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Item No: 7.1/7.2

Application: 192219

Applicant: Mr N Percival

Agent: Mr Phillip McIntosh

Proposal: 192219: Demolish part of existing buildings, extend and convert into 12 dwellings and erect 10 dwellings (22 dwellings in total), erect garage court, cart lodges and media lounge, layout parking and landscaping.

192220: Listed Building Consent: Demolish part of existing buildings, extend and convert to provide residential dwellings.

Location: Wakes Hall, Colchester Road, Wakes Colne, Colchester, CO6 2DB

Ward: Rural North

Officer: Lucy Mondon

Recommendation: Approval subject to conditions and Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 The applications are referred to the Planning Committee because planning application 192219 constitutes a major application which requires a S106 legal agreement. The accompanying Listed Building Consent application (192220) is also referred to Planning Committee for completeness as the applications are mutually dependent.

2.0 Synopsis

- 2.1 The key issues for consideration are:
- Principle of development
 - Design and impact on the character of the area
 - Impact on the setting and special interest of Wakes Hall (Grade II listed building)
- 2.2 Other matters for consideration include: private amenity; highway matters; flood risk and drainage matters; and impact on biodiversity. S106 requirements are also discussed within the report.
- 2.3 The current applications follow on from a previous planning permission and listed building consent (refs: 172642 and 172643 respectively), granted in January 2019. The current scheme is the same as that previously approved apart from four key areas:
- Former Warden's House to be replaced (previously converted);
 - The provision of a garage court and car ports;
 - Alternative extension to Wakes Hall; and
 - Relocation of the gym and media room.

Given the recent planning history, and 'live' permission and consent, the principle of development (including that in a heritage context) is considered to be established. The report focuses on those areas that differ from the previous permission and consent.

- 2.4 The above matters are considered within the report alongside representations and as part of an overall planning balance, leading to the application being subsequently recommended for approval subject to a number of conditions.

3.0 Site Description and Context

- 3.1 The site is located within the countryside, approximately 260 metres from the nearest settlement boundary (itself a small settlement area comprising a cluster of fifteen properties and All Saint's Church) and approximately 850 metres from the main Wakes Colne settlement boundary. The site fronts onto, and is visible from, Colchester Road and there are areas of woodland to the remaining north, east, and western sides of the site. Wakes Hall Business Centre lies immediately north of the site and is made up of a number of farm buildings (some contemporary with Wakes Hall) with office, and some light industrial, use.
- 3.2 Records indicate that the site is classified as Grade 2/3 Agricultural Land, is within an SSSI Impact Risk Zone, and has potentially contaminated land. Public Right of Way 152_26 is in close proximity to the front of the site, running south from Colchester Road. Public Right of Way 152_25 runs northwards from Colchester Road and is located approximately 470 metres west of the site.
- 3.3 Wakes Hall sits within the centre of the site. It is a Grade II listed building that was, up until 2016, used as a care home. The building has undergone a number of alterations and additions. Most notably, comprising an extensive 1960s extension to the west and a 1970s two-storey extension and lift shaft to the north (rear). A number of internal alterations have also taken place in connection with the use of the building as a care home. Seven independent care units (referred to as 'bungalows' in the current applications) were built to the north-west of the hall in the late 1980s/early 1990s. There is also a detached house on site to the north-west of the 'bungalows' (referred to as the 'former warden's house'), as well as an outbuilding immediately east of Wakes Hall (referred to as 'former warden's flat'). To the south-west corner of the site are some large outbuildings, understood to have previously been used as workshops and a garden centre in connection with the care home, but now largely overgrown.
- 3.4 Although not part of the application site, there are additional listed buildings in close proximity to Wakes Hall that form part of its immediate and wider setting. These include the 'Cart Lodge and Granary' (Grade II), currently located in the Wakes Hall Business Centre, but would have originally formed part of the Wakes Hall estate. To the south-east of the site is Wakes Hall Lodge, also a Grade II listed building. The listing descriptions are set out below.

Wakes Hall - Listed 1982

WAKES COLNE TYBURN HILL 1. 5214 Wakes Hall TL 82 NE 6/8 II 2. Early C19 house of gault brick in Flemish bond, of 2 storeys and 3 bays. The ground storey has a central portico with fluted Tuscan columns and entablature with one small pane double-hung sash each side, 3 sash windows on the first storey all beneath straight stucco heads. Four gault brick chimney stacks. A semi-circular bow window on the north-west flank wall has 3 double hung sashes at ground and first floors. Plan: square roof hipped and slated with wide eaves soffit. Tower block of 3 storeys on east flank with sashes with marginal panes,

2 to each storey. The tower has a hipped slate roof on modillioned cornice, and a central gault brick chimney stack.

