generates on street parking in Mile End Road which annoys residents.
- The new parking spaces are not needed, it simply encourages people to drive.
- Colchester Cycle Campaign object to the new space and they should be left at the current level.
- The two-storey elements will impinge on sight lines will lead to overlooking and a feeling of overdevelopment.
- The Oaks already generates noise and disturbance and this will make it worse.
- The noise from the construction will also cause harm to neighbours.

11.0 Parking Provision

11.1 The scheme provides a net increase of four spaces.

12.0 Open Space Provisions

12.1 This scheme has no impact on public 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 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. No obligations were sought.

15.0 Report

15.1 The main issues in this case are:

- The Principle of Development
- Design and Layout, Scale, Height and Massing
- Impact on the Surrounding Area and on Neighbouring Properties
- Landscape and Trees
- Highway Safety and Parking Provisions (including Cycling)
- Other Matters

The Principle of Development

15.2 As the hospital is located within the development boundary and is an existing lawful use the development proposed is acceptable in principle. The rest of the report will turn on the detail of the scheme.

Design and Layout, Scale, Height and Massing

15.3 The new MRI suite has been designed in a manner which is sympathetic to the design of the existing building. Although located on the front it is set to the side of the main entrance and will not harm the overall composition of the building. The Council's Urban Designer has asked for some additional detailing to enliven the blank front elevation of the extension which will be secured by condition.

15.4 Moving the portacabin/modular building office block is more contentious visually. It is being moved from the rear (eastern elevation), where it is visible from the public domain over a fence but sits comfortably in a relatively tucked away position, to the side of the hospital (northern elevation) where it will be visible as you enter the site and car park.

15.5 This matter has been discussed with the agent. This is a tight site and whilst other options were considered - for example pushing the modular building to the boundary of the site – the proposed option was chosen as it was held to be the most workable and would cause the least impact to the neighbours. Whilst it has some visual prominence, it is set back from the corner of the hospital by around 15m and will be read against a flank that is of limited visual interest. On balance and considering the expansion and investment in the hospital is welcomed, it is held to be acceptable.

15.6 The extension to the rear for the new operating theatre has been designed to blend in with the existing architecture and raises no concerns in visual terms.

Impact on Surrounding Area and on Neighbouring Properties

- 15.7 Apart from the parking implications of the scheme, which will be discussed in the relevant section below, it is not held that this scheme will have a material impact on the surrounding area including the neighbours that share a boundary with the site. The use is an existing one and the level of intensification from the additional MRI and operating theatre capacity is not held to be significant.
- 15.8 It is accepted that a hospital use will cause some operational noise however it is not considered that the proposal will intensify the use to a point that the proposed extensions are unacceptable. Environmental Protection have assessed the scheme and have no objections to it.
- 15.9 The neighbour comments relating to sight-lines have been carefully considered but it is not considered that any of the elements of the scheme will be materially oppressive to surrounding residents as the extensions have all been kept as close to the existing hospital as possible. The new MRI suite is single-storey and the new operating theatre area is infilling where the office portacabins currently sit on site so raise no issues of overlooking or oppressiveness.
- 15.10 The portacabin office block is taller than the eaves height of the main hospital but is lower than the ridge. In the proposed position they are not held to be materially oppressive to neighbours as they will be set 15m from the nearest boundary.
- 15.11 In terms of overlooking, the portacabins have windows at first floor level that would afford views into the gardens of the dwellings in 48 and 50 Hakewill Way. These gardens are already significantly overlooked by numerous windows from the first floor of the main hospital, a number of which serve rooms for patients and one that serves a staff room. It is accepted that the three flank windows in the first floor portacabin office will be nearer to the neighbours than the main hospital windows, but they would be smaller than the existing windows and, on balance, it is not held that the potential overlooking from the office windows would be at an intensity that is materially harmful.

Landscape and Trees

- 15.12 As is set out above, both the Landscape Officer and the Arboricultural Planning Officer are satisfied with the scheme subject to conditions. On that basis the scheme is acceptable in that regard.

Highway Safety and Parking Provision (including cycling)

- 15.13 As set out by the Ward Member, Colchester Cycling Campaign (CCC) and neighbours, car parking at the site is an issue that needs careful exploration. Whilst neighbours and the Ward Members consider that there is insufficient parking on site and the additional four parking space proposed is too few, the Council's own Travel Plan Team and CCC consider that in a location such as this the Council should be encouraging the Oaks to facilitate less car use and more sustainable transport modes.
- 15.14 Following Development Team, where the Travel Plan Team and ECC Highways raised this as an issue, one of the Council's Travel Plan Coordinators met with the management of The Oaks to discuss this issue with them. They have a high drive-to-work percentage and it was agreed that it would be in everyone's' interests if The Oaks to take measures to get this reduced. Following the meeting, the Travel Plan was updated and the Council's Travel Plan team have made the following comments:

We can confirm that their Travel Plan now addresses the key concerns that we had namely:

The objectives of the Travel Plan are now much more clearly aligned with the current practical issues including reducing the impact of business development on the local community including out of hours deliveries as well as managing over demand for parking.

They have detailed how their car park is currently managed and the split of spaces between staff and visitors. They have also committed to review how the car park is managed if over demand continues plus plans to monitor and address the illegal parking currently occurring due to the free and open access to their car park. Ramsey Health Care are trialing Automatic Number Plate Recognition in other hospitals and The Oaks could benefit from this project at a later date if deemed successful. In the shorter term they have also committed to a once weekly monitoring of the car park to try and quantify how much illegal parking is occurring.

We were concerned over the high drive to work alone rate which in 2016 was 82% according to their Travel Survey, this is significantly higher than the national average of 64% and higher still than local averages where businesses have active Travel Plans. We felt their five year target to reduce this to 72% was unambitious. They have now committed to aim for a 15% reduction by the end of 2018. This is very ambitious, but shows a much more positive attitude and we will work with them towards this. With more staff adopting sustainable travel options to travel to work, further spaces will be freed up for visitors, thus contributing to alleviating local concerns about parking overspill into neighbouring roads at peak times.

They have formally joined the Travel Plan Club as a paying member and committed for a minimum of 5 years in recognition that behaviour change takes time. This means we can work closely with them to develop, market and monitor their Travel Plan plus offer them the public transport discounts we have available. They have also recognised that the Park and Ride with the stop at the hospital is only a short walk away from the Oaks and is another key transport choice they could promote to staff.

