

Planning Committee

Town Hall, Colchester
19 November 2009 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off before the meeting begins and note that photography or audio recording is not permitted.

Access

There is wheelchair access to the Town Hall from West Stockwell 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 Angel Court Council offices, High Street, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call, and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets are located on the second floor of the Town Hall, access via the lift. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

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

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or
textphone 18001 followed by the full number that you wish to call
e-mail: democratic.services@colchester.gov.uk
www.colchester.gov.uk

Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
19 November 2009 at 6:00pm**

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Stephen Ford.
Councillors Mary Blandon, Helen Chuah, Mark Cory,
John Elliott, Andrew Ellis, Theresa Higgins, Sonia Lewis,
Jackie Maclean, Jon Manning and Ann Quarrie.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-
Councillors Christopher Arnold, Nick Barlow, Lyn Barton, John Bouckley, Nigel Chapman, Peter Chillingworth, Barrie Cook, Beverly Davies, Wyn Foster, Mike Hardy, Pauline Hazell, Peter Higgins, Martin Hunt, Michael Lilley, Sue Lissimore, Richard Martin, Nigel Offen, Lesley Scott-Boutell, Laura Sykes, Jill Tod, Anne Turrell and Julie Young.

Agenda - Part A

(open to the public including the media)

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

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

Pages

1. Welcome and Announcements

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

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

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

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes

The minutes of the meeting held on 5 November 2009 will be submitted to the meeting on 3 December 2009.

7. Planning Applications

In considering the planning applications listed below, the Committee may chose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

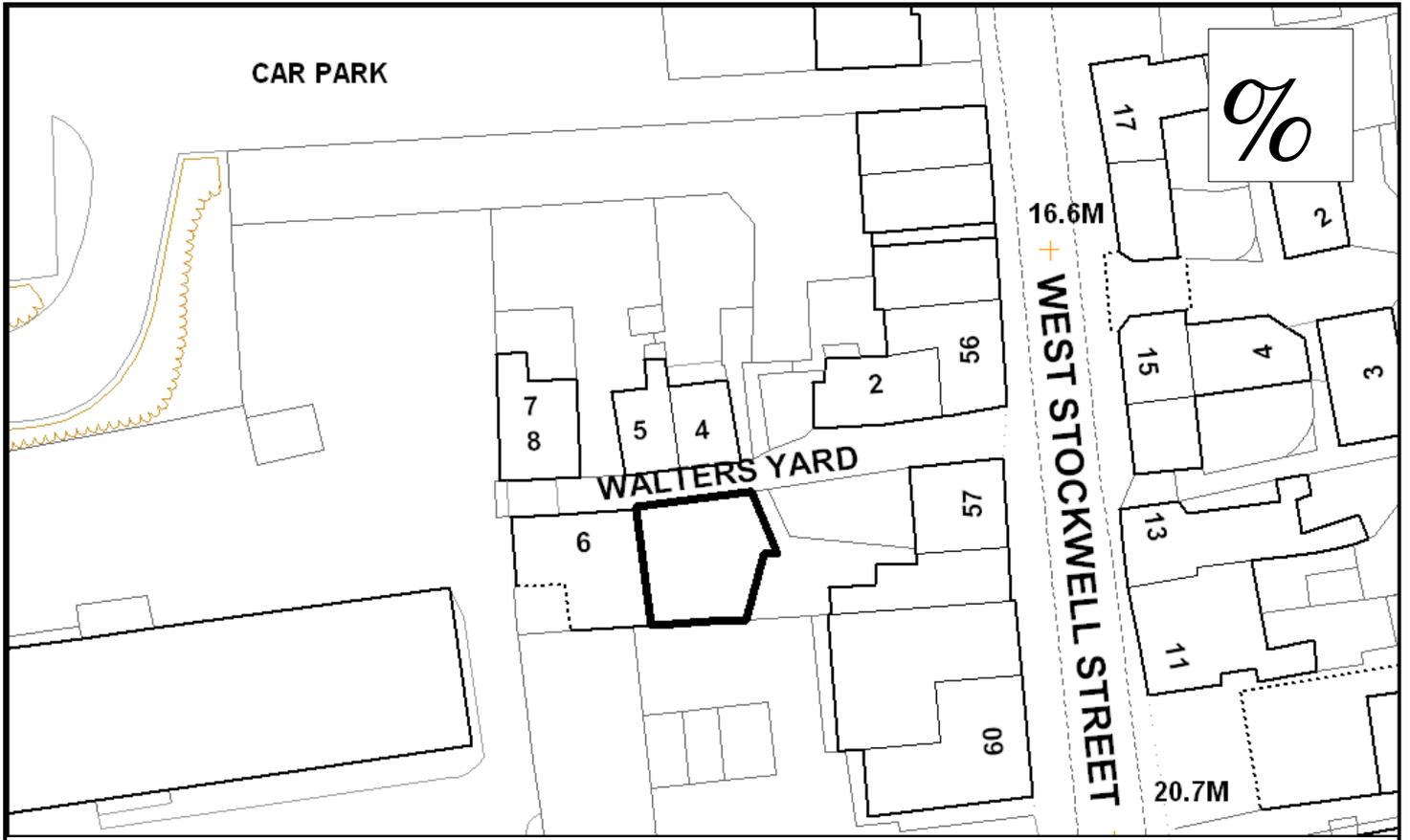
- | | | |
|----|--------------------------------------------------------------------------------------------------------------|----------------|
| 1. | 090732 Land adjacent to 9 Walters Yard, Colchester
(Castle) | 1 - 11 |
| | Erection of 1 bedroom detached dwellings with basement. | |
| 2. | 091266 Part garden, 110 Oaklands Avenue, Colchester
(Prettygate) | 12 - 20 |
| | Erection of a bungalow with associated parking facilities for the new and existing properties. | |
| 3. | 091208 Severalls Business Park, North Colchester
(Highwoods) | 21 - 32 |
| | Erection of a three storey business incubation centre (B1 Business Use). | |
| 4. | 091294 Boxted Farm Lodge, Burnt Dick Hill, Boxted
(Fordham and Stour) | 33 - 38 |
| | Removal of Condition 3 of F/COL/03/1377 - restriction of occupancy of dwelling. | |
| 5. | 091296 7-9 High Street, Wivenhoe
(Wivenhoe Quay) | 39 - 44 |
| | Change of use from a vacated retail premises (A1) to a gourmet grocer/coffee/shop/gallery (Mixed A1/A3 use). | |

8. Correction to Description of Development // Development at Fortuna Park, Colchester - 090416

See report by the Head of Environmental and Protective Services.

9. Exclusion of the Public

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



Application No: 090732

Location: Land Adjacent, 9 Walters Yard, Colchester, CO1 1HD

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008



Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **19 November 2009**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Mark Russell

EXPIRY DATE: 02/12/2009

MINOR

Site: 9 Walters Yard, Colchester, CO1 1HD

Application No: 090732

Date Received: 7 October 2009

Agent: Ellisdale Limited

Applicant: Ms Sarah-Jane Money

Development: Erection of 1 bedroom detached dwelling with basement

Ward: Castle

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

1.0 Site Description

1.1 The site comprises a small parcel of land currently laid out to grass on Walters Yard set behind Grade II Listed Buildings on West Stockwell Street within Colchester Conservation Area 1. Its dimensions are approximately 8 metres x 9 metres. An existing high red brick wall is located on the south boundary. The side elevation of No. 9 Walters Yard is to the west, with open frontage to the north and the garden wall of 57 West Stockwell Street to the east.

2.0 Description of Proposal

- 2.1 The proposal follows previous outline permission for a stylish “cottage ornée” (application O/COL/05/1882) which has proved to be difficult to build. The applicant describes the proposal as “a modern folly” which is less flamboyant than the currently approved scheme, and would utilise copper, glass, timber and render in its construction.
- 2.2 The design of the building is unique and hard to place in to any category, being made up of the individual twists and features which respond to the constraints of the site. These include an opaque glass boundary enclosure and a slanted pergola which the applicant states will add “transparent privacy” and a copper barrel roof to allow for storage and to avoid an overbearing effect on neighbouring property.
- 2.3 The property would also include a feature described as a “moat” which would be placed at the front and would assist in the cooling of the ground floor in the summer.
- 2.4 The plot would contain very limited amenity space and no parking provision.
- 2.5 Within the building itself, the master bedroom with en-suite would be situated in the first floor. An open staircase would lead down to the ground floor which would house a living room and kitchen/diner as well as bicycle and bin storage.
- 2.6 The finishing touch to the proposal is the basement which would feature a “hobby room/multi-use space” the applicant has shown this as housing a home cinema, plunge bath, sauna and store.
- 2.7 The highest point of the building would be six metres from ground level (but only 3.2 metres on the Walters yard frontage), with a further excavation below ground of approximately 2.8 metres.

3.0 Land Use Allocation

- 3.1 Residential in Colchester Conservation Area 1

4.0 Relevant Planning History

- 4.1 O/COL/05/0036 – Proposed two bedroom dwelling. Withdrawn 3rd March 2005.
- 4.2 O/COL/05/1882 – Outline application for proposed single-storey cottage ornée (resubmission of O/COL/05/0036). Approved 8th February 2006.
- 4.3 072203 – Erection of 1 bedroom house. Withdrawn 31st October 2007

5.0 Principal Policies

- 5.1 Adopted Review Colchester Local Plan
 - DC1- Development Control considerations
 - UEA1 – Character of Conservation Areas
 - UEA2 – Buildings in Conservation Areas
 - UEA11 – Design
 - UEA12 – Backland Development
 - UEA13 – Development Adjoining Existing Properties
 - P1 – Pollution
- 5.2 Core Strategy
 - SD1 – Sustainable Development Locations
 - UR2 – Built Design and Character

6.0 Consultations

- 6.1 The Design & Heritage Unit responded as follows:

The proposal is for a residential infill in a backland with walls to three sides surrounded by a mix of modest Victorian semi-detached houses and modern concrete office and local authority built residential buildings. The proposal is of a contemporary style, a modern folly, utilising materials such as copper, glass and exposed timber.

From a policy viewpoint, the Council is not against contemporary methods and materials and encourages high quality, creative design and showcases of innovative sustainable construction methods. This commitment is well formulated in the Core Strategy, Policy UR2 – Built Design and Character. The Council is equally committed to enhancing the historic built character, with well designed and built, distinctive developments that are both innovative and sympathetic to local character.

The design is distinctive and refreshingly different and contemporary, while achieving massing, scale and proportion of a domestic feel and sympathetic to the surrounding area. The building demonstrates a good fit within the site constraints and sensitively addresses potential overlooking. The building height remains low with the introduction of a low pitch barrel aspect copper roof. The proportioning of the building and its openings is well balanced and provides visual interest. A sustainable, off site construction method will be utilised for elements of the building.

The use of contemporary materials provides a fresh visual interest, while the attention to detail provides aesthetic quality. The use of different, contrasting materials is seen as successful, reflecting the contemporary form of the building, and adding to the variety of forms and materials already present in the Dutch Quarter. It is considered that the building will fill in an unsightly gap on site and will enhance the character of the Dutch Quarter as a whole.

As the site does not have a street frontage, the views are limited and the proposal has a neutral effect on the conservation area. Attention must be given to the surface treatment around Walters Yard access and at the boundary with 57-58 West Stockwell Street.

6.2 Museum Resources stated:

I would recommend that following the archaeological evaluation in May of this year our standard archaeological condition C2.2 be imposed if consent is granted.

6.3 Environmental Control had commented on previous applications without objection, and requested that a standard demolition and construction advisory note be attached to any decision.

6.4 The Highway Authority had previously objected, stating that the proposals would lead to the intensification of use of an already substandard private drive, and thus increased congestion and obstruction of the highway. It has confirmed “The HA would recommend as previously recommended, refusal for the same reasons.”