Wakes Hall Cartlodge and Granary Listed 1982

WAKES COLNE TYBURN HILL 1. 5214 Cart lodge with granary over, south-west of Wakes Hall TL 82 NE 6/6 II 2. C18. A long range of red brick 2 storeys high, the first storey with 5 Diocletian windows, now blocked. The ground storey is open and carried on a double row of Samson posts, heavy pine floor joists. Roof hipped and slate clad.

Wakes Hall Lodge - Listed 1982

WAKES COLNE TYBURN HILL 1. 5214 Gate Lodge to south-east of Wakes Hall TL 82 NE 6/7 II 2. Early C19 gate lodge of gault brick, single storey with hipped slate roof and central gault chimney stack. Front door of 6 panels to left in wide pedimented case and small pane sash window in a 4 centred head to right. Similar sash windows in flank walls. Eaves with troughing, lead flashed ridge and hips.

- 3.5 Since the previous permission and consent, some works have occurred on site in accordance with approved phasing and an additional listed building consent to demolish the 1960s extension to Wakes Hall.

4.0 Description of the Proposal

- 4.1 The applications seek planning permission and listed building consent (as appropriate) for the creation of 22 No. dwellings on the site, comprising the following:
- The demolition of structures (including the existing outbuildings, 1960s extension, and lift shaft at Wakes Hall);
 - The conversion of Wakes Hall to 4 No. dwellings (involving some demolition and rebuild);
 - The conversion of the former warden's flat to a communal gym and media room;
 - The conversion of the existing 'bungalows' to 6 No. dwellings;
 - The erection of a dwelling on the site of the 'former warden's house'; and
 - The erection of 10 No. new dwellings.
- 4.2 The proposal also includes the provision of tennis courts and allotments (on site), as well as a link to footpath 152_25 (located approximately 470 metres west of the site) across land within the applicant's ownership.

- 4.3 Proposals to create 22 No. dwellings on the site have previously been given planning permission and listed building consent following Planning Committee resolution. The current proposals are the same as that approved, with four key changes:
- Former Warden's House to be replaced (previously converted);
 - The provision of a garage court and car ports;
 - Alternative extension to Wakes Hall; and
 - Relocation of the gym and media room.
- 4.4 As well as a series of planning drawings, the applications are supported by the following documents:
- Arboricultural Impact Assessment and Preliminary Method Statements
 - Archaeological Evaluation
 - Archaeology Written Scheme of Investigation
 - Construction Method Statement
 - Cover Letter
 - Design and Access Statement
 - Drainage Strategy
 - Ecological Assessment (Phase 1)
 - Ecological Report
 - Flood Risk Assessment
 - Heritage Assessment
 - Landscape and Visual Impact Assessment
 - Noise Report
 - Tree Survey
 - Planning Statement
 - SUDS Maintenance and Management Plan
 - Viability Assessment

All of the submitted documents are either updated from the previous permission/consent or are resubmitted from previous approvals under condition(s).

5.0 Land Use Allocation

- 5.1 None; countryside.

6.0 Relevant Planning History

- 6.1 There are a number of permissions dating from the late 1950s to the late 1990s in connection with the site being used as a care home. The seven independent care units (the 'bungalows') currently on site were granted planning permission in 1987 (ref: 87/1064/A).

6.2 More recently, there have been a number of planning and listed building consent applications concerning repairs, alterations, and extensions to Wakes Hall such as:

- LB/COL/02/2077 Internal alterations to create kitchen, dining room, and lounge (approved);
- LB/COL/05/1652 Redecoration and associated minor repairs to all buildings, strip, retile and overhaul slate roofs, new membrane and re-slate to match existing (withdrawn);
- LB/COL/05/1688 Works to soft brick garden wall and addition of Tyvek felt to roof under slates (approved);
- F/COL/05/1810 Construction of two buttresses to support existing garden wall (approved); and
- 130009 Proposed conservatory (approved)

6.3 A planning application for the change of use of the seven independent care units falling within use class C2 (residential institution) to seven dwellings within Class C3 (dwelling houses) was withdrawn in 2017 (ref: 163002).