Through their membership of the Travel Plan Club, we can help facilitate closer working with other key organisations in the area. Particularly CHUFT as there are mutual benefits as well as knock on effects of the parking management approaches both organisations are taking.

They will also commence attending the Colchester Station Stakeholder meetings along with Turner Rise Retail Park, Asda, CHUFT, ECC and ourselves who are all committed to discussing and reviewing the problems caused by congestion around the station roundabout, their contribution towards it as well as the knock on effect it has on their organisations.

We consider there is plenty of scope within The Oaks Travel Plan given the current high drive to work alone rate to reduce the pressure on the car park by encouraging more staff to travel by sustainable modes to work in order to free up more parking for visitors.

We feel that further car parking is not needed just better management of the current car park provision and an active and robust Travel Plan. Our meeting with The Oaks general manager, operational manager and Travel Plan Coordinator was very positive and we are looking forward to working with them closely to achieve the aims and objectives they have outlined in their revised Travel Plan.

- 15.15 As set out above The Oaks have signed up to be Colchester Travel Plan members for 5 years. This means the Travel Plan Team will work directly with The Oaks to promote sustainable travel for both the staff and visitors. This is held to be a significant positive step for the Hospital which is welcomed.
- 15.16 In pure policy terms there is no requirement for the provision of additional parking for a hospital use. Hospitals have maximum parking standards and therefore the four extra spaces proposed by the site reshuffle are not actually required in policy terms.
- 15.17 This is a delicate balance. The Hospital is providing more spaces which could be argued to be contrary to the interests of sustainability. It is however accepted that hospitals can generate significant parking need and it would therefore be unreasonable to require a reduction in provision. It is clear that there is no policy reason to require more.

15.18 The scheme raises no other highway safety implications. The conditions relating to additional cycle parking as requested by the Highway Authority will be imposed. The condition requiring the applicants to provide an up to date Travel Plan will not be imposed as that has already occurred.

15.19 It is important to note that this proposal results in the expansion of a local business and will also potentially result in an additional 12 full time equivalent jobs. This is very much welcomed and is wholly in line with the NPPF.

16.0 Conclusion

16.1 To summarise, the scheme is acceptable in design terms, will not cause material harm to neighbouring amenity and is acceptable in terms of the on-site parking provision. It is therefore held to accord with the Neighbourhood Plan, the Development Plan and the NPPF.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

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. ZAX - *Development to Accord With Approved Plans (qualified)*

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers (all 6530) 58, 59, 60, 61, 62, 63, 64, 2448-OH-01 D and 2448-OH-02 D.

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

3. ZGG - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of or boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

4. Z00 – Non Standard Condition - Bespoke Landscape

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;
- 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 timetable.

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.

5. ZFE - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

6. ZFQ - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and 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.

7. 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.

8. Z00 Non Standard Condition - Bespoke Brick Detailing

Prior to the construction of the proposed MRI suite, a scheme to show brick detailing on the external flanks shall be submitted to and approved in writing by the Local Planning Authority. The MRI suite shall then be built in complete accordance with the approved details.

Reason: The external elevations of the proposed MRI suite are blank for operational reasons but this results in an elevation devoid of openings so brick detailing, for example recessed panels, are required to enliven this publically visible element.

9. Z00 – Non Standard Condition - Reporting of Unexpected Contamination

In the event that historic 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: Insufficient 'Phase 1' Desk Study information was provided with the application and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. 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.

11. ZJA - Cycle Parking TBA

Prior to the development hereby permitted coming in to use, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

18.0 Informatives

18.1 The following informatives are also recommended:

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

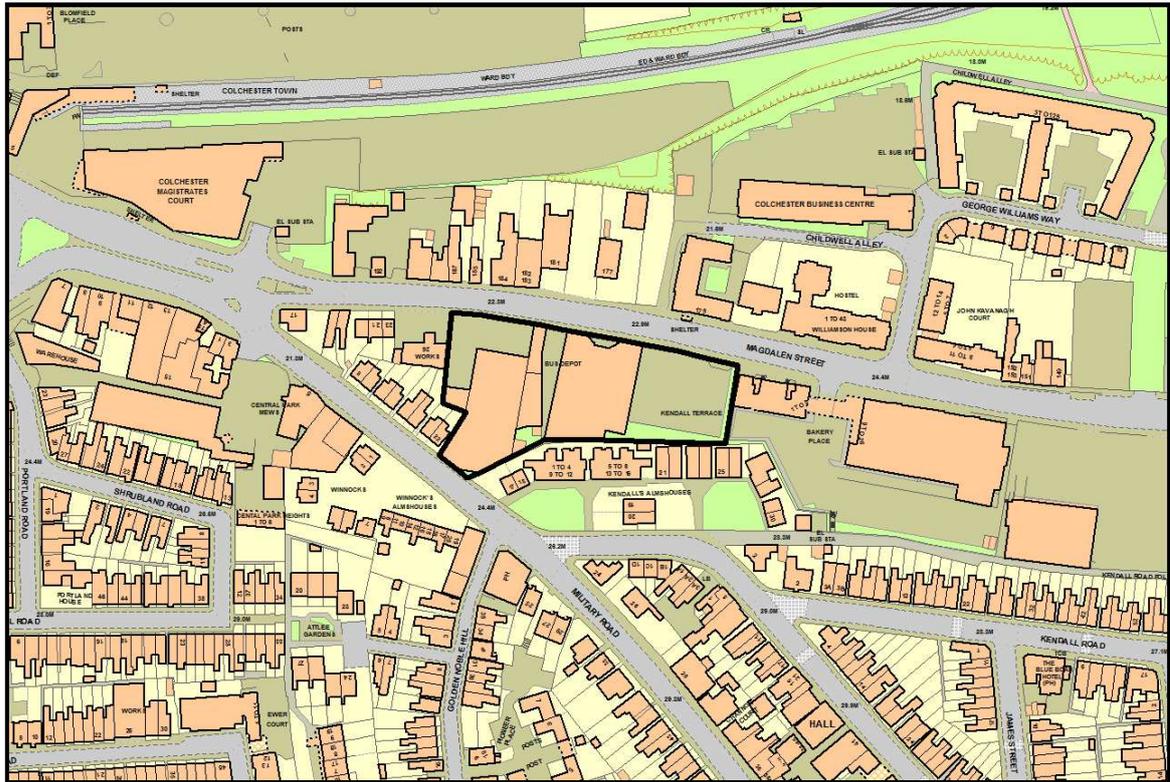
PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you 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. Contamination Informative

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.