7.0 Representations

7.1 Seven letters of objection have been received from nearby properties and the Dutch Quarter Residents’ Association.

1. Access arrangements whilst works are carried out (including when the site is secured at night);
2. Disturbance whilst work is carried out
3. Foundations could undermine other properties;
4. Loss of light to existing properties;
5. Loss of light to existing properties (including to the balcony of 9 Walters Yard);
6. The site owner does not keep the site tidy;
7. Property prices would be affected;
8. The loss of an open space;
9. Loss of possible Roman remains;
10. Disturbance of possible underground springs;
11. The plot is too small for a house;
12. Loss of the old brick wall to the southern boundary;
13. Overdevelopment of an already densely-populated area;
14. Possible noise transfer from second floor bedroom to living room of 9 Walters Yard;
15. Problems of sewerage and water disposal;
16. Too close to existing properties in terms of current guidance;
17. The building will narrow the width of Walters Yard;

8.0 Report

8.1 The background to this application is the previous permission given under O/COL/05/1882. The principle of a dwelling – with access issues, loss of open space and all – was accepted at that point. It would be unreasonable to go back on that position. Issues of design, residential amenity, amenity space, archaeology, parking, highways and other are looked at below:

8.2 **Design:** The permitted scheme has proved costly and difficult to build. This led to application 072203, which was a far more prosaic affair, and was consequently withdrawn prior to any refusal.

- 8.3 Following this, a series of meetings between the applicants and their representatives, and your Officers led to the evolution of a new proposal, which began to take the form which is now being offered. Our Urban Designer gave a positive steer, stating:

Overall silhouette and elevations

The east elevation appears flat and needs stronger accentuation to read as a gable – this can be achieved either by extending the eaves to a sharp angle or extending the skylight to the roof edge with a steeper face. The sloping eaves line adds to the modern look and it appears well balanced in the overall composition. Although the building shapes and openings are well balanced, the use of too many different materials makes the overall composition too busy and unbalanced.

Materials palette

A simpler palette and an element of unity needs to be introduced to provide the balance - e.g. all the roofs and flues in copper can provide the unifying element, and a combination of render and timber cladding for the walls (as shown on the sketch) would define the different building forms well and provide unity and balance at the same time.

Glass screen

The use of a sand blasted glass to the north edge is welcome, it provides a light enclosure and complements the material palette (skylight and sand-blasted window on the gable end). Attention should be given to the finish at ground level, to provide a base for the glass to sit on and for water to drain, perhaps gravel or pebbles. The glass screen on the east side seems unnecessary, if the ground level of the new unit will drop from the current level (I assume). Anyway the scheme shows vegetation along this edge, which can in itself provide a screen for the private courtyard.

- 8.4 These changes have been implemented, and the result is the proposal before Members today.
- 8.5 The design has moved away from the “quaint” cottage ornée, and instead has a more contemporary feel to it, which can be seen as innovative and refreshing, without jarring with the existing look and feel of the area.
- 8.6 In particular the scale, massing, and positioning of the building is held to comply with the relevant policies in our Local Plan, notably UEA2 (b) which states that a new building will **be permitted only provided that:** “.....its siting retains the existing street building line and the rhythm of the street, its mass is in scale and harmony with the adjoining buildings and the area as a whole, and the proportions of its parts relate to each other and to the adjoining buildings.”
- 8.7 The proposal building would respect the building line to the left hand side of Walters Yard, its parts also relating proportionately to each other and surrounding buildings. Notwithstanding the fact that it has a modern feel to it, in particular with its use of copper and glass, your Officers feel that this building would sit comfortably within, and would enhance, the Conservation Area.
- 8.8 For this reason Members are asked to support the proposed design.

- 8.9 **Residential amenity:** It is accepted that the proposal is larger than that which has permission, and that this could have additional effects which would not have been felt under that permission. The authorised house would have measured 2.7 metres at the Walters Yard end, reaching up to 5.9 metres (as opposed to 3.2 metres and 6 metres respectively), and the new proposal would fill the plot – thus taking it four metres closer to 57 West Stockwell Street than the authorised building.
- 8.10 This increase could potentially lead to the house being overbearing on existing dwellings, and could exacerbate loss of light.
- 8.11 In reference to this, policy UEA13 (d) states that a proposal may be refused if it leads to an “unreasonable loss of natural daylight or sunlight to an adjoining dwelling or its curtilage.” As to what exactly “unreasonable” would mean in this context, the Essex Design Guide (“Daylight and Sunlight” pages 30-31) suggests that “Acceptable daylight in interiors is achieved if a 25 degree vertical angle from a point two metres above the floor at the façade is not obstructed.” The proposal complies with this in relation to numbers 4 and 5 Walters Yard. Further, it states “It is not a reasonable requirement for all dwellings to have sunlit rooms.” Thus, although light would be lost (particularly with the new building being to the south-facing aspect of the affected properties), this does not fail guidance, and therefore is policy compliant.
- 8.12 Whilst the above guidance generally refers to “front to front” scenarios, if we also apply it to the side we find that the gap between the proposed building and 57 West Stockwell Street is such that the two metres plus 25 degree rule is also complied with in this case.
- 8.13 To 58 West Stockwell Street, the same is true. Although it could be argued that the single storey elements to that house mean that the proposal fails the rule, it is normally employed for the main part of the house rather than any extended sections. It should also be added that in the case of both numbers 57 and 58, much of the light is already blocked by the existing high wall and surrounding buildings, particularly the buildings belonging to BT. There is, however, a small area of sunlight available in summer months in the south-western skies which will be affected. This is not seen as a reason for refusal.
- 8.14 The rear balcony to 9 Walters Yard would lose light from the east and south-east due to the positioning of the new building. This would be in part off-set by the glass section to the roof.
- 8.15 This scenario was previously held to be acceptable when permission was granted under O/COL/05/1882, albeit that this was 100mm lower than the current proposal.
- 8.16 Regarding the issue of potential privacy loss, each possibility of this requires investigation:
- 8.17 The deep side window which spans the ground and first floors is to be obscured. The level and detail of this can be agreed by condition.

- 8.18 The door-shaped window which faces on to Walter Yard is in fact a fire escape which is to be obscure-glazed. This is at the front of a small “porch” promontory of over a metre in depth, and as such is set away from the bedroom itself. It could, however, still lead to some incidental invasion of privacy should it be opened at any time, and so a condition is proposed to agree details of the fire door such that its mechanism is inconvenient for common usage, yet still fit for purpose in case of emergency.
- 8.19 The ground floor glazing is to “sand-blasted” and therefore also obscured to protect mutual privacy.
- 8.20 Regarding potential noise transfer, this is covered by Part E of the Building Regulations, and is not, therefore, a Planning matter. Sewerage is also under the remit of the Building Regulations.
- 8.21 **Amenity Space:** As described, very little amenity space is offered with this proposal (approximately 12 metres square, in very enclosed conditions). Whilst no guidance exists to tell us that this is acceptable, it is an inevitable fact that this will occasionally occur in a tightly built central urban situation such as the Dutch Quarter. In mitigation, the proximity to town centre facilities, including the Castle Park, can be held to outweigh this concern.
- 8.22 **Archaeological matters:** A field survey was carried out, at the request of your Officer, to the satisfaction of our Museum Resources team, prior to submission of this application. This was carried out by the Colchester Archaeological Trust in line with its standard procedures and in liaison with Colchester Borough Council. It concluded that the Roman archaeological horizons were between 1 metre and 1.4 metres in depth below present ground-level and were “overlaid by a considerable depth of post-medieval and modern strata.”
- 8.23 A robber trench was discovered in the position of the wall of a Roman building, this appears to have been robbed out in the medieval period.
- 8.24 Some fragments of pottery, and a single tessera or floor-tile, were found. These are judged to be insignificant.
- 8.25 Our Museum Resources department has agreed that a standard watching brief will now be sufficient to cover issues of archaeology, and this matter is therefore considered to be dealt with.
- 8.26 **Parking:** No parking is provided, in line with previous permission O/COL/05/1882. It is noted that a few properties in the area have parking provision, notably there is some garaging which is accessible to the rear, however the vast majority of properties in this densely-built, town centre location have no parking and would not normally be expected to have any given the scarcity of space and the proximity to town centre facilities. The same is true of the application site and lack of parking should not be used as a reason for refusal.

- 8.27 **Highways issues:** The Highway Authority's concerns over intensification of use of an already substandard private drive are noted, but given the lack of any parking provision, it is improbable that any occupiers of the property would use vehicles in the narrow Walters Yard other than briefly for loading and unloading, as is currently the case for some existing users.
- 8.28 **Other Matters:** The other main issues which have been raised relate to access and potential nuisance during the proposed works.
- 8.29 Whilst obstruction of an access is outside the remit of Planning, it is noted that this could occur in relation to on site works including deliveries. This can be dealt with by a condition which asks the applicant to supply a full methodology of works, including a solution to access and delivery issues, which will need to be agreed in writing by Colchester Borough Council.
- 8.30 In addition, the applicants will be issued with a standard demolition and construction advice note which they should pay heed to. If activities on site become a statutory nuisance, our Environmental Control team may be in a position to take action, including the service of a notice.

9.0 Conclusion

- 9.1 The proposed scheme is seen as a suitable alternative to the stylised "cottage ornée" which was earlier permitted. Issues of amenity have been dealt with, and those relating to access and working practices are noted, and it is felt that these can be tackled by use of conditions, as well as other legislation.
- 9.2 Members are, therefore, advised to approve this application.

10.0 Background Papers

- 10.1 ARC; Core Strategy; DHU; MR; HH; HA; NLR

Recommendation - Conditional Approval subject to dating of a Unilateral Undertaking for contribution to Open Space and Community Facilities.

Conditions

1 – A1.5 Full Perms (time limit for commencement of Develop

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

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

2 – C3.1 (Materials)

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the development preserves and enhances the character and appearance of the Conservation Area.

3 – Non Standard Condition

Prior to the commencement of development, including excavation, the applicant shall submit details of a scheme of works to the Local Planning Authority. These shall include details of access arrangements to Walters Yard, delivery and storage of materials, noise and dust control and storage of plant and vehicles needed in association with the works. These details shall be agreed in writing and shall be adhered to at all times.

Reason: In the interests of residential and Highway amenity in this densely populated, mainly residential, area.

4 - C2.2 Archaeological Excavation and Evaluation

No development shall take place within the application site until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To prevent risk of damage to archaeological remains of acknowledged importance.

5 – Non Standard Condition

Windows and walls shown to be obscured/sand-blasted on the drawings hereby approved shall be so obscured to a level to be agreed in writing with the Local Planning Authority prior to development and shall remain as such at all times. Further details of the degree of obscuration achieved by the sand-blasting shall be provided in writing to the Local Planning Authority prior to the commencement of development and shall be agreed in writing and shall be implemented as such and remain so at all times thereafter.

Reason: In the interests of visual amenity.

6 – Non Standard Condition

Prior to the commencement of development, the applicant shall provide details in writing of the fire escape, including fire door, as mentioned on the drawings hereby approved. These details shall be agreed in writing by the Local Planning Authority and shall be implemented and remain as such at all times.

Reason: In the interests of residential amenity.

7 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any order revoking and re-enacting that Order with or without modification) no development within Classes A to Hof Part 1 of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the local planning authority.

Reason: Notwithstanding the limited scope for such development within this small plot, the Local Planning Authority would wish to avoid any minor accretions and additions which could produce a visually unsatisfactory form of development within this Conservation Area setting in proximity to Listed Buildings.

8 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls, shall be erected within the curtilage of the dwellinghouse.

Reason: In the interests of visual amenity in this Conservation Area.

9 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any order revoking and re-enacting that Order with or without modification) no new windows or doors, other than those hereby approved, shall be inserted in to any part of the dwelling hereby approved.

Reason: In the interests of residential amenity and visual amenity in this Conservation Area.

10 – Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, (or any order revoking and re-enacting that Order with or without modification) no solar panels/photovoltaic cells shall be added to the building hereby approved.

Reason: In the interests of residential amenity and visual amenity in this Conservation Area.

11 – Non Standard Condition

Prior to the dwelling hereby permitted being brought in to use, provision shall be made for the bin-store as indicated, and shall be maintained as such at all times.

Reason: In the interests of satisfactory bin-store provision.

12 - B3.3 (Light Pollution)

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

Reason: In the interests of residential and visual amenity in this Conservation Area.

13 – Non Standard Condition

No light fittings shall be placed within the glass section of the roof in the dwelling hereby approved without the prior written permission of the Local Planning Authority.

Reason: In the interests of residential and visual amenity in this Conservation Area.