6.4 The current application follows on from previous permissions and consents to develop the site for an over-55's development:

- 172642 Demolish part of existing buildings, extend and convert into 12 No. dwellings and erection of 10 No. dwellings (22 in total), including associated car parking (approved);
- 172643 Application for Listed Building Consent - Demolish part of existing buildings, extend and convert into 12 No. dwellings (approved);
- 190877 Variation of planning permission 172642 to allow for a phased development (approved); and
- 191400 Listed Building Consent to demolish 1960s extensions (approved).

Further details have been approved in accordance with a number of the conditions associated with the above. The approved details have been submitted with the current applications.

7.0 Principal Policies

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

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

- SD1 - Sustainable Development Locations
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- ENV1 - Environment
- ENV2 - Rural Communities

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

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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

- Sustainable Drainage Systems Design Guide
- Street Services Delivery Strategy
- Cycling Delivery Strategy
- Affordable Housing
- Sustainable Construction
- Backland and Infill Development
- Provision of Community Facilities
- Vehicle Parking Standards
- Provision of Open Space, Sport, and recreational Facilities

- External Materials Guide for New Development
- Essex Design Guide

7.5 Submission Colchester Borough Local Plan 2017-2033

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

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Strategy for North Essex
- SP3: Meeting Housing Needs
- SP5: Infrastructure and Connectivity
- SP6 - Place Shaping Principles
- SG1: Colchester's Spatial Strategy
- SG2: Housing Delivery
- SG7: Infrastructure Delivery and Impact Mitigation
- ENV1: Environment
- ENV5: Pollution and Contaminated Land
- PP1: Generic Infrastructure and Mitigation Requirements
- NC4: Transport in North Colchester
- OV1: Development in Other Villages
- OV2: Countryside
- DM1: Health and Wellbeing
- DM2: Community Facilities
- DM3: Education Provision
- DM4: Sports Provision
- DM5: Tourism, Leisure, Culture and Heritage
- DM8: Affordable Housing
- DM9: Development Density
- DM10: Housing Diversity
- DM12: Housing Standards
- DM15: Design and Amenity
- DM16: Historic Environment
- DM18: Provision of Public Open Space
- DM19: Private Amenity Space
- DM20: Promoting Sustainable Transport and Changing Travel Behaviour
- DM21: Sustainable Access to Development
- DM22: Parking
- DM23: Flood Risk and Water Management
- DM24: Sustainable Urban Drainage Systems
- DM25: Renewable Energy, Water, Waste and Recycling

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

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

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the Framework in this case.

8.0 Consultations

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

8.2 Ancient Monuments Society:

The applicant's Heritage Statement is very thorough and well presented. We have no overall concerns and would be happy to defer to your Conservation Officer on the detail of the proposals.

8.3 Anglian Water:

No comments received.

8.4 Arboricultural Officer:

In agreement with the reports submitted. The proposal requires the removal of trees within the site, this is acceptable as the trees are of moderate to low value and are situated within areas that will not be visible as such the impact is low. No objections subject to the tree report being approved under condition.

8.5 Archaeological Adviser:

An adequate archaeological evaluation and Written Scheme of Investigation (WSI) has been undertaken for this proposed development site. This investigation has defined archaeological remains of the World War II camp at this location, including the concrete foundations of a building (CAT Report 1374, June 2019). Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

No objection subject to a condition to secure that the archaeological investigation is satisfactorily completed.

- 8.6 Contaminated Land Officer:
No new comments from previous applications. Condition required to secure procedure should any unexpected contamination be found during the development.
- 8.7 Environment Agency:
No comments received.
- 8.8 Environmental Protection:
Recommended conditions for hours of work; electric charging points; and a construction method statement.
- 8.9 Essex Bridleways Association:
No comments received.
- 8.10 Essex County Fire and Rescue:
No comments received.
- 8.11 Essex Police:
Would like the developer to seek to achieve a Secured by Design award in respect of the development.
- 8.12 Essex Wildlife Trust:
No comments received.
- 8.13 Highway Authority:
The proposal is acceptable from a highway and transportation perspective. Recommended conditions for a bellmouth junction to be provided; no unbound materials to be used in the accesses within 6 metres from the highway boundary; visibility splays; vehicular turning space; recycle/bin/refuse collection points; car parking and turning areas; bicycle storage; residential travel information packs; 2 no. new bus stops (with footpath connection); gates opening inwards only).
- 8.14 Historic Buildings Officer:
No formal comments provided.
- 8.15 Historic England:
No comments.
- 8.16 Landscape Officer:
The landscape proposals submitted are satisfactory. No objections on landscape grounds. Recommended condition to ensure that the landscape proposals are carried out in full prior to the end of the first planting season following first occupation of the development.
- 8.17 National Amenity Society:
No comments received.