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Item No: 9.2

Application: 180710
Applicant: Total Car Parks Ltd
Agent: Miss L Cunningham
Proposal: Temporary public paid parking. No change to the site. This use will be until the approved development then proceeds.
Location: Former Bus Depot, Magdalen Street, Colchester, CO1 2LD
Ward: New Town and Christ Church
Officer: Sue Jackson

Recommendation: **Approval**

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the site is owned by Colchester Borough Council and objections have been received.

2.0 Synopsis

- 2.1 The application proposes the use of part of the former bus depot site in Magdalen Street as a public car park. The key issues for consideration are the suitability of the use in land use terms, its impact on the Air Quality Management Area (AQMA) and highway issues. The comments raised in the representations are also considered.
- 2.2 The application is subsequently recommended for a temporary planning permission.

3.0 Site Description and Context

- 3.1 The former bus depot site is rectangular in shape and has an area of approximately 0.4322 hectares with frontages to both Magdalen Street and Military Road. It currently contains two substantial linked buildings with a range of smaller additions. It includes an open yard fronting Magdalen Street which was used for bus parking. The application relates to this open yard. It is adjacent to a building which comprises an Aldi grocery store on the ground floor and residential units above. Along the rear boundary of the yard is a high retaining wall which separates the site from Kendall's almshouses to the south. On the opposite side of the road are a mix of commercial and residential uses.

4.0 Description of the Proposal

- 4.1 The proposal is to use the site as a temporary car park for long stay commuter parking. The site plan indicates 35 spaces could be accommodated. The application form indicates that the car park will be open 24 hours a day.

5.0 Land Use Allocation

East Colchester Special Policy Area
East Colchester Regeneration Area and Growth Area
Air Quality Management Area

6.0 Relevant Planning History

- 6.1 Application 160103 Demolition of existing buildings and redevelopment of the site to deliver student accommodation (Use Class Sui Generis) across five blocks of one, two, three and four storeys to provide 230 bed spaces (59 cluster flats and 17 studio flats), communal facilities (to include bin stores, cycle stores, site management office, gym and communal amenity areas) as well as undercroft car park (20 car parking spaces), landscaping and a new public pathway through the site. Approved 20/12/2017 subject to a legal agreement.

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
- CE2a - Town Centre
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking

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
- DP2 Health Assessments
- DP6 Colchester Town Centre Uses
- DP14 Historic Environment Assets
- DP17 Accessibility and Access

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 EC2 Development in East Colchester
- SA EC5 Area 3: Magdalen Street
- SA EC8 Transportation in East Colchester

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

- Air Quality Management Guidance Note, Areas & Order
- Magdalen Street Development Brief

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 The Highway Authority does not object to the proposals as submitted.

8.3 Environmental Protection Manager (Air Quality) comments:

“Thank you for forwarding the attached information and we welcome the statement that Total Car parks wish to use the car park for long stay. As you are aware we were concerned of the impact that this proposed application would have on the Air Quality Management Area in Magdalen Street but having considered all the information we wish to withdraw our objection for the following reasons.

- We have been advised that the Council will condition the Car Parks use to long stay with a pricing structure to reflect that. Thus reducing the number of vehicle movements entering and leaving the site each day.
- The use is the temporary and a planning application has been submitted for use of the site as student accommodation.
- The proposed increase in number of parking spaces on site is relatively small 30 – 35
- The site is slightly outside of the town centre and may draw car parking users to outside of the town centre core.”

8.4 Environmental Protection Officer comments:

“Initially I had some concerns re. potential sleep disturbance from maximum noise levels caused by car doors closing etc. at the Almshouses located to the rear of the site. However, I’ve visited the site this morning and noted that the Almshouses are 8-9 metres above the site are single storey and have a 1.5 metre high brick wall immediately outside bedrooms, which have double-glazed windows. The height and wall have the combined effect of screening noise from the rear half of the proposed car park. The additional distance attenuation from the front half of the site should reduce maximum noise levels outside bedrooms to be just about in line with WHO guidance. It is also noted that Magdalen Street is very busy and ambient noise levels from the front of the site are likely to be high. Considering the application is for temporary use only and has a small number of spaces it should be OK.

If open at night we would recommend some kind of barrier system so that the car park can only be accessed by those paying to park and that any lighting is directed or screened so as not to cause a nuisance to residential properties.”

9.0 Parish Council Response

9.1 N/A

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.

- Proposal is understandable and should look a little better and give the place a purpose.
- The committee should expect good standards of operation and VERY clear signage for safety of pedestrians using the pavement (close to Aldi) ,conditions of use signs (e.g. no small print) ,security arrangements and good size spaces.
- What are the manned service back-up if machines don't work?
- A pressure hose clean-up before use should be insisted on.
- Good visibility of the site is essential.
- Adding a car park will only increase the volume of traffic also the impact on the traffic of cars arriving and exiting the car park. We already see this with the 2 supermarkets on Magdalen Street.
- I comment as Clerk to the Winnocks and Kendalls Almshouse Charity. We share with the Borough Council the boundary to the south of the site. We have been in touch with your Council regarding security issues. Persons have been seen gaining access to the derelict buildings across the wall of our property. Recently there have been fires within the building which have caused anxiety to our residents. Can you indicate to us the relationship of Total Car Parking with your Council. Will they be licensees? Will they be taking on responsibility for the security of the site?
- The Council's Development Brief of 2005 identifies that the existing high number of access points is a concern to the Highway Authority, and they consider Magdalen Street to experience an unacceptable high level of accidents involving motor vehicles and pedestrians. Given that these points have been made more important by the opening of two supermarkets in the road ,especially that of Aldi which is next door to the proposed car park, it is hard to see how this proposal can benefit the traffic flow, pedestrian movements and the 24 hour peace of those who live nearby.
- Colchester Civic Society objects we believe the additional traffic movements will result in congestion in this part of Colchester, particularly as it is close to Aldi . Like yourselves we rely on advice from traffic engineers. If the highway engineers disagree and you are minded to grant planning permission we wish only temporary permission a maximum of 1 year. We wish to improve this area of Colchester and wish it to be redeveloped and would not wish it to stay as a car park even though that use might be more commercially viable because of the contamination. The tram tracks should be retained in situ.
- The site has been used by homeless people instead of using it as a car park and congesting our street a shelter for homeless people would be a good