Informatives

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



Application No: 091266

Location: Part Garden, 110 Oaklands Avenue, Colchester

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.2 Case Officer: John More

EXPIRY DATE: 24/11/2009

MINOR

Site: Part Garden, 110 Oaklands Avenue, Colchester

Application No: 091266

Date Received: 29 September 2009

Agent: Mr Steve Norman

Applicant: Mr & Mrs J D Brew

Development: Erection of a bungalow with associated parking facilities for the new and existing properties.

Ward: Prettygate

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Site Description

1.1 The site comprises the existing bungalow at 110 Oaklands Avenue, with its main garden area located to the side of the dwelling running parallel with Oaklands Avenue. There is a detached garage at the end of the garden with access onto Oaklands Avenue. A mature laurel hedge forms the boundary with the footway which has recently been reduced in height to approx 1m. The rear boundary is formed by a panel fence approx 1.5m in height and in a poor condition.

1.2 The site is located on the junction with Dugard Avenue. There is a 2 storey house to the rear which fronts Dugard Avenue. Opposite are two bungalows, no. 79 and 77a, the latter is a later infill, similar to that proposed here, except it also includes some garden of the property to the rear. The property at the end of the garden is another bungalow fronting Oaklands Avenue. The bungalows in the area are of a bland design but are characterised by small projecting gable elements fronting Oaklands Avenue.

2.0 Description of Proposal

2.1 The application proposes the erection of a bungalow with associated parking and amenity land and parking facilities for the existing property.

2.2 The proposed layout comprises an L-shaped two-bed bungalow with an access and parking area to the left side of the building and a rectangular 57 square metre private garden area to the rear, measuring 6m x 9.5m.

3.0 Land Use Allocation

3.1 Predominantly residential

4.0 Relevant Planning History

- 4.1 In 1973 permission was refused for an extension to the bungalow to form an additional bungalow (App. No. 21302).
- 4.2 Earlier this year a similar application for the “erection of a bungalow with attached garage and associated parking facilities for the new and existing properties” was withdrawn (App. No. 090418). This proposal was for a slightly larger building and was withdrawn when officers indicated it was to be refused under delegated powers.
- 4.3 Following this a resubmitted planning application was refused by the Planning Committee (App. No. 090848) on the following grounds:

“This application has been considered against national planning policies set out in Planning Policy Statement 1 (PPS1), Planning Policy Statement 3 (PPS3). In addition, policy ENV7 of the East of England Plan (2008) is also relevant. At a local level, saved policies DC1, UEA11 of the adopted Colchester Borough Review Local Plan (2004) and policies SD1, SD2, H1, H2, H3, H4, UR2, PR2, and TA5 of the adopted Colchester Borough Core Strategy (2008) are also material considerations. Further detailed design advice is adopted in the form of the Essex Design Guide (1997).

PPS1 and PPS3 both state that “design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”. PPS1 also states in its first key objective that “Good planning ensures that we get the right development, in the right place and at the right time”.

The size and shape of the site result in substandard quality amenity provision for the proposed dwelling. PPS3 states that it will be important to ensure that private gardens should be well designed. However in this instance the area along the side of the property is only 3.5m in width and doubles as an additional parking space while the area to the rear of the property is only 4m in depth. These are not considered to be usable depths for a private garden and would be unfavourably overshadowed and cramped areas taking into account the 1.8m fence that would be required to maintain privacy to neighbouring sites, the walls of the new bungalow and the orientation of the site. Furthermore, the site has not been provided with any cycle storage or any outbuildings that might be required for other domestic storage such as a shed. Given the substandard amenity provision already identified, any additional outbuildings would further reduce the amenity provision. For the reasons above the council considers that the proposal would not constitute good planning as it would fail to provide adequate useable private amenity space for the end user contrary to the aforementioned policies.”

5.0 Principal Policies

- 5.1 Local Development Framework
Core Strategy:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA5 - Parking

- 5.2 Adopted Review Colchester Local Plan 2004 saved policies:
DC1- Development Control considerations
UEA12 & 13 - Design

6.0 Consultations

- 6.1 The Highway Authority do not wish to make comment further to the formal recommendation of the 26th May 2009 (relating to application 090418). This required conditions and an informative which have been attached to the recommendation. These related to pedestrian sight splays (1.5m x 1.5m), no unbound materials for driveway and location of garage 6m back from the highway.

Comment:

This proposal has omitted the garage element. The other conditions appear on the recommendation.

7.0 Representations

- 7.1 One letter of objection has been received highlighting on-street parking issues along Oaklands Avenue, most of these non residents, causing people turning into Oaklands Avenue to drive on the wrong side of the road.

Comment:

The application proposes parking for the existing and proposed properties in line with adopted standards and the new widened access would result in less opportunity for on street parking. Residents may wish to write to the Highway Authority to request double yellow lines if non resident on street parking is causing a highway safety problem.

- 7.2 Full text of all consultations and representations are available to view on the Council's web-site.

8.0 Report

Setting the scene

- 8.1 Opposite the site in Oaklands Avenue the only similarly property with potential for an infill plot was granted consent for a bungalow in 1988 (App. No. 88/1601). The site was built out and is now occupied by No. 77a Oaklands Avenue. The shape of the site is different to the current proposal in that the garden of the host property was narrower and therefore required part of the rear garden of the property to be used. This gave it a deeper, albeit odd L-shaped plot.
- 8.2 Any planning application must be determined on its individual merits taking into account current planning policy and government guidance along with all other material considerations. Clearly the property opposite is a material consideration. However, since its approval in 1988 planning policy has changed significantly.
- 8.3 The introduction of PPS1 and PPS3 at a national level, the East of England Plan at regional level and the Colchester Borough Core Strategy policies have changed the emphasis given to design and the quality of the built environment, giving this much greater importance in planning. At a basic level the stance has changed from one of “is it bad enough to refuse” to one of “is it good enough to approve”, which is significantly different.

Policy context

- 8.4 Saved Local Plan policy DC1 requires new development to be well designed and based on a proper assessment of the surrounding built environment. More specifically design policies UEA12 & 13 require a high standard of building and layout design with a specific requirement for new dwellings to have adequate regard for their setting. New development should in general accord with the Borough Council’s design, layout, parking, highway and space standards with good standards of townscape being achieved in terms of harmonious groups of buildings and the spaces between them. The design and layout of the buildings should ensure that the amenity of adjacent property is not unreasonably affected.
- 8.5 Adopted Core Strategy policy UR2 seeks high quality and inclusive design in all developments. It requires design to be informed by context appraisals and to create places that are locally distinctive, people friendly, provide natural surveillance and which enhance the built character and public realm of the area. Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported. Policy SD1 requires sustainable locations for all development while SD2 sets out the delivery of facilities and infrastructure in relation to new development. Policies H1, H2, H3, H4 deal with housing delivery, density and affordable housing. Policies PR2 promotes secure, attractive and safe people-friendly streets which should provide active frontages. Policy TA5 deals with car parking provision.
- 8.6 Following the last planning refusal and discussions with the applicant and agent, the Council has now adopted a new Supplementary Planning Document titled ‘Backland and Infill Development’.

- 8.7 Paragraph 3.7 deals with corner plots and states “Corner plots create particular issues as they often have only limited depth. To overcome issues of privacy and overlooking single storey buildings are often proposed, which do not reflect the prevailing form of development. The development of corner plots can also result in the loss of green space and have an adverse impact on the visual amenity of the locality.”
- 8.8 In this particular case the neighbouring properties are single storey so the proposal does reflect the prevailing form of development. The proposal would result in the loss of some green space, however, given the situation with the infill property opposite it is not considered a refusal on those grounds in this particular case could be sustained.

Design and layout

- 8.9 The design of the bungalow is relatively bland, however, having visited the site this would appear contextual for the area. A more heavily detailed proposal would appear out of place in the street scene. The appearance of the building is considered acceptable.
- 8.10 The revised layout proposes an L-shaped building which would result in a more sensible shaped rear garden area measuring 9.5m x 6m. It is considered this would overcome the previous reason for refusal.
- 8.11 In terms of layout, on plan, the proposed bungalow would still be out of character with the prevailing pattern of development in the locality due to the depth of the plot. For this reason it would also, on plan, appear to be rather cramped on the site in comparison to the neighbouring bungalow to the right which has a much deeper plot. However, from a public perspective this lack of plot depth would not be readily perceptible and would not harm the street scene. Indeed, the proposed building would appear to plug a gap in the built frontage to Oaklands Avenue as No. 77a does opposite.

Impact on Surroundings

- 8.12 As stated above the proposed building would sit comfortably in the street scene and appear to plug a gap in the built frontage to Oaklands Avenue, as No. 77a does opposite. In this context it is not considered the proposal would have a negative impact on the surroundings.

Impact on neighbours

- 8.13 The proposed dwelling would be single storey in height. This means that there is no overlooking and little opportunity for the overshadowing of neighbouring dwellings or sitting out areas. On this basis the impact on neighbours is considered to be acceptable.

Highways and Parking

- 8.14 The application proposes parking for the existing and proposed properties in line with the adopted parking standards. Two parking spaces are proposed for the existing property and two for the proposed new bungalow.

8.15 In terms of on street parking, the new widened access would result in less opportunity for on street parking, however, this application is not the correct opportunity for resolving any existing on street parking issues in the area which would be under the control of the Highway Authority.

S106 Matters

8.16 In line with Open Space, Sports and Recreation Facilities SPD the applicants have provided a signed Unilateral Undertaking in connection with payment of a Public Open Space contribution.

9.0 Conclusion

9.1 In summary, the design of the building is considered acceptable and there would be no harm to neighbours amenity or to the visual amenity of the street scene. While on plan the layout of the site would be out of character with the pattern of development in the area this would not be perceptible from a public perspective and thus would not harm public amenity or the street scene. The revised layout offers sufficient private amenity space for the proposed dwelling and therefore overcomes the previous reason for refusal. On balance, when weighing up the planning merits of the proposal it is not considered that an objection could be sustained at appeal in this particular case. Approval is therefore recommended.

10.0 Background Papers

10.1 ARC; Core Strategy; HA; NLR

Recommendation

The application be APPROVED subject to the dating of the submitted Unilateral Undertaking for contributions towards Open Space, Sports and Recreation facilities and the following conditions.

Conditions

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

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

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

2 - C3.1 Materials (general)

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

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

3 - A7.4 Removal of ALL Perm Devel Rights (residential)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

Reason: To protect the amenity of adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development.

4 – Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no windows or other openings shall be constructed above the ground floor in the building hereby approved.

Reason: To protect the amenities and privacy of adjoining residents.

5 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

6 - C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

7 –Non-Standard Condition

Prior to the proposed access being brought into use in conjunction with the first occupation of the development, the proposed vehicular access shall be provided with 1.5m x 1.5m pedestrian visibility splays on both sides relative to the highway boundary and shall contain no obstruction exceeding 0.6 metres in height.

Reason: To provide adequate intervisibility between the pedestrians and users of the access and the existing highway for the safety and convenience of users of the highway and of the access.

8 – Non-Standard Condition

Prior to the first occupation of the dwelling hereby permitted, the parking area as shown on the submitted plans shall be laid out and maintained free from obstruction at all times thereafter for that sole purpose.

Reason: To ensure that there is adequate parking and turning space for vehicles entering, using and exiting the site in the interests of highway safety.