- 8.18 Natural England:
Recommendation that Natural England standing advice regarding Recreational disturbance Avoidance Mitigation Strategy (RAMS) is consulted.
- 8.19 North East Essex Badger Group:
No comments received.
- 8.20 Planning Policy:
No comments received.
- 8.21 Street Services:
No comments received.
- 8.22 SUDS:
No objection.
- 8.23 The Ramblers Association:
Delighted to see the proposed path connection between PROW 25 and 26 Wakes Colne. Noted that the path would be permission and would prefer that the path be made 'dedicated' in the future as this would then be recorded on Ordnance Survey maps so that walkers unfamiliar with the area can access the area more safely.
- 8.24 Transport Policy:
No comments received.
- 8.25 Urban Design:
Car parking to the south of the new build should be more discreetly located.
- 8.26 Waste Services:
No comments received.

9.0 Parish Council Response

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

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties.

No representations were received.

11.0 Parking Provision

- 11.1 In terms of parking provision, the Vehicle Parking Standards SPD require the following for residential properties of two or more bedrooms:

Vehicle (minimum)	Cycle (minimum)	PTW (minimum)	Disabled (minimum)
2 spaces per dwelling	1 secure covered space per dwelling. None if garage or secure area is provided within curtilage of dwelling	N/A	N/A if parking is in curtilage of dwelling, otherwise as Visitor/unallocated

- 11.2 The proposal provides at least two car parking spaces per dwelling (a total of 45 car parking spaces are provided on site) and there would two visitor parking spaces.
- 11.3 Cycle storage is proposed within the 16 No. garages provided, as well as within the basement to Wakes Hall.

12.0 Accessibility

- 12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society.
- 12.2 The proposal is for residential accommodation. The scheme is not considered to discriminate as it provides a range of accommodation for different needs (apartments; bungalows; houses). In addition, the scheme includes 4 No. Building Regulation M4(2) standard dwellings (wheelchair accessible and adaptable); this represents 18% of the total number of private market dwellings. It is useful to note that this exceeds the Council's emerging Local Plan Policy DM12 which requires a minimum of 10% market housing to meet the M4(2) standard; although this policy is yet to be adopted, it represents the Council's aspirations in terms of accessibility.

13.0 Open Space Provisions

- 13.1 The proposal includes communal open space, such as landscaped courtyards, parkland (to the front of the site), a woodland (to the western side of the site), and allotments and tennis courts (to the north-western corner of the site).

14.0 Air Quality

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

15.0 Environmental and Carbon Implications

- 15.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030.
- 15.2 The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework (the Framework). Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives.
- 15.3 This report/consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the Framework. Whilst the site is located outside the settlement boundary of Wakes Colne and is not currently within easy access of services and facilities other than by private car, the development would include some notable features that would significantly improve the sustainability of the site: footpath link to wider footpath network; bus stops; and on-site facilities that would provide leisure/community activity without the need to travel. The sustainability of the scheme is assessed in the main body of this report (section 17).

16.0 Planning Obligations

- 16.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be (with additional explanation in brackets):
- That the development is for the over-55's (as this is the basis on which the application has been made and has a bearing on the contributions being sought);
 - That the on-site facilities (tennis courts, allotments, communal gym and lounge area) are provided and maintained for use by the residents;
 - A review mechanism for the viability review (in order to ascertain whether there is any monetary surplus from the development that can be contributed towards affordable housing, as no affordable housing is being provided, and Eight Ash Green Village Hall);
 - A clause to ensure that the works to the listed building are carried out as part of the development (as the premise of the application is that the overall development of residential units will fund additional works to the listed building in order to improve its character and setting); and

- A contribution toward the Recreational disturbance Avoidance Mitigation Strategy (RAMS).

- 16.2 Please note, a Viability Assessment has been submitted with the application which concludes that the scheme is not viable to provide affordable housing or a contribution to Eight Ash Green Village Hall. This Assessment has been independently appraised by the District Valuer Service, with confirmation that the scheme is not viable. Given the independent appraisal, the affordable housing and village hall contribution requirements are not secured. It is considered necessary however to require a viability appraisal review (should development not commence within 12 months of the permission) to assess whether there is any viability to provide for affordable housing and/or the village hall contribution.
- 16.3 Contributions have not been sought for education given the nature of the development being for the over 55's who are less likely to have school-age children. No contribution request was received from the NHS.