10.2 Several of the comments relate to issues in respect of the Councils ownership of the site and are answered by the Estates Manager - Colchester Amphora Trading Ltd

- *“CBC is in discussion with the operator on the basis of a short term lease for the area covered under this planning permission*
- *This application does not affect the longer term redevelopment proposals for the site*
- *The car park operator will undertake works to the site to make it fit for purpose*
- *The site is currently patrolled by security guards to try and minimise intruders and antisocial behaviour*
- *It is anticipated that the presence of the temporary car park on site will help to deter intruders and antisocial behaviour”*

10.3 The applicant has also responded to some of the issues raised

“We had already given this some consideration and we will put Warning Signs to pedestrians on either side of the entrance to the car park, advising them of incoming/outgoing traffic. All the signs we will have on the car park are approved by the British Parking Association and comply with their Code of Practice. The site will be cleaned up prior to use. We will be offering on-line, pay by mobile payment options, in addition to the use of a Pay & Display machine”.

11.0 Parking Provision

11.1 The application is for a car park providing approximately 35 parking spaces.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 The site is within the Air Quality Management Area and these issues are addressed in the comments from the Environmental Protection Manager set out above.

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 main issues in this case are:

The Principle of Development

15.2 The site is within the East Colchester Growth Area. The Core Strategy includes a clear commitment to regenerate such areas. The Site Allocations DPD contains a specific policy in relation to the regeneration of Magdalen Street Policy SA EC5 Area 3 which states that Magdalen Street will continue to attract the existing mix of commercial, residential, service and retail uses to complement its edge of centre location. The Development Brief sets out the Councils expectations for a mixed use.

15.3 There is no specific policy relating to long term parking however Policy TA5 states “that short stay parking will be provided where necessary to facilitate the economic and social wellbeing of the town centre”. The emerging local plan indicates applications for new or expanded car parks will be considered on an individual basis in relation to evidence and need.

15.4 The above policies set out acceptable uses for the site, these would generally be permanent uses. Whilst the proposal does not involve an identified use, it is only for a temporary period whilst the redevelopment of the whole site is finalised. The larger depot site has planning permission for student accommodation and an application for revisions to the approved scheme has just been submitted. This temporary use of a vacant site is considered acceptable and it is possible it may also help deter the current antisocial behaviour.

Impact on the Surrounding Area

15.5 This site was previously used as a bus depot and at that time there were very significant numbers of diesel fuelled buses and cars using the site from early in the morning until late at night. In comparison, this temporary use will not have a material adverse impact on environment of the the area. Air Quality issues are addressed by the Environmental Protection Manager in their comments at paragraph 8.1 above.

Impacts on Neighbouring Properties

15.6 The Environmental Protection Officer has considered the impact of the proposal on neighbouring properties and the comments are set out in the consultation section at paragraph 8.1 above. On the basis the application is for temporary use only and has a small number of spaces no objection is raised. The suggested conditions will be imposed.

Highway Safety and Parking Provisions (including Cycling)

15.7 The application is for a car park, no objection is raised by the Highway Authority.

Other Matters

15.8 None

16.0 Conclusion

16.1 To summarise, the application will not have an adverse impact on either the area or the amenity of neighbours and a temporary planning permission is recommended.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAG - *Temporary Permission*

The period of this permission shall expire on 30 June 2019 at which date the use hereby permitted shall be removed. Within 28 days from the date at which this permission expires any building, material, equipment or hard landscaping resulting from, or used in connection with, the development hereby permitted shall be removed from the site in its entirety and in accordance with a scheme that shall have previously been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission and because a longer permission would have to be carefully considered by the Local Planning Authority at the time at which any such proposal came forward, as well as to ensure that the site is returned to its previous state so that it does not suffer from any unacceptable longer term impact.

2. Non Standard condition - Controlling detailed use

The car park shall be used as a long stay commuter car park and the pricing structure shall reflect this. Prior to the car park being open for public use details of the pricing structure shall be submitted to and approved in writing by the Local Planning Authority. The agreed structure shall thereafter be implemented and any changes implemented after the prior written approval of the Council.

Reason: To avoid doubt as to the scope of the consent hereby granted and to ensure the use does not have an adverse impact on the AQMA, or the amenity of neighbours.

3. Non Standard Condition - Signage

Prior to the car park being open for public use details of all signage shall be submitted to and approved in writing by the Local Planning Authority. The approved signage shall be installed prior to the car park being used by the public.

Reason: In the interests of amenity and public safety.

4. Non Standard Condition – Scheme to control access

Prior to the car park being open for public use details of a scheme which allows the car park to be only accessed by those paying to park shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the car park being open to the public and shall thereafter be retained.

Reason: To ensure the car park is only used by customers and to avoid a loss of amenity to neighbouring occupiers

5. Non Standard Condition - Lighting

No external lighting shall be installed without the prior written approval of the Local Planning Authority in order to ensure all lighting is directed or screened so as not to cause a nuisance to residential properties. A detailed scheme of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall thereafter be implemented strictly in accordance with the agreed details.

Reason: In the interests of the amenity of neighbouring dwellings.