9 – Non-Standard Condition

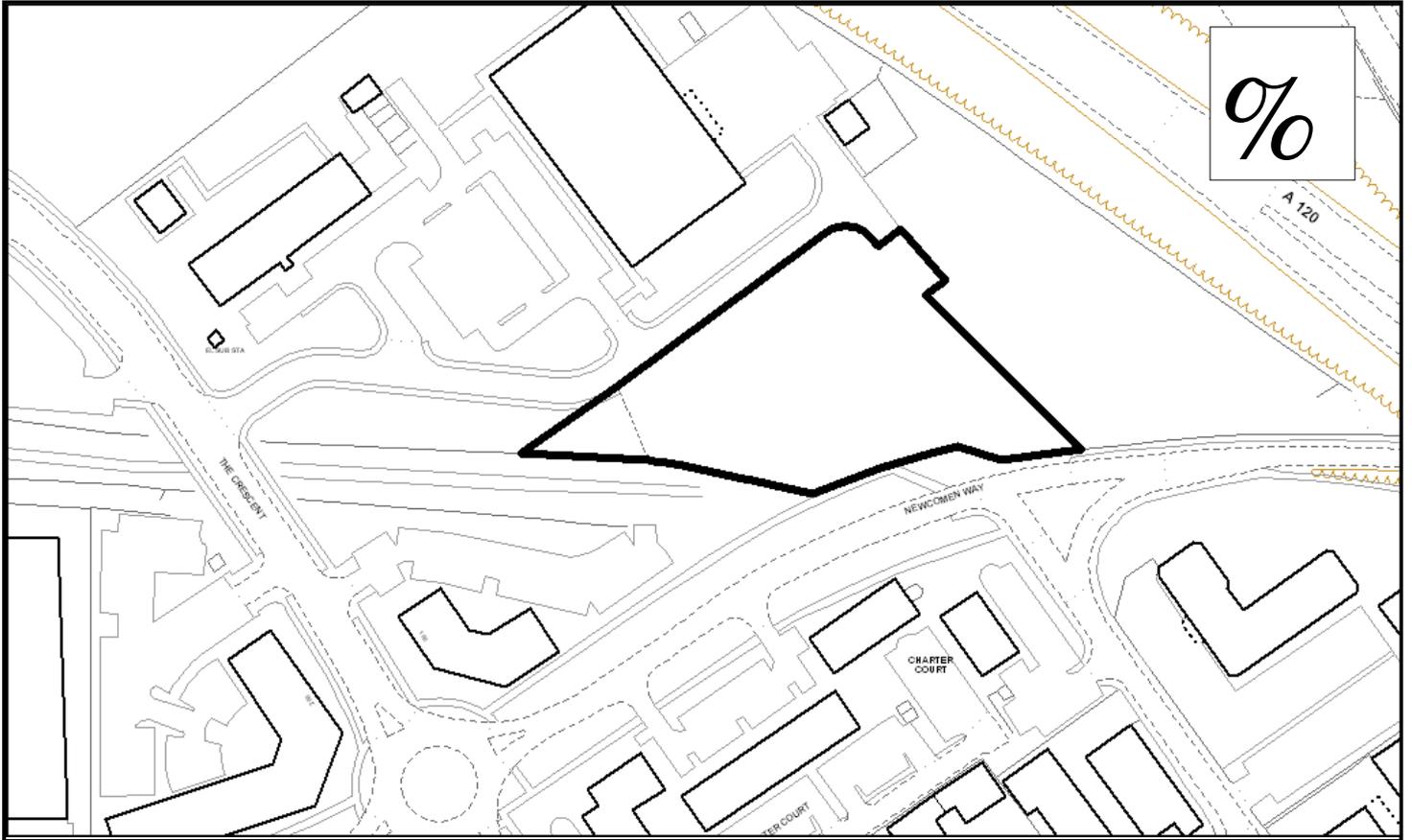
No unbound materials shall be used in the surface finish of the proposed private drive within 6 metres of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

Informatives

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

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



Application No: 091208

Location: Plot 300, Severalls Business Park, North Colchester

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

Site: Severalls Business Park, North Colchester

Application No: 091208

Date Received: 15 September 2009

Agent: Mr Hugh Bennett

Applicant: Mr O'Sullivan

Development: Erection of a three-storey business incubation centre (B1 Business use)

Ward: Highwoods

Summary of Recommendation: Conditional Approval subject to a Unilateral Undertaking

1.0 Planning Report Introduction

- 1.1 This application is referred to the Planning Committee because it is a Colchester Borough Council application on Council owned land. Specifically, it is led by the Strategic Policy and Regeneration Team.
- 1.2 There have been no objections to the planning application, with any issues outstanding controllable by condition. Thus, there are no significant concerns over the proposal. A more detailed analysis is provided below.

2.0 Site Description

- 2.1 The site is located on the Colchester Business Park, immediately adjacent to the A12 sliproad and Newcomen Way. It is essentially the first piece of land on approach into Colchester from this direction. As such it is a gateway site.
- 2.2 The access into the site is off The Crescent. To the Newcomen Way frontage, the boundary has several mature trees which offer some amenity value. The site slopes moderately and reasonably evenly from east to west.

3.0 Description of Proposal

- 3.1 The planning application is for a Business Incubation Centre (BIC) containing 24 units for small businesses. It is similar to the very successful COLBEA centre off Magdalen Street. Part of the project is funded by EEDA, but Colchester Borough Council has led on the project and is the applicant and land owner.

4.0 Land Use Allocation

- 4.1 The land is allocated as an Employment Zone.

5.0 Relevant Planning History

- 5.1 O/COL/00/0630 was approved for “office development and associated car parks, access road and landscaping” in 2000. The permission was never progressed.

6.0 Principal Policies

6.1 Adopted Colchester Borough Review Local Plan (2004)

- DC1 – Development Control Considerations
- CO4 – Landscape Features
- CO5 – Habitats
- UEA11 – Design
- P1 – Pollution (general)
- P2 – Light Pollution
- L15 – Footpaths, Cycleways and Bridleways
- T7 – Traffic management Schemes
- T9 – Car Parking (Outside Central Colchester)

6.2 Adopted Colchester Borough Core Strategy (2008)

- SD1 – Sustainable Design Locations
- SD2 – Delivering Facilities and infrastructure
- CE1 – Centres and Employment Classification and Hierarchy
- CE3 – Employment Zones
- UR2 – Built Design and Character
- PR2 – People friendly Streets
- TA1 – Accessibility and hanging travel behaviour
- TA2 – walking and Cycling
- TA4 – Roads and traffic
- TA5 – Parking
- ENV1 – Environment

- 6.3 In addition to the above Development Plan policies, there is a Design Brief for the site. This sets out the vision for how the site should be developed, based on an analysis of the site context. The Development Brief has been adopted as a Supplementary Planning Document and is a material consideration.

- 6.4 Regard should also be given to national and regional policies, including (but not exclusive to) PPS1 and PPS9.

7.0 Consultations

- 7.1 The proposal was referred to the Development Team prior to application. This highlighted the need for a contribution to Education, to cater for crèche places resulting from the number of workers likely to be using the site and a contribution to highways infrastructure as a consequence of impact on the road network. The applicants have agreed to these terms, which can be addressed through a Unilateral Undertaking being drafted by Essex County Council at the time of writing.

- 7.2 Consequently, ECC highways have confirmed that they have no objections subject to the above contribution to highways being secured. The amount of this agreement has been agreed by the applicants.

- 7.3 The Highways Agency has requested that a S106 agreement is employed to formalise financial arrangements centred on participating in the North Colchester Business Park Area Travel Plan. They wish to see the commitment backed up by the inclusion of an appropriate condition in any consent.
- 7.4 Arboricultural Planning Officer has advised that they are in agreement with the arboricultural recommendations made within the application. The proposal only requires the loss of one “moderate to poor” quality tree. Details of the arboricultural monitoring schedule are required prior to commencement of the development. However, this can be dealt with by condition.
- 7.5 The Landscape Officer has confirmed that the amended landscape proposal would appear to satisfactorily address all the concerns raised in relation to concept proposals. However, the following outstanding points pertaining to any detail proposals still need to be addressed either at this the application stage or under condition:
- (a) Principal tree positions (principal = prominent trees with long-term public amenity value) need to be confirmed as being compatible with service requirements, demonstrated through submission of combined services and tree position drawing, this to ensure the above ground amenity value afforded by these trees is protected.
 - (b) Manhole and access cover points need to be confirmed as being aligned with block paving and (where feasible) co-ordinated with surface finishes. This needs to be confirmed within the proposal documents (e.g. in the Landscape Proposals) rather than email to help ensure adherence at construction stage.
- 7.6 Natural England have no objection to the proposal with regard to its impact on reptiles, provided that the mitigation outlined in the application is secured. However, they believe that there might be potential for works to mature trees to affect bat roosts. They recommend that no felling or lopping occurs until the Council is satisfied that this will not adversely impact upon bats. Bat roosts are protected from intentional or reckless harm and further advice on mitigation should be sought from Natural England.
- 7.7 Environmental Control have requested a condition to control light pollution. This is included in the recommended conditions.
- 7.8 Anglian Water confirmed that the units can be accommodated into the existing infrastructure. They have requested an informative to protect their assets.

8.0 Parish Council's Views

- 8.1 None

9.0 Representations

- 9.1 No representation have been received.

10.0 Report

Design and Layout

- 10.1 The building siting and form provides a solution which addresses one of the primary entrances to the business park along Newcomen Way. This was a particularly important matter to get right, as set out in the development brief, as the site is a gateway site. The glazed features at the corner and increased height achieved through a sloping roof establishes a sense of arrival into Colchester. The roof form increases the height of the building towards the east and the business park entrance, creating enhanced emphasis and a focal point when approaching the site from the A12.
- 10.2 The building orientation ensures that parking does not dominate the development, screening the parking areas from the most prominent public vantage points. The building faces and aligns with the vehicular access from the A12 and will in part screen the parking areas to the north of the building which are then enclosed by the raised hedgerow. This is further enhanced and screened utilising the existing mature and proposed landscaping. The most mature trees are found on the Newcomen Way boundary and the orientation and layout of the site has been considered with these in mind, ensuring that these trees can be retained. Thus, existing site constraints have been important considerations in the sighting and layout of the new building. This accords with the development brief. The retention of the trees also permits the inclusion of a semi private green space fronting Newcomen Way.
- 10.3 The building form itself is largely dictated by the internal requirements of small business units. The units are square, to give the most efficient floor space for new businesses. This results in a basic need for a rectangular building. However, some thought has gone into how to dress this up into a modern and interesting landmark building. The result is a building of 3 storey height and gross internal area of 1309.5m². The space sub-divided into 28 small business units, varying in size from 17m² to 30m² providing an approximate lettable floor area of 697m²; the remaining building area is taken up through support functions, circulation area, W.Cs, plant and storage.

Employment Benefits and Use

- 10.4 Previously undertaken reports, which form independent evidence for this application, had identified that the Borough contained only some one third of the incubator space it needed in 2003. Since then the Council has worked to increase the provision of good business units as it was recognised that the net effect of this under-provision on the economic prosperity of the Borough and in turn the Haven Gateway Growth Point area, is significant in terms of loss of employment opportunities, fostering entrepreneurship and the retention of a high calibre workforce in the town. A successful scheme has been the COLBEA centre off Magdalen Street in the town centre. This incubation agency currently has a waiting list for prospective start up businesses. This is evidence of a strong need for this development.

- 10.5 Despite many attempts, the Council has been unable to find any means of creating new incubator space without financial support from EEDA. The 2003 report therefore recommended that the provision of at least two new incubators should be pursued in addition to the existing facility managed by COLBEA in Magdalen Street. This application would go some way to making good on this objective.
- 10.6 The application is for a new B1 Business Use. The proposed North Colchester Business Incubation Centre (BIC) would provide a new facility that will improve the current under-provision of business incubator space within the Borough for embryonic business. The facility will provide accommodation and business support to entrepreneurs and small start-up business during their initial growth period incentivised by rent concessions, but limited to a maximum period of occupation.

Highways and Parking

- 10.7 The Severalls Business Park is served directly from the A12 at junction 29, (the A12, A120 & A1232 interchange) and is located approximately 2 miles north of the town centre. Vehicular access is already established via the existing business park infrastructure and would be from the access road off The Crescent, which serves LinkLaters already. The main frontage would be unbroken by vehicular accesses.
- 10.8 There is likely to be a higher than usual use of private motor vehicles as the building is proposed for 24 hours use. Access by train and bus would not be compatible with the out of office hours. Colchester's train stations are linked to the business park for peak hours only. As the business incubation centre will operate 24hrs a day the availability of public transport is considered to be restricted.
- 10.9 That said, access for cyclists and pedestrians can be achieved along Flood Lane and a new (secure) link will be provided from the site to the existing cycle network. There is also an adequate provision of cycle spaces, which would be conditioned. Thus, the scheme makes the appropriate provisions to try and encourage travel by sustainable means.
- 10.10 In addition, a wider Business Park Travel Plan is currently in preparation and it is considered appropriate that the BIC feeds into this Travel Plan process. This has been addressed through the planning obligation terms, whereby Colchester Borough Council (as applicants) will pay Essex County Council Highways Authority a sum of £5,000. A condition will also be used to secure inclusion of the BIC within this wider Travel Plan, which will be monitored by Essex County Council.

Biodiversity

- 10.11 PPS9 states that the aim of planning decisions should be to prevent harm to biodiversity interests. Local planning authorities must be satisfied that adequate mitigation measures are put in place to prevent significant harm. The potential ecological constraints to any proposed development are firstly the habitats of wildlife on the site and its margins and secondly any protected species which might be present.

- 10.12 Overall, the site habitats and the species they support are assessed as being of “lower” wildlife value at the ‘District/Borough’ scale. This assessment is made on the basis of the known habitat and species interest of the site. Consequently, appropriate mitigation appears to have been detailed in the application. The proposed site layout indicates that a small area of land will be retained undeveloped alongside the A120 slip road. This land would form part of a corridor of vegetation alongside the road, and offers opportunity to create habitat for birds and invertebrates through informal native shrub and tree planting as well as a safe corridor for species movement through the area.
- 10.13 Natural England considers that there might be potential for works to mature trees to affect bat roosts. They recommend that no felling or lopping occurs until the Council is satisfied that this will not adversely impact upon bats. Bat roosts are protected from intentional or reckless harm and further advice on mitigation should be sought from Natural England prior to any works commencing. This can be conditioned, so that the removal of branches detailed in the application did not occur until the potential impact on bat roosts has been resolved.

Planning Obligations

- 10.14 As indicated elsewhere, the Development Team identified a need for two contributions in line with other development in the area. As these are both contributions that would be paid to Essex County Council, and because the applicant is Colchester Borough Council, it was agreed that these contributions would be paid by form of a Unilateral Undertaking which the County are drafting at the time of writing.

11.0 Background Papers

- 11.1 The following background papers are relevant: ARC, CPS, Core Strategy, North Colchester BIC Development Brief.

12.0 Recommendation

- 12.1 The application is recommended for approval, subject to there being a Unilateral undertaking in place to secure the contributions to the Highways and Education Authorities at Essex County Council and also the conditions set out below. It is also proposed that any subsequent matters (should any arise) be dealt with under delegated powers by officers, rather than bringing the application back to the committee

13.0 Conditions

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

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

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

2 - C3.1 Materials (general)

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

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

3 - Non-Standard Condition

Prior to the commencement of development, specifications for the roof, cantilevered entrance canopy and louvre vents shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: There is insufficient detail to ensure that these features are of an adequate visual appearance.

4 - C3.20 Surfacing Materials to be Agreed

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

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

5 - Non-Standard Condition

The premises shall be used for B1 purposes only as defined in the Use Class Order and for no other purpose (including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: This is the basis on which the application has been submitted and considered and alternative uses would need to be considered in terms of their individual impacts.

6 - Non-Standard Condition

Unless otherwise agreed in writing by the Local Planning Authority, prior to the first use of the development hereby permitted a Travel Plan shall have been submitted to and agreed in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented in accordance with the details agreed.

Reason: To ensure that the development makes adequate provision to reduce its impact on the highway network and increase its sustainability.

7 -Non-Standard Condition

No works to any trees, including lopping or crowning, shall occur until an investigation into bat roosts has been undertaken for that tree, and subsequently submitted and approved in writing by the Local Planning Authority.

Reason: Natural England have highlighted concerns that some of the mature trees on the site could contain potential bat roosts and that this needs to be investigated prior to any felling or lopping.

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

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

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

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

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

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

10 - C10.18 Tree and Hedgerow Protection: General

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

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

11 - Non-Standard Condition

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

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

12 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels. Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

13 - C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

14 - C11.16 Earthworks

No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with approved details.

Reason: To ensure proper consideration and approval of any effects of change in topography on landscape features.

15 - C11.17 Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

16 - Non-Standard Condition

Any lighting of the development shall comply with the figures specified in the current "Institution of Light Engineers Guidance Notes for the Reduction of Intrusive Lights" for Zone E3. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance. Upon completion of the development and prior to the building hereby permitted coming into first beneficial use a validation report undertaken by a competent person that demonstrates the compliance with the above shall be submitted to and agreed in writing by the Local planning Authority. Any lighting installed thereafter shall be retained and maintained to accord with the agreed standard.

Reason: To ensure that there is no adverse light spillage from the proposed building.

17 - A4.12 No Open Storage

There shall be no outdoor storage of any materials goods equipment plant machinery or vehicles of any description on any part of the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity.

18 - Non-Standard Condition

Deliveries shall only be taken at, or despatched from the site during the hours of 8am – 7pm on Mondays to Saturdays. There shall be no deliveries at any time on Sundays and Bank or Public Holidays.

Reason: Whilst the office operations might not affect amenities, associated deliveries by large vehicles outside of these times could have an adverse impact.

19 - C9.4 Laying Out of Amenity Land

Before the building permitted is first occupied the land shown on the plan as social area shall be laid out in accordance with the approved plans and made available for amenity use.

Reason: To ensure adequate and properly designed amenity open space is available to occupiers of the buildings hereby approved.

20 - Non-Standard Condition

The approved building shall not be occupied until the vehicular access, turning and parking spaces have been laid out within the site in accordance with the approved plans, and thereafter such spaces shall be retained for those purposes only

Reason: To ensure adequate parking provision so that the development does not prejudice the free flow of traffic or the general safety along the adjacent highway or the convenience and amenities of local residents.

21 - D4.5 Bicycle Parking (as approved plan)

The bicycle parking facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the development hereby approved before that development becomes operational. These facilities shall thereafter be retained as such.

Reason: To ensure proper provision for cyclists, including parking in accordance with the Local Planning Authority's standards.

22 - Non-Standard Condition

The refuse storage facilities indicated on the approved plans returned herewith shall be provided and made available to serve the development hereby approved before the development becomes operational. These facilities shall thereafter be retained as such.

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

23 - B9.2 Recycling Facilities

Prior to the development hereby approved being brought into use, facilities for the collection of recyclable materials shall be provided on the site and thereafter retained in accordance with a scheme submitted to and agreed by the Local Planning Authority.

Reason: To ensure that adequate facilities are provided for the collection of recyclable materials.

Informatives

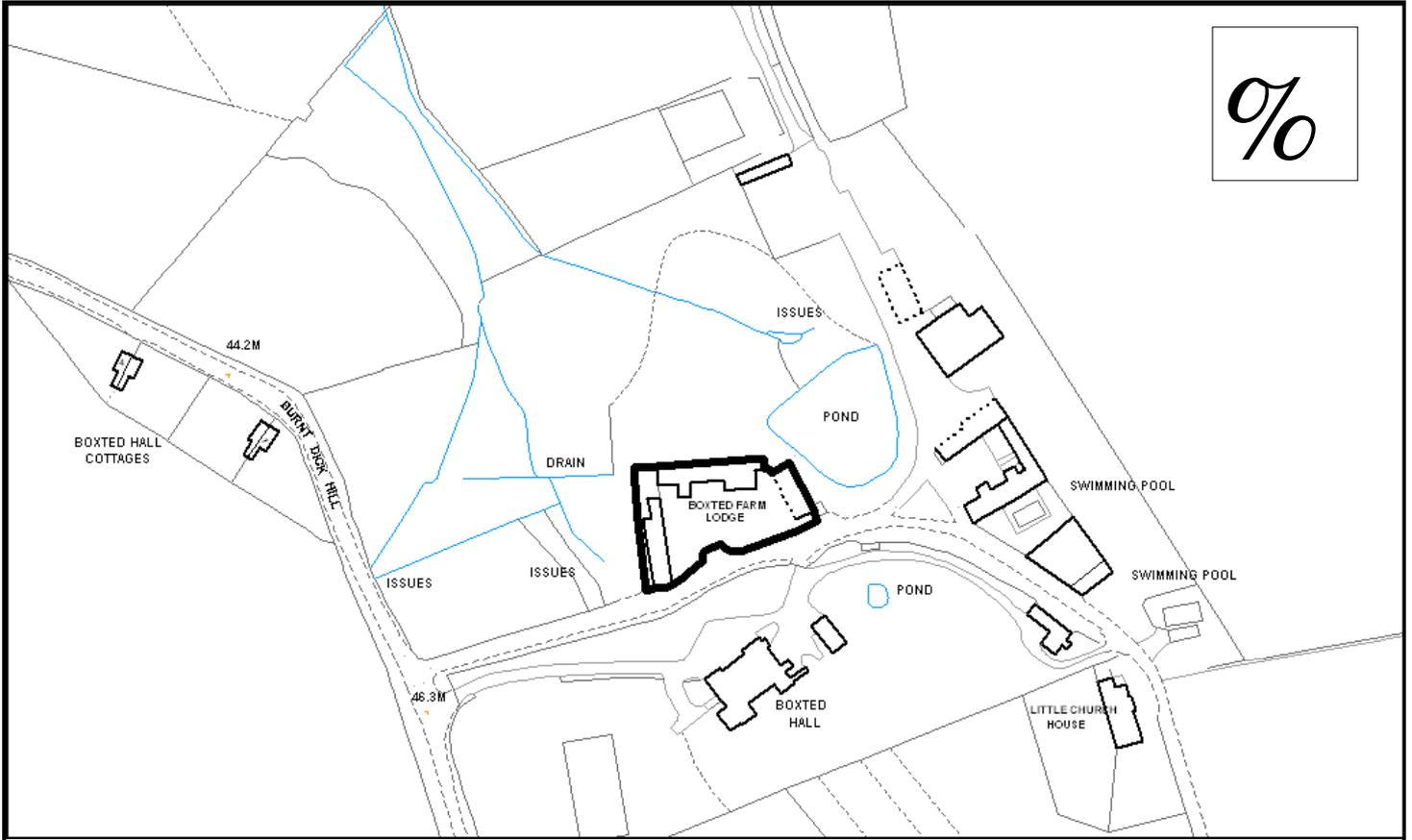
To discharge the arboricultural conditions it will be necessary to provide details of the arboricultural monitoring schedule and report format prior to the commencement of development.

All works affecting the highway should only be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority. The applicant is advised to make initial contact regarding the necessary works via telephone on 01206 838600.

Planning Permission does not absolve the applicant or developer from complying with the relevant law on protected species, including obtaining and complying with the terms and conditions of any licences required as required as described in Part IV B of Circular 06/2005.

Anglian Water has assets closer to or crossing the site, or there are assets subject to adoption agreement. The site layout should take this into account and accommodate the assets within either prospective adopted highways or public open space. If this is not practicable the applicant will need to ask for the assets to be diverted under Section 185 of the Water Industry Act 1991 or, in the case of apparatus under adoption agreement, liaise with the owners of the apparatus. It should be noted that diversion works should normally be completed before development commences.

Your attention is drawn to Part M of the Building Regulations which is concerned with facilities for the disabled within buildings.



Application No: 091294

Location: Boxted Farm Lodge, Burnt Dick Hill, Boxted, Colchester, CO4 5TJ

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2008

7.4 Case Officer: John Davies

EXPIRY DATE: 30/11/2009

OTHER

Site: Boxted Farm Lodge, Burnt Dick Hill, Boxted, Colchester, CO4 5TJ

Application No: 091294

Date Received: 5 October 2009

Agent: Mrs Lisa Skinner

Applicant: Mr J Bates

Development: Removal of condition 3 of F/COL/03/1377 -restriction of occupancy of dwelling.

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Site Description

- 1.1 The application site comprises a large converted range of barns known as Boxted Farm Lodge situated on the north side of a track leading from Burnt Dick Hill which forms part of the Essex Way. The buildings are Grade II Listed of 15th and 17th Century origin and within the AONB.
- 1.2 The site is within the Boxted Hall Farm estate, although Boxted Farm Lodge and its curtilage are separate and not part of the holding. The Boxted Hall Farm estate extends over 700 acres in area and is owned by Mr Thomas Bates. Boxted Farm Lodge is owned by his son, Joshua Bates, who is the applicant for this application. The dwelling has 5 bedrooms and was converted following planning and listed building consent in 2003.
- 1.3 The site comprises an area of 0.21 ha to the north of Boxted Hall and to the west of Boxted Hall Farm.

3.0 Description of Proposal

- 3.1 The application is to remove a condition imposed on the planning permission (ref. F/COL/03/1377) for alterations, renovation and conversion of two barns and outbuildings into a single residence including the demolition of existing redundant farm buildings. The condition imposed an agricultural occupation restriction on the dwelling.