18.0 Informatives

18.1 The following informatives are also recommended:

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

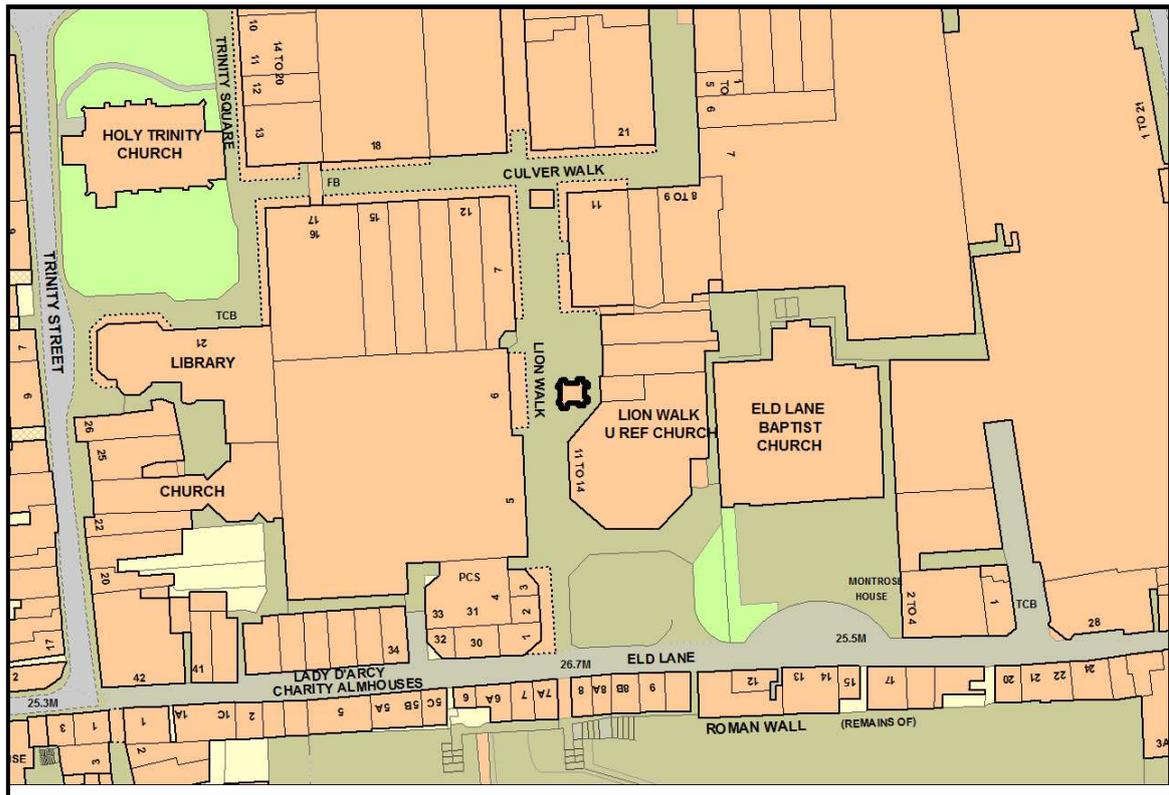
PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4 – Non Standard Informative

Highway Informative: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

SMO1 – Essex Highways
Colchester Highways Depot,
653 The Crescent,
Colchester
CO4 9YQ



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Item No: 9.3

Application: 180918

Applicant: Sir Bob Russell

Agent:

Proposal: Fitting of small plaque at the base of the tower of Lion Walk Church, south-facing, two metres from pavement, to commemorate the Colchester Earthquake in 1884.

Location: United Reform Church, 9 Lion Walk, Colchester, CO1 1LX

Ward: Castle

Officer: Eleanor Moss

Recommendation: Approval subject to conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an Honorary Alderman.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact upon the special interest of the listed building. The scheme is considered to be acceptable providing the listed building is not adversely affected by the commemorative plaque, which can be controlled via condition.

- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site relates to a Grade II listed Church within the Town Centre Conservation Area. The site listing is as follows:

LION WALK 995 (West Side) TL 9925 SE 5/540 Congregational Church 1863. By Frederick Barnes of Ipswich, spire rebuilt after the 1884 earthquake. Random stone; in the Decorated Gothic style. 5 bay nave, each with a tall 3-light window with cinquefoil heads and diamond lattices. 4-light window with 3 roundels in the head on the west front. Tall octagonal steeple, cement rendered. Slate roof.

4.0 Description of the Proposal

- 4.1 The application seeks listed building consent for a commemorate plaque at Lion Walk Church.

5.0 Land Use Allocation

- 5.1 Town Centre - Mixed

6.0 Relevant Planning History

- 6.1 None

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:

CE2a - Town Centre
ENV1 – Environment
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
DP14 Historic Environment Assets

7.4 The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing. Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. the stage of preparation of the emerging plan;
2. the extent to which there are unresolved objections to relevant policies in the emerging plan; and
3. the degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application.

7.5 The application site is located within the Town Centre where there are no formally adopted Neighbourhood Plans for this area.

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

The Essex Design Guide
Town Centre Public Realm Strategy

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 Specialist Planning Manager:

It cannot be described as good practice to drill into / partially obscure dressed stone.

I would suggest that either a) the size / shape of the plaque is amended so that it fits between the quoins or b) an alternative location is selected for the propose plaque.

8.3 Archaeological Officer:

No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

9.1 Non-Parished

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.

11.0 Parking Provision

11.1 N/A

12.0 Open Space Provisions

12.1 N/A

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

The Proposal

- 15.1 This application seeks listed building consent for a memorial plaque on the spire of Walk Church, a Grade II listed building.

Heritage and Design

- 15.2 The Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (Listed Building Act) places a duty on the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. Core Strategy Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Development Policy DP14 states that development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Core Strategy Policy UR2 seeks to promote and secure high quality design. Development Policy DP1 sets out design criteria that new development must meet and include the requirement to respect the character of the site and enhancing its surroundings. Government guidance on the historic environment is set out in paragraphs 126 to 141 of the NPPF. Paragraph 133 deals with substantial harm to a designated heritage asset. Paragraph 134 deals with less than substantial harm. Harm in this category has to be weighed against the public benefits of the proposal.
- 15.3 In this instance, the proposed plaque is 35cm in diameter, it will be set against the backdrop of the existing stone quoins of the church and accompanied by a metal plaque. The proposed size and location of the plaque raises concerns as the historic dressed stone will be compromised due to concealment and drilling and increases the visual clutter of the south elevation. As such it is recommended that a condition imposed upon any listed building consent in order to ensure memorial plaque is either reduced in size in order to avoid harm to the dressed stone or relocated elsewhere in the vicinity of the United Reform Church. Paragraph 134 of NPPF advises that any harm to a heritage asset should be weighed against the public benefits of a proposal. In this instance there are public benefits arising from the proposal which can outweigh the harm to the listed building on the basis conditions are secured. A condition is recommended in order to ensure the proposal is amended in size or location in order to protect the character of the listed building and architectural detailing.
- 15.4 For the reasons given above, it is considered that the application accords with Policies Core Strategy ENV1 and Development DP14 and the NPPF objectives that seek to conserve heritage assets subject to conditions.

16.0 Conclusion

16.1 To summarise, the proposal is considered to be acceptable subject to conditions in order to secure the proposal respects the character and architectural detailing of the listed building.