3.2 The applicants are separately seeking an amendment to an existing legal agreement under S.106 associated with the above permission which restricted the occupation of the dwelling, limited the residential curtilage of the site and removed certain types of permitted development. The applicants argue that the maintenance of the agricultural tie is unjustified in Planning terms and that it should be removed. They also seek the removal of the other clauses in the Agreement on the grounds that they are already covered by planning conditions. These are firstly, the limits on residential curtilage and the removal of permitted development within a residential curtilage namely Classes A to E of Part 1 of Schedule 2 (extensions, alterations, outbuildings, roof extensions, etc.)

4.0 Land Use Allocation

4.1 No allocation
Public Footpath
Dedham Vale AONB

5.0 Relevant Planning History

5.1 F/COL/03/1377- Alterations, renovation and conversion of two barns and outbuildings into a single residence including the demolition of existing redundant farm buildings. – Approved January 2006

6.0 Principal Policies

6.1 Adopted Review Colchester Borough Local Plan-March 2004
DC1- Development Control considerations
H10- Agricultural and Forestry Workers Dwellings
H11- Removal of agricultural restriction
UEA6- Listed barns

6.2 Core Strategy
ENV2- Rural Communities

7.0 Consultations

7.1 None

8.0 Parish Council's Views

8.1 Boxted Parish Council comment as follows:

“This application should be seen in the context of the controversy that surrounded the residential conversion of this group of listed barns and its sister group, both of which abut the Essex Way in the Dedham Vale AONB, and the way in which the developers have been allowed to repeatedly circumvent the Planning policy guidelines in respect of these buildings and their surroundings.

Whilst Boxted Parish Council believes that it would be both pointless and unreasonable at this stage to deny the continued use of this group of barns as a single dwelling, we would urge CBC to impose legally binding conditions on the present and future owners of both Boxted Hall Farm and Boxted Farm Lodge in return for the removal of the agricultural tie on Boxted Farm Lodge to ensure the following.

- That under no circumstances may any further 'farmhouses' or 'farm workers' dwellings be allowed in future under PPG7 Annex 1 in connection with the agricultural holding known as Boxted Hall Farm;
- That the group of barns known as Boxted Farm Lodge and its associated buildings may not at any time be altered or sub-divided to form more than one dwelling;
- That no further alterations may be made to the buildings or their surroundings in future that would be unsympathetic to the agricultural character of the area."

Officer comment- the Parish Council are seeking to impose legally binding restrictions on future development of Boxted Hall Farm and Boxted Farm Lodge, which would, if submitted in future, be subject to planning permission and /or listed building consent. It would be unreasonable to impose such restrictions in advance.

9.0 Representations

9.1 National Trust objects to proposal. They point out that they have a restrictive covenant which controls development in the interests of safeguarding the amenities of the landscape against unsympathetic development. Their objections are summarised as follows:

- Proposal would result in the separation of the barns from the main planning unit which should only be allowed if there is no agricultural need for the building in order to avoid future applications for residential development.
- Removal of clauses to restrict curtilage would be likely to result in future extension of garden associated large dwelling into countryside.
- Extent of residential curtilage should be strictly controlled.
- Barns are Grade 2 listed and changes to the character of their surroundings would potentially affect their setting
- If permitted NT requests removal of permitted development rights to control garden buildings likely to be to detriment of character of the countryside.

Officer comment- it is noted that the National Trust's main interest is to safeguard the character and appearance of the landscape. The proposals will not have any direct impact on the appearance of the surrounding landscape.

10.0 Report

10.1 This application seeks to remove a condition which limits occupation of the house to a person engaged in agricultural or forestry employment. There is also a separate request to amend an extant legal agreement to the same effect together with other changes to the agreement on the basis that these are already covered by conditions.

10.2 The applicant's case for removal of the condition and obligation is as follows:

- The dwelling is used separately from the main farm based at Boxted Hall Farm, which are another set of listed barns converted and refurbished with planning approval in 2000.
- Boxted Hall Farm is the main farm house to the agricultural holding comprising 630 acres of farmland providing both arable cropping and livestock.
- The original proposals for the conversion of the listed barns at Boxted Farm Lodge were submitted with justification on the basis of the restoration of listed buildings on the English Heritage at Risk Register. The application was not justified on the basis of the need for an agricultural workers dwelling and no such case was made at the time.
- It is not clear why an agricultural use restriction was imposed in the permission as sufficient justification had been provided for the change of use and conversion based on retention and appropriate re-use of a listed barn.
- The applicants also comment that both Boxted Hall Farm and Boxted Farm Lodge are occupied by the same family. Mr Bates lives in the former and runs the farm from here, whereas the latter is occupied by his son, Joshua Bates, who helps with the running of the farm. There is no intention to dispose of Boxted Farm Lodge.

10.3 The policy position for such proposals is set out at Policy H11 in the Local Plan which states that removal of such conditions will only be allowed where there is proof that the original need for the dwelling no longer exists and that a marketing exercise has been carried out to demonstrate a lack of interest in the property at a price reflecting the occupancy condition. The policy also states that the condition will not be removed within 10 years of the completion of the building.

10.4 Your Officers accept that the main consideration in determining the application for the barn conversion back in 2003 was the safeguarding of the future use and condition of the listed building which was listed as being at risk at the time. The main policy consideration was compliance with Policy UEA6, which is concerned with the safeguarding of listed barns. Residential use was considered an appropriate use in policy terms and, therefore, there was no prima facie case for imposing an agricultural restriction. It appears that such a restriction was imposed in order to be consistent with the earlier approval of the Boxted Hall Farm buildings.

10.5 Removal of the condition and the relevant clauses in the legal agreement would mean that the house could be occupied by anyone. However, in reality it is likely to continue to be occupied by the present occupiers who have already been living there for at least 3 years.

10.6 It is therefore recommended that the condition is removed and that the relevant clause in the legal agreement is deleted. With regard to the other proposed alterations to clauses it is accepted that the duplication of a planning condition in a legal agreement is normally unnecessary and contrary to Government advice. Your Officers recommend no objection to this change. With regard to the removal of the restriction on domestic curtilage this is not a matter of duplication and it is considered important that control is maintained over the extent of the curtilage in the interests of safeguarding the character and appearance of the surrounding countryside. It is therefore recommended that this clause is maintained in the Agreement.

11.0 Background Papers

11.1 ARC; Core Strategy; PTC; NT

Recommendation

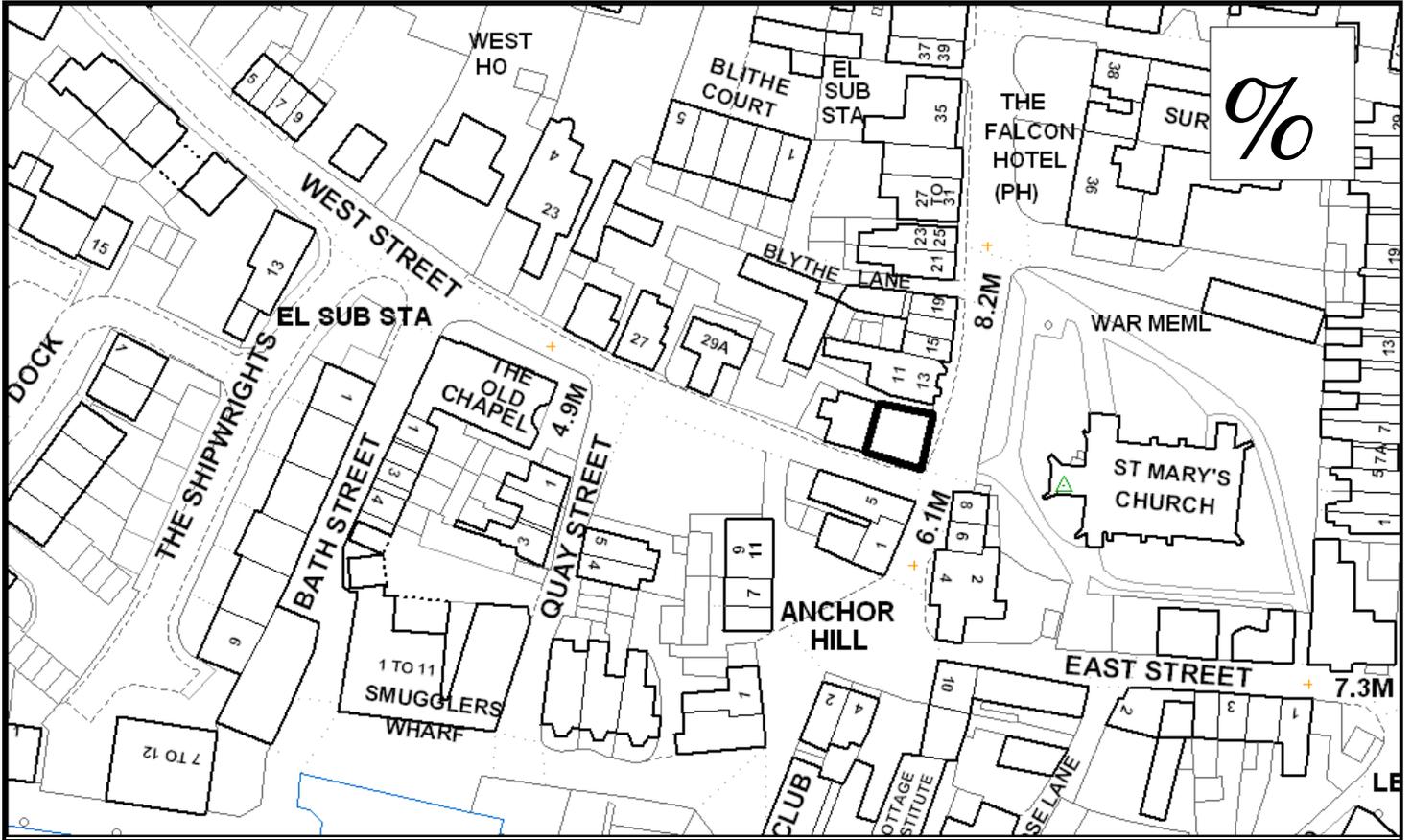
(A) Conditional Approval subject to the following condition:

1 - Non-Standard Condition

All other conditions on permission F/COL/03/1377 remain in force.

Reason: For the avoidance of doubt.

(B) That the Borough Solicitor be instructed to prepare a Deed of Variation to the existing Agreement to remove/amend as appropriate Clauses 5.1.1 and 5.1.3 covering the occupancy restriction and removal of permitted development respectively.



Application No: 091296

Location: 7-9 High Street, Wivenhoe, Colchester, CO7 9BE

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority.

Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Crown Copyright 100023706 2008

7.5 Case Officer: Nick McKeever

EXPIRY DATE: 30/11/2009

OTHER

Site: 7-9 High Street, Wivenhoe, Colchester, CO7 9BE

Application No: 091296

Date Received: 5 October 2009

Applicant: Mr Nigel Stratton

Development: Change of use from a vacated retail premises (A1), to a gourmet grocer/coffee shop/gallery mixed A1/A3 use.

Ward: Wivenhoe Quay

Summary of Recommendation: Conditional Approval

1.0 Site Description

- 1.1 This is a two and a half storey, Grade II Listed Building located on the High Street at the junction with West Street, Wivenhoe. The site is within the area designated in the Adopted Local Plan as a Local Shopping Centre. It also falls within the conservation area.
- 1.2 There are commercial properties to the immediate north, south and to the south-east. Opposite the site is St. Mary's Church.
- 1.3 The application proposes the continued use of a mix of A1 and A3 uses with no increase in the floor area and no alterations to the exterior of the building. Floor plans have been submitted that show the proposed ground and first floor layout. The gross internal floorspace is given as being 66.42 square metres.
- 1.4 Planning permission has already been granted for this use under the reference 081924. Under this permission The A1 & A3 uses are conditioned to operate between 07:00 – 20:00 hours Monday to Friday, 08:00 – 20:00 hours Saturdays, Sundays and Bank Holidays. A total of 2 full-time and 3 part-time staff will be employed.
- 1.5 This application is for the continued use as approved but with an extension to the opening hours as follows:-

Monday – Friday 07:00 – 22:00 hours
Saturday 07:00 – 22:00 hours
Sunday 07:00 – 22:00 hours
Bank Holidays 07:00 – 22:00 hours

- 1.6 The application provides the following information to support the proposed increased opening hours:-

"Please note the property is surrounded by 3 restaurants, one on either side (both of which are open until 22.00) and one diagonally opposite, all of which are attached to residential properties in exactly the same fashion as 7-9 High Street, Wivenhoe.

Please be advised the Wivenhoe Co-op Food Store is open from 07.00 - 22.00 Monday - Saturday and from 10.00-16.00 on Sundays. They operate a much larger retail space and therefore their opening times on Sundays are restricted. However, the A1 element (50%) of our business, which the Council required to be maintained for the A3 permission to be granted, is a green grocer. Based upon the green grocer's aspect size it should not fall under the restrictions placed upon the Co-op Food Stores opening hours.

The church directly opposite conducts church bell ringing practice every Wednesday evening until 21.00. They have no time restrictions imposed upon this practice which creates far more noise than the green grocer/coffee shop."

2.0 Land Use Allocation

- 2.1 Local Shopping Centre/Conservation Area/ Grade II listed building.

3.0 Relevant Planning History

- 3.1 081924 – Change of use from vacated retail premises (A1), to gourmet grocer/coffee shop/gallery (mixed A1/A3).

4.0 Principal Policies

- 4.1 Adopted Review Borough Local Plan
Development Control Considerations - DC1
Listed Buildings - UEA5
- 4.2 Local Development Framework Adopted Core Strategy
Local Shopping Centres - CE2c

5.0 Consultations

- 5.1 The Highway Authority has no objections.
- 5.2 Environmental Control recommend an appropriate condition to control fumes and odours if there is to be any actual cooking of good on the premises.

6.0 Town Council's Views

- 6.1 Wivenhoe Town Council has no material planning considerations other than those set out in the original permission appertaining to the issue of disturbance to neighbouring residents.

7.0 Representations

- 7.1 An objection has been received from the occupiers of Papas, East Street, Wivenhoe, on the grounds that:-
- (a) Negative impact on other local businesses and the diversity of Wivenhoe.
 - (b) The opening of another business in the lower part of Wivenhoe will attract further vehicle movements which the town cannot cope with.
 - (c) Negative impact upon the Listed Building. There is a risk of an application for a full A3 use with consequent requirement for extraction systems.
 - (d) Further reduction in A1 premises with negative impact on the town.
- 7.2 A petition containing 127 signatures has been submitted in support of the proposal to extend the opening hours until 10 pm.

8.0 Report

- 8.1 The principle of this A1 and restricted A3 use has already been established by the planning permission 081924. The restricted A3 use was considered necessary in the interests of the continued primary retail function of the Rural District Centre (RDC).
- 8.2 At the time this previous permission was granted this Grade II listed building was vacant. It was in the interests of the preservation of this building of historic and architectural importance to encourage its continued use. The existing use has no requirement for any external odour extraction system and this remains the case. The original permission contains a condition restricting the use of any extraction system in the interests of the appearance and character of this listed building and the amenity of the area in general. It is stated in the application that there is no requirement to alter the internal or external fabric of the building.
- 8.3 The site is located in close proximity to other existing commercial premises, including three restaurants. Having regard to these circumstances the proposed opening hours appear reasonable and permission is recommended accordingly.

9.0 Background Papers

- 9.1 ARC; Core Strategy; HA; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site plant, equipment, machinery shall not exceed 5dBA above the background prior to the use hereby permitted commencing. The assessment shall be made in accordance with the current version of BS 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority prior to the use hereby permitted commencing. All subsequent conditions shall comply with this standard.

Reason: To ensure that the permitted development does not harm the amenities of the area by reason of undue noise emission.

3 - Non-Standard Condition

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with the initial noise condition. The noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries to noise-sensitive premises.

Reason: To ensure that the permitted development does not harm the amenities of the area by reason of undue noise emission.

4 - Non-Standard Condition

The use hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority, in consultation with Environmental Control, a scheme for the control of fumes and odours. This shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such fume/odour control measures as shall have been approved shall be installed prior to the use hereby permitted commencing and thereafter be retained and maintained to the agreed specification and working order.

Reason: To protect the amenities of adjoining residents.

5 - B9.1 Refuse Bins

Prior to the development hereby approved being brought into use, refuse storage facilities shall be provided in a visually satisfactory manner and in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained to serve the development.

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

6 - A5.2 Restaurants, Clubs etc

The use hereby permitted shall not be open to customers outside the following times 07:00 - 22:00 hours.

Reason: To safeguard the amenities of nearby residential properties.

7 -Non-Standard Condition

Foul water drains serving the kitchen shall be fitted with grease traps maintained in accordance with the manufacturer's instructions prior to the use hereby permitted commencing. Such equipment as shall have been installed shall be retained and maintained to the agreed specification and in good working order.

Reason: To prevent blockage of the drainage system.

8 - Non-Standard Condition

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

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

9 - Non-Standard Condition

The permission hereby granted is for a mixed A1/A3 use only. The A3 use shall not be the sole or predominant use.

Reason: To avoid doubt as to the scope of the permission hereby granted and as a sole A3 use would require further consideration by the Council.

10 - Non-Standard Condition

The A3 use shall be restricted to those parts of the ground and first floors as shown hatched in green on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the A3 use is not the predominant use of the premises.

11 - Non-Standard Condition

No flues or other extraction equipment for the control of fumes and odours shall be installed on or within the premises.

Reason: For the avoidance of doubt as to the scope of the permission hereby granted. The installation of the aforementioned equipment would require further consideration by the Council.

19 November 2009

Report of	Head of Environmental and Protective Services	Author	John More ☎ 01206 282231
Title	090416 - Development at Fortuna Park		
Wards affected	Shrub End		

This report concerns a correction to the description of development on a planning application due to a typing error on the application forms

1.0 Decision(s) Required

- 1.1 Members are requested to agree the corrected description of development as set out below.

“Amendments to part residential development approved under ref: F/COL/04/1998 to replace **19no.** flats and 14no. houses with 8no. 2 bed houses, 17no. 3 bed houses and 3no. 4 bed houses, together with minor amendments to garden area of plot 22R, external works, parking areas and open space.”

2.0 Reasons for Decision(s)

- 2.1 To ensure the correct description of development appears on the legal agreement and decision notice and to ensure the members were aware of the change to the description.

3.0 Alternative Options

- 3.1 Not to agree to the change to description of development. The applicants would then have to appeal on non-determination of the application or re-submit using the correct description of development.

4.0 Supporting Information

- 4.1 The original description of development read as set out below:

“Amendments to part residential development approved under ref: F/COL/04/1998 to replace **14no. flats** and 14no. houses with 8no. 2 bed houses, 17no. 3 bed houses and 3no. 4 bed houses, together with minor amendments to garden area of plot 22R, external works, parking areas and open space.”

It should read “to replace **19no. flats** and 14no. houses, with 8no. 2 bed houses, 17no. 3 bed houses and 3no. 4 bed houses

- 4.2 The result is a loss in 5 flat units to facilitate the revised layout which comprises more family houses, plans which members voted to approve.

4.3 This change is to the description of development only and does not result in any changes to the plans which members voted to approve.

5.0 Proposals

5.1 For members to agree the corrected description of development, as set out below, so the permission can be issues in line with the original recommendation.

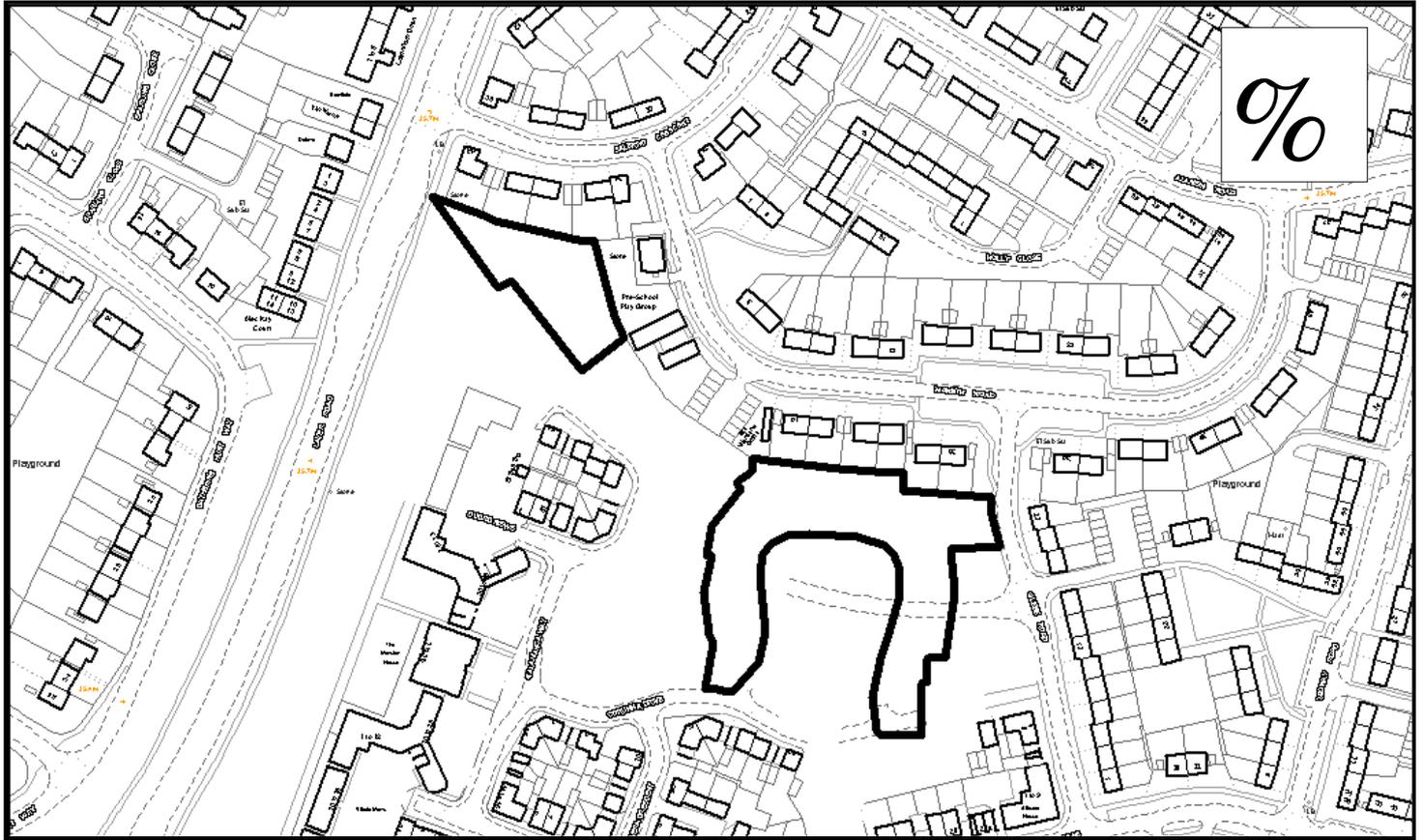
“Amendments to part residential development approved under ref: F/COL/04/1998 to replace 19no. flats and 14no. houses with 8no. 2 bed houses, 17no. 3 bed houses and 3no. 4 bed houses, together with minor amendments to garden area of plot 22R, external works, parking areas and open space.”

6.0 Strategic Plan References

6.1 There are no particular references to the Strategic Plan; publicity or consultation considerations; or financial; equality, diversity and human rights; community safety; health and safety or risk management implications.

7.0 Background Papers

7.1 The Original Planning committee report for 090416 and the relevant committee minute.



Application No: 090416

Location: Fortuna Park, Lordswood Road, Colchester

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority.
Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.
This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.
Crown Copyright 100023706 2008

Case Officer: John More

EXPIRY DATE: 16/07/2009

MAJOR**Site:** Lordswood Road, Colchester**Application No:** 090416**Date Received:** 16 April 2009**Agent:** Bdg Design (South) Ltd**Applicant:** Countryside Annington (Colchester) Ltd

Development: Amendments to part residential development approved under ref: F/COL/04/1998 to replace 14no. flats and 14no. houses with 8no. 2 bed houses, 17no. 3 bed houses and 3no. 4 bed houses, together with minor amendments to garden area of plot 22R, external works, parking areas and open space.