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. ZAB - Time Limit for LBCs

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.

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

2. ZAX - *Development to Accord With Approved Plans (qualified)*

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings Referenced Site Plan and Colchester Earthquake Sign received on 20 April 2018

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

3. ZBB - Materials As Stated in Application

The 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

4. Z00 – Non Standard Heritage Condition

Notwithstanding condition 2, no works shall take place until the size / shape of the plaque is amended so that it fits between the quoins or an alternative location is selected for the proposed plaque which will not cause damage to, or obscure, dressed stonework. The amended details shall be submitted to and approved, in writing, by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

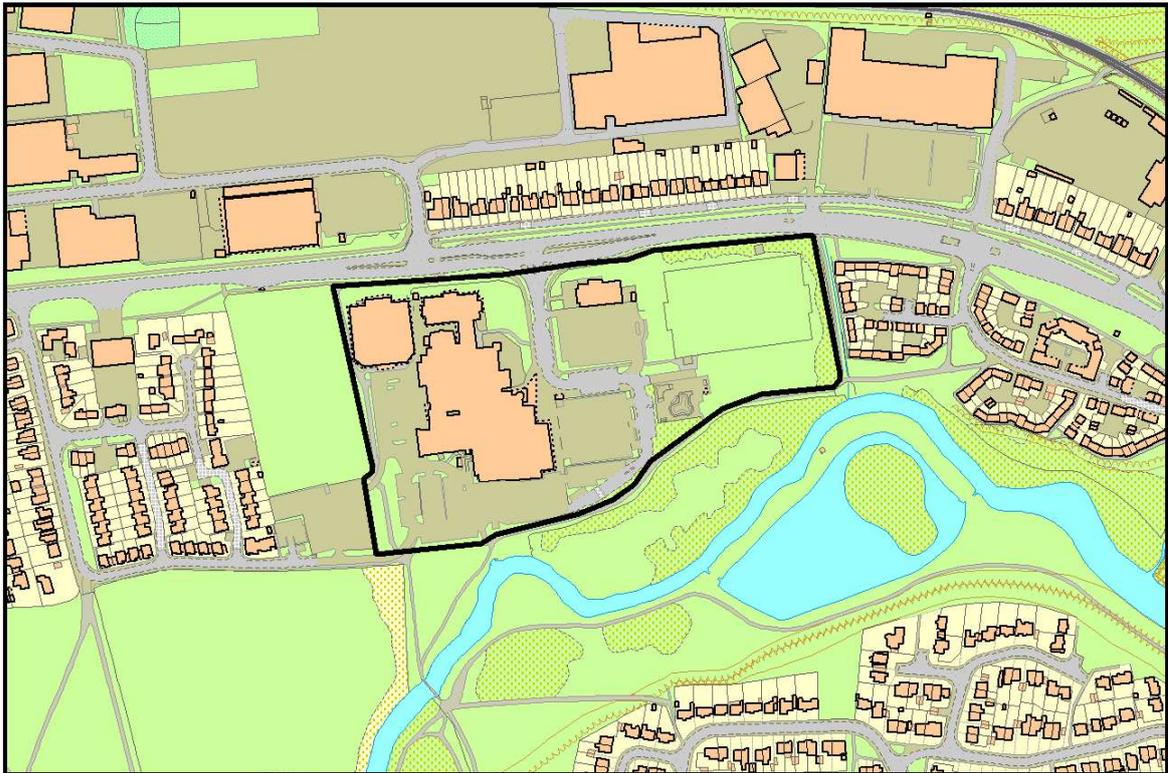
Reason: In order to preserve the historic character of the listed building.

18.0 Informatives

18.1 The following informatives are also recommended:

1. 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.



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Item No: 9.4

Application: 181087

Applicant: Mr Jack Conington, CBC

Proposal: Consent to display two new internally illuminated signs and nine banners promoting Charter Hall, Colchester.

Location: Charter Hall, Colchester Sports Centre, Cowdray Avenue, Colchester, CO1 1YH

Ward: Castle

Officer: James Ryan

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because it is made by Amphora Trading on behalf of the Council.

2.0 Synopsis

2.1 The key issues for consideration are the impact the scheme will have on public safety and visual amenity. Both of which are held to be acceptable.

2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

3.1 Charter Hall is located on Cowdray Avenue and forms part of the same building as Leisure World and Aqua Springs.

4.0 Description of the Proposal

4.1 Two illuminated signs are proposed along with nine non-illuminated banners.

5.0 Land Use Allocation

5.1 The site is located within the settlement limits.

6.0 Relevant Planning History

6.1 The site has a complex planning history but there is nothing of particular relevance to this scheme.

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

SD3 - Community Facilities

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
DP4 Community Facilities

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 There are no Neighbourhood Plans relevant to this proposal.

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

The Essex Design Guide
External Materials in New Developments
Shopfront Design Guide

7.7 Submission Colchester Borough Local Plan 2017-2033

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing. The following emerging policies are considered to be relevant:

SP1 - Presumption in Favour of Sustainable Development
DM2 - Community Facilities
DM15 - Design and Amenity

Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- (1) the stage of preparation of the emerging plan;
- (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and
- (3) the degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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 Environmental Protection – No objection.

8.3 ECC Highways – No objection.

9.0 Parish Council Response

9.1 Non-parished.

10.0 Representations from Notified Parties

10.1 No representations received.

11.0 Parking Provision

11.1 This scheme has no impact on parking.

12.0 Open Space Provisions

12.1 This scheme has no open space implications.

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 As an application for advertisement consent the only issues for consideration in this case are:

- Visual Amenity
- Public Safety

15.2 Visual Amenity – The scheme proposes two illuminated signs and nine non-illuminated banners and they will be considered in turn.

- 15.3 The main sign will be an internally illuminated 'Charter Hall' sign measuring 3.1m wide by 0.6m tall. It will sit at a height of 5.25m from the ground on a wall of the building that faces Cowdray Avenue but is set well back from the main road. It is a relatively prominent location but that is intentional to enable the public to locate the entrance to the building when visiting the hall. In this context where internally illuminated signs are part of the character of the area - for example the McDonalds restaurant opposite - the internally illuminated individual letters are held to be acceptable.
- 15.4 A smaller internally illuminated sign is proposed over the entranceway. It is 1.5m wide by 0.6 tall. This will not be visually prominent as it is tucked under a projecting canopy. This is held to be acceptable.
- 15.5 Nine hanging banners are proposed on the building. Each banner will be 2.9m tall by 0.6m wide. They are proposed to sit on the eastern flank of the building facing the main car park. They will sit in three groups of three banners and will be positioned in-between exiting brick pillars and will highlight the types of events that occur at Charter Hall. They are held to be acceptable in terms of visual amenity, sitting comfortably within the architecture of the building and being of a proportionate scale.
- 15.6 Public Safety – As set out by ECC Highways the proposal raises no issues in terms of highway safety. The scheme raises no other issues of public safety.

16.0 Conclusion

- 16.1 To summarise, the signs proposed are held to be acceptable in terms of visual amenity and public safety and are therefore acceptable.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of advertisement consent subject to the following condition:

1. ZQA - Standard Advert Condition

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

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 01, Page 1 of 3, Page 2 of 3 and Page 3 of 3.

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

3. Non Standard Condition - Illuminated Signs

The luminance levels of the internally illuminated signs hereby granted consent shall not exceed 600 CD/m².

Reason: In the interests of visual amenity.

18.0 Informatives

18.1 The following informatives are also recommended:

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.

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Item No: 9.5

Application: 181235

Applicant: Mr and Mrs D Syrett

Agent: Mr Steve Norman

Proposal: Erection of an extension to an existing garage.

Location: 35 De Vere Road, Colchester, CO3 4EA

Ward: Prettygate

Officer: Benjy Firth

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is a Council employee.

2.0 Synopsis

- 2.1 The key issues for consideration are the design of the proposal and its impact on neighbouring amenity.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site sits on the south side of De Vere Road, within the Prettygate area to the west of Colchester. The site contains a detached dwelling set back from the highway. A single detached garage currently sits adjacent to the dwelling on its eastern boundary.

4.0 Description of the Proposal

- 4.1 The application seeks permission to extend an existing detached garage to a degree that would see it attach to the dwelling.

5.0 Land Use Allocation

- 5.1 The site is within the defined settlement limits and has no relevant allocation.

6.0 Relevant Planning History

- 6.1 The property has previously been subject to single story and two story rear extensions.

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

The Essex Design Guide

- 7.5 Submission Colchester Borough Local Plan 2017-2033

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing. The following emerging policies are considered to be relevant:

Policy DM12: Housing Standards
Policy DM13: Domestic development
Policy DM15: Design and Amenity

Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- (1) the stage of preparation of the emerging plan;
- (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and
- (3) the degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

8.0 Consultations

- 8.1 No comments were received.

9.0 Parish Council Response

- 9.1 No comments were received.

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 Comments were received from a neighbouring property querying details of footings, boundary issues and works access. These issues are covered by legislation beyond the remit of planning and are not considered material planning considerations.

11.0 Parking Provision

11.1 The proposal retains adequate parking provision to the front of the property to comply with policy.

12.0 Open Space Provisions

12.1 The proposal retains adequate private amenity space to comply with policy.

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

The Proposal

15.1 The proposal seeks to extend the existing detached garage at the property to increase its width and depth. The dual pitched roof pitched will be maintained at its current pitch and as such the height of the garage will increase to incorporate the additional width. The increased width of the structure also facilitate the structure physically attaching to the dwelling.

15.2 The application site sits in a residential setting within the defined settlement and as a result the development proposed is acceptable in principle.

Design

- 15.3 The extensions proposed to the garage are of a modest size and adopt a traditional architectural approach. The proportions of the resulting structure relate well to the host dwelling and adopt a materials palette in keeping with the sites residential setting.
- 15.4 The development is therefore considered visually acceptable and would not detract from the appearance of the original building. Consequently the design and layout do not harm the surrounding area either.
- 15.5 The proposal is therefore acceptable in terms of design.

Impact on Neighbouring Amenity:

- 15.6 The proposed structure is single story and does not incorporate any windows. On this basis there are no concerns regarding neighbouring privacy.
- 15.7 The proposed structure only sees a marginal increase in the scale of built form at the site and would largely be viewed against a back drop of existing built form. The proposed structure would sit adjacent to the side window of a neighbouring property. However, it is not common practice to preserve views from side facing windows particularly on the ground floor, as these views could be impinged upon by development conducted under permitted development rights. On this basis there are no concerns regarding overbearing.
- 15.8 Said side window on the neighbouring property also constitutes the only concern regarding loss of light. This window serves an open plan area within the neighbouring property that also benefits from light from the rear of the property. Additionally, the eaves height of the proposed structure is modest and lower than what could be constructed under permitted development rights without any consideration of neighbouring amenity. Although it is acknowledged that the proposal will have an impact on the light enjoyed through this window, on balance it is not considered this impact would be so detrimental as to warrant refusal of this application.
- 15.9 The proposal is therefore considered acceptable in terms of impacts on neighbouring amenity.

Other Matters

- 15.10 In terms of other planning considerations (e.g. damage to trees or highway matters), the proposed development does not raise any concerns. There are no trees in proximity of the proposed development and the proposal retains adequate, policy compliant, parking and private amenity space provision.

16.0 Conclusion

- 16.1 This proposal is of an acceptable design and, whilst there would be impacts upon the amenities of the occupiers of neighbouring properties, such impacts would be within acceptable bounds.

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 1815/4 and Site Location Plan.

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

3. 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.