Ward: Shrub End**Summary of Recommendation:** Conditional Approval subject to signing of a deed of variation

1.0 Site Description

- 1.1 The site forms part of the partially completed larger residential development known as Fortuna Park, approved under application number F/COL/04/1998. The site has been cleared but was formerly married quarters for the armed forces. The site is broken into two areas known as phases 4 and 5.
- 1.2 Phase 4, the northern boundary abuts existing residential properties fronting Mareth Road while the north-eastern boundary adjoins a pre-school playgroup, also fronting Mareth Road. Other boundaries are with the existing approved residential development and public open space.
- 1.3 Phase 5, the northern boundary abuts existing residential properties in Mareth Road, while to the east a small section of revised development fronts Glebe Road. Elsewhere the site shares back boundaries with the existing approved residential development and fronts onto the public open space containing an approved Local Equipped Area of Play (LEAP).
- 1.4 Access to both phases is from the existing estate roads off Lordswood Road, except for plots 1R and 2R which have direct access for parking from Glebe Road.

2.0 Description of Proposal

- 2.1 The application proposes a replan of phases 4 and 5 and would contain 8no dwellings on phase 4 and 21no dwellings on phase 5. It would replace 14 houses and 14 flats (28 units) with 28 houses (8 two bed, 17 three bed and 3 four bed). The scale of the proposed dwellings would be two-storey. The proposal would utilise the approved highway layout with access to both phases from the existing estate roads off Lordswood Road, except for plots 1R and 2R which have direct access for parking from Glebe Road. The proposed revised layout retains the approved open spaces including the “village green” element of public open space containing the LEAP.

3.0 Land Use Allocation

- 3.1 Predominantly Residential

4.0 Relevant Planning History

- 4.1 F/COL/04/1998 - Demolition of 100 no. existing vacant residential properties and construction of 261 residential dwellings, together with associated open space and highway works – Approved 26th January 2005.

5.0 Principal Policies

- 5.1 Local Development Framework

Core Strategy:

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

H1 - Housing Delivery

H2 - Housing Density

H3 - Housing Diversity

H4 - Affordable Housing

UR2 - Built Design and Character

PR1 - Open Space

PR2 - People-friendly Streets

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA3 - Public Transport

TA4 - Roads and Traffic

TA5 - Parking

- 5.2 Adopted Review Colchester Local Plan 2004 saved policies:

DC1- Development Control considerations

UEA11 - Design

UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property

L4 – Provision of new Public Open Space

6.0 Consultations

- 6.1 The Highway Authority does not object to the proposal and recommend the highway work informative.
- 6.2 The Environment Agency has assessed the application as having a low environmental risk and therefore we have no objection to the development proposal.

7.0 Representations

- 7.1 No comments received.
- 7.2 Full text of all consultations and representations are available to view on the Council's web-site.

8.0 Report

Background

- 8.1 Planning permission was granted for the demolition of 100 existing vacant residential properties and for the construction of 261 new residential dwellings, together with associated open space and highway works in 2005 (ref: F/COL/04/1998). This proposal seeks to replan two areas of this approved residential development to respond to the change in market conditions. It would replace 14 houses and 14 flats (28 units) with 28 houses (8 two bed, 17 three bed and 3 four bed). It therefore is a simple replan of the units proposed raising issues of the layout and design, amenity and landscaping. The proposal would utilise the approved highway layout with access to both phases is from the existing estate roads off Lordswood Road, except for plots 1R and 2R which have direct access for parking from Glebe Road.

Design and layout

- 8.2 The phase 4 replan area proposes 8no dwellings on an area of approximately 0.23 hectares equating to a density of 35 dwellings per hectare. The phase 5 replan proposes 21no dwellings on an area of 0.48 hectares equating to a density of 44 dwellings per hectare. These densities would accord with guidance contained in PPS3 and the adopted Core Strategy and would sit well in the context of the approved and partially constructed layout.
- 8.3 The proposal contains a mix of 2, 3 and 4 bed houses and interfaces well with the approved layout. The proposed dwellings are two storeys in scale which respects the existing neighbouring residential properties and the approved new development. The design approach was set by the existing approval, which is partially completed; this proposal follows that design approach and is considered acceptable. The materials proposed would also follow the approved scheme so the entire development appears as one.

Trees and Landscape

- 8.4 The location of the green spaces was established by the previous consent and have been retained in the current proposal. The proposed layout would provide good natural surveillance over these areas of open space promoting a safe living environment.

Amenity

- 8.5 The layout has been carefully thought out and is not considered the proposal would result in harm the amenity of neighbouring residential properties.

Highways

- 8.6 The proposal does not alter the approved highway layout and no objections have been received from the Highway Authority in terms of highway safety.

S106 Matters

- 8.7 The proposal was presented to the Council's development team who noted the application but did not require any additional contributions to those already secured by S106 agreement in conjunction with the original full planning permission for the site. The application will need to be subject to a deed of variation to the original S.106 agreement which accompanies the full planning permission for the site. This is required to link any development provided with the requirements and the trigger points contained in the original S.106 agreement.

9.0 Conclusion

- 9.1 The proposed replan areas would fit in well with the approved layout and the existing residential properties and would provide a mix of houses. It would not harm the amenity of the area or interests of highway safety. A mechanism can be put in place to ensure that the entire negotiated planning gain package of the previous approval is secured. The proposal accords with adopted policy and approval is therefore recommended.

10.0 Background Papers

- 10.1 ARC; Core Strategy; HA; NR

Recommendation

That this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided:

- A deed of variation is signed to link this application to the original S.106 agreement

On the securing of the above deed of variation the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

Conditions

- Time limit
- Approved drawings
- Removal of PD rights for means of enclosure to the front of the dwellings
- Retention of garages approved for the parking of a motor vehicle
- Schedule of materials for dwelling types to be agreed
- Samples of materials to be submitted and agreed
- Rainwater goods coloured black
- Schedule of materials for hard surfaces as shown of landscape strategy unless otherwise agreed
- Details of boundary treatment shall be as approved by previous application unless otherwise agreed
- Boundary wall to have a brick on edge coping and bricks to be agreed
- Soft Landscaping details
- Landscape management plan
- Tree protection
- Retention of existing trees and hedgerows unless shown to be removed
- Travel packs to be provided for each dwelling
- Pedestrian visibility splays on all accesses

Informatives

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

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

**Extract from the minutes of the
Planning Committee meeting held on 9 July 2009**

43. 090416 Lordswood Road, Colchester

The Committee considered an application for amendments to part of a residential development approved under F/COL/04/1998 to replace fourteen flats and fourteen houses with eight two bedroom houses, seventeen three bedroom houses, and three four bedroom houses, minor amendments to the garden area of plot 22R, external works, parking areas and open space. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Deed of Variation to link this application to the original Section 106 Agreement.
- (b) Upon receipt of a satisfactory Deed of Variation, the Head of Environmental and Protective Services be authorised to grant consent with suitably worded conditions to cover the matters indicated to in the report and informatives as set out in the report.

INDEX TO PLANNING APPLICATIONS CODES

A	Advertisements	K	Certificate of Lawfulness
AG	Agricultural Determination	LB	Listed Building
C	Change of Use	M	County Matter
CA	Conservation Area	O	Outline
CBC	Colchester Borough Council	PA	Prior Approval
CC	Essex County Council	RM	Reserved Matters
F	Full	S	Electricity Consultation (Overhead Lines)
G	Government Dept. Consultation	T	Renewal of Temporary Permission
J	Alternative Development	X	Demolition in Conservation Area

INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

Note: Any Document or Consultee not included in these lists will be specified in full.

ARC	Adopted Review Colchester Borough Local Plan March 2004
BOT	St Botolphs Development Brief
CHD	Colne Harbour Urban Design Framework SPG - Nov. 2000
CPS	Cycle Parking Standards
ERP	Essex and Southend on Sea Replacement County Structure
GAP	Gosbecks Archaeological Park Draft Management Plan
HCP	High Woods Country Park Management Plan
MSP	Essex County Council - Minerals Subject Plan
VEM	East Mersea Village Appraisal - 19 February 1996
VFC	Village Facilities Survey 1995
VFD	Fordham Village Appraisal - 31 August 1994
VFG	Fingringhoe Village Appraisal - 1 September 1993
VGT	Great Tey Village Appraisal - 19 July 1993
VLG	Langham Village Appraisal - 6 April 1994
VPL	Peldon Village Appraisal - 4 June 1994
VRH	Rowhedge Village Appraisal - 20 November 1995
VWG	West Bergholt Village Appraisal - 30 August 1995
WMW	West Mersea Waterside Study

INTERNAL CONSULTEES

BC	Building Control Manager
CD	Conservation & Design Manager
CF	Financial Services
CU	Head of Street and Leisure Services
DO	Disability Access Officer
HA	Highway Authority (ECC)
HD	Housing Development Officer
HH	Environmental Protection (Env. Control)
MR	General Manager (Museum Archaeological)
PP	Head of Housing & Environmental Policy
SE	Head of Enterprise and Communities
SL	Legal Services
TL	Trees & Landscapes Officer - Planning Services

REPRESENTATIONS ETC

CAA	Correspondence with applicant/agent
CBC	Colchester Borough Councillor(s)
LAS	Other Local Amenity Society(ies) (not listed elsewhere)
NLR	Neighbours or Local Resident(s)
OTH	Other correspondence
PTC	Parish & Town Council(s)

EXTERNAL CONSULTEES (2 character codes)

AB	Soc Protection Ancient Buildings	HG	English Heritage - Historic Gardens
AM	Ancient Monuments Society	HM	English Heritage (Hist. Mon. Section)(England)
AR	Ardleigh Reservoir Committee	HO	The Home Office
AT	Colchester Archaeological Trust	HS	Health & Safety Executive
AV	Civil Aviation Authority	IR	Inland Revenue (Valuation)
AW	Anglian Water Services Limited	LF	Environment Agency (Waste Regs)
BA	Council for British Archaeology	MD	Defence Estates (East)
BD	Braintree District Council	MH	NEE Mental Health Services Trust
BG	Transco (B Gas)	MN	Maldon District Council
BH	Babergh District Council	MS	Marine Safety Agency
BO	Blackwater Oystermans' Association	NC	English Nature
BT	British Telecom	NE	North Essex Health Authority
BW	Essex Bridleways Association	NF	National Farmers Union
CA	Cmsn for Architecture & Built Environment	NI	HM Nuclear Installations Inspectorate
CB	Churches Conservation Trust	NP	New Possibilities Healthcare Trust
CE	County Education Department (ECC)	NR	Environment Agency
CH	Country Highways (Surveyor ECC)	NT	The National Trust
CS	Colchester Civic Society	PD	Ports Division (DETR)
CY	Colchester Cycling Campaign	PT	Petroleum Officer (ECC Trading Standards)
DS	Department of Social Security	RA	Ramblers Association
DT	Route Manager - Highways Agency	RD	The Rural Development Commission
DV	Dedham Vale Society	RE	Council Protection Rural Essex
DW	Dedham Vale & Stour Valley Project	RF	Royal Fine Art Commission
EB	Essex Badger Protection Group	RP	Rowhedge Protection Group
EE	Eastern Electricity – E-On	RR	Roman River Valley Society
EH	English Heritage	RS	RSPB
EI	HM Explosive Inspectorate	RT	Railtrack East Anglia
EN	Essex Wildlife Trust	RY	Royal Yachting Association
EP	Essex Police	SB	Save Britain's Heritage
EQ	Colchester Police	SD	MAFF Fisheries Office/Shellfish Division
ER	Essex Rivers Healthcare Trust	SK	Suffolk County Council
ET	Fair Trading (ECC Trading Standards)	SR	The Sports Council – Eastern Region
EU	University of Essex	ST	Colne Stour Countryside Association
EV	Environmental Health (ECC - Env. Services)	TB	Tollesbury Parish Council
EW	Essex & Suffolk Water Company	TG	Tendring District Council
FA	Essex Police - Fire Arms Officer	TI	Department of Trade and Industry
FB	Essex Fire & Rescue Service	TK	Tolleshunt Knights Parish Council
FC	Forestry Commission	TW	20 th Century Society
FE	Feering Parish Council	VI	Vehicle Inspectorate (GVTS)
GA	Colchester Garrison HQ	VS	Victorian Society
GE	Government Office for the East of England	WS	The Wivenhoe Society
GU	HM Coast Guard	WT	Wivenhoe Town Football Club
HB	House Builders Federation	WA	Wormingford Airfield (Gliding Club)
HE	British Horse Society	WW	Society Protection Ancient Buildings (Wind & Watermill Section)



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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