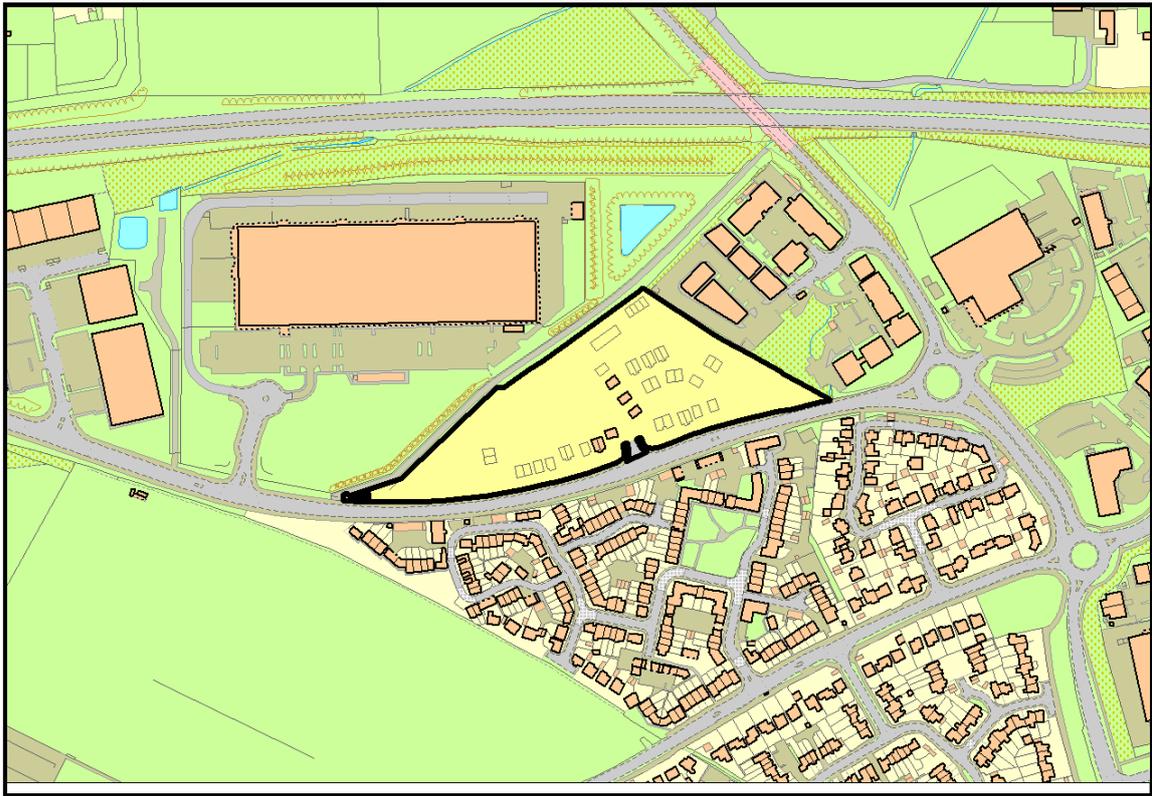
Reason: To ensure that materials are of an acceptable quality appropriate to the area.

18.0 Informatives

18.1 The following informatives are also recommended:

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.



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Agenda Item 10

Application: 162302

Location: Land Adjacent, Axial Way, Colchester

Ward: Mile End

Officer: Sue Jackson

14 June 2018

Report of	Assistant Director – Policy & Corporate	Author	Sue Jackson ☎ 01206 282450
Title	Amendments to section 106 Agreement in respect of the Highway provisions relating to the approved Persimmon Homes Development to the south of the Flakt Woods ref:162302		
Wards affected	Mile End		

This report concerns a change to the requirements of the County Highway Authority in respect of application 162302 land at Axial Way

1.0 Decision(s) Required

1.1 Members are requested to endorse the proposal to remove the requirement for a traffic island upgrade from the section 106 agreement.

2.0 Reasons for Decision(s)

2.1 The s278 works agreed between Essex County Highways and the applicant's technical team after the completion of the s.106 does not include an upgrade to a traffic island as included in the section 106 agreement. The agreement therefore has to be amended to take account of this change to remove this requirement.

2.2 Other minor changes to the Agreement include the relocation of a dropped kerb on Severalls Lane and providing a 2.5 metre wide sealed surface for pedestrians and cyclists and a 2.5 metre wide type 1 hoggin surface for horses. The Agreement currently requires a 3 metre wide sealed surface for pedestrians and cyclists and a 2 metre wide type 1 hoggin surface for horses

Alternative Options

The alternative is not to agree to the removal of the traffic island upgrade which would conflict with the requirements of ECC Highways.

3.0 Supporting Information

- 3.1 The Essex County Highways have provided the following supporting information.
- Axial Way was built around 2009. At that time pedestrian movements would have been considered as part of the overall design and for any future 'parcel' development.
 - Turning vehicular traffic had been provided for by the provision of widened road space and right turn lanes.
 - As part of the original Axial Way layout in the area of the now Persimmon Development a Pegasus Crossing is located at its western boundary for access to the west, to the park and on toward the Northern Gateway.
 - The pedestrian island on the east side of the developments vehicular access will provide access to the westbound bus stop, permeability into the existing development on the south side of Axial Way and further access towards Severalls Lane.

- The existing development on the south side of Axial Way is currently served by two access points from Axial Way only.
- Considering the existing pedestrian facilities that are already in place and the construction difficulties posed by the alteration of the existing splitter island and adjacent kerb lines it is our recommendation that the pedestrian island should no longer be a condition of the planning approval for the Persimmon Development on Axial Way
- The existing traffic island would not easily be converted to a pedestrian crossing island because of the following:-Insufficient width of island, to increase width of island traffic running lanes would need to be widened; and to adjust the existing kerb lines is complicated further by the fact they are drainage kerbs.

4.0 Strategic Plan References

4.1 The Strategic Plan seeks to provide opportunities to increase the number of homes available. The amendment to the legal agreement will ensure the development is delivered in a timely manner.

5.0 Consultation

5.1 The amendments have been agreed with Essex County Highways prior to this request to amend the legal agreement.

6.0 Publicity Considerations

6.1 None directly arising from this report.

7.0 Financial Implications

7.1 None directly arising from this report.

8.0 Equality, Diversity and Human Rights Implications

8.1 None directly arising from this report.

9.0 Community Safety Implications

9.1 Essex County Highways supports this amendment and does not consider there are any safety Implications.

10.0 Health and Safety Implications

10.1 Essex County Highways supports this amendment and does not consider there are any health and safety implications.

11.0 Risk Management Implications

11.1 None directly arising from this report

12.0 Background Papers

Planning application reference 162302
 Planning committee report
 Section 106 agreement.

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

Supreme Court Decision 16 October 2017

CPRE Kent (Respondent) v China Gateway International Limited (Appellant).

This decision affects the Planning Committee process and needs to be acknowledged for future reference when making decisions to approve permission contrary to the officer recommendations.

For formal recording in the minutes of the meeting, when the Committee comes to a decision contrary to the officer recommendation, the Committee must specify:

- Full reasons for concluding its view,
- The various issues considered,
- The weight given to each factor and
- The logic for reaching the conclusion.

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.