17.0 Report

- 17.1 The main issues in this case are:
- The Principle of Development
 - Design and impact on the character of the area (including landscaping)
 - Heritage matters (in particular, the impact on the setting and special interest of Wakes Hall (Grade II listed building))
 - Private amenity
 - Amenity space and public open space
 - Highway safety and parking provisions (including cycling)
 - Flood risk and drainage
 - Ecology
 - Other matters
 - Planning Balance

Principle of the Development

- 17.2 The principle of development was established under the previous planning permission (172642). The current proposal does not introduce any new matters that alter the previous assessment. By way of explanation:
- 17.3 In terms of the principle of development, there are four key Borough Council Core Strategy policies that require consideration: SD1 (Sustainable Development Locations); ENV1 (Environment); H1 (Housing Delivery); and TA1 (Accessibility and Changing Travel Behaviour). Core Strategy policy SD1 establishes that, throughout the Borough, growth will be located at the most accessible and sustainable locations in accordance with the settlement hierarchy, with Core Strategy policy H1 seeking the majority of housing to be on previously developed land. Core Strategy policy ENV1 (Environment) states that unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced, with

development being strictly controlled. Finally, Core Strategy policy TA1 requires future development in the Borough to be in highly accessible locations, such as centres, to reduce the need to travel.

- 17.4 The application site is an unallocated site located outside the settlement boundaries of Wakes Colne. The site does not, therefore, fall within any of the sustainable settlements identified in the hierarchy of policy SD1 and proposed development in the countryside would, by its very nature, not protect nor enhance the landscape as required by policy ENV1. Whilst there are some services and facilities in Wakes Colne (a school, pub, church, convenience store) these are not readily accessible by means other than private car which is essentially a requirement of policy TA1. Development in this location would, therefore, be contrary to the provisions of the aforementioned Core Strategy policies.
- 17.5 It is recognised, however, that the site is a former care home with associated workshops and can therefore be classified as Previously Developed Land by virtue of the National Planning Policy Framework (the Framework). The Framework encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. It should also be noted that Core Strategy policy H1 also seeks to direct residential development to previously developed land. The reuse of this land would not, therefore, be a fundamental conflict in land use policy terms.
- 17.6 In considering the environmental sensitivities of the site, the presence of a listed building (the Grade II Wakes Hall) and classification as Grade 2/3 Agricultural Land (i.e. best and most versatile agricultural land) is relevant.
- 17.7 Dealing with the agricultural land classification first, paragraph 170 of the Framework states that *'Planning policies and decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'* The footnote to this paragraph states that *'Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.'* In looking at this 'sequential' approach: the site is previously developed land (which is preferable for development over greenfield land), the area of land in question (essentially the north-western corner of the site as the remainder has been developed) is relatively small, and there is no realistic alternative site of lower quality land as the majority of the Borough, other than urban areas and non-agricultural areas, is Grade 2/3. The loss of this relatively small area of higher quality agricultural land is not, therefore, considered to necessitate a refusal of planning permission in this case.
- 17.8 Turning to the heritage value of the site, the proposal would bring a listed building back into use, which is supported by the Framework; unsympathetic later additions to the listed building (i.e. the 1960s and 1970s extensions)

would/have be/been removed; and the site would be re-landscaped. The impact of the proposed alterations to the listed building will need to be given detailed assessment in the remainder of this report.

Heritage matters

- 17.9 The starting point for the consideration of the proposals is Section 16(2)/66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special regard is had to the desirability of preserving the building (Wakes Hall in this case), or its setting, or any features of special architectural or historic interest it possesses. Government policy guidance set out in the Framework confirms the great weight in favour of conservation of designated heritage assets. The particular significance of any heritage asset likely to be affected by a development proposal needs to be identified and assessed. Any harm requires clear and convincing justification.
- 17.10 Adopted local plan policies Core Strategy policy ENV1 and Development Plan policy DP14 reflect the statutory provisions and the guidance set out in the Framework in terms of the need to safeguard the special interest of listed buildings and their settings. In particular, Development Plan policy DP14 states that development will not be permitted that will adversely affect (inter alia) a listed building, or important archaeological remains. The policy goes on to state that development affecting the historic environment should seek to enhance the heritage asset in the first instance.
- 17.11 Wakes Hall has been altered and extended over time and the sequence of changes are for the most part evident in the standing archaeology of the building. Notwithstanding the changes, externally the main house remains relatively unchanged and the original plan form of the building form can still be discerned. Wakes Hall represents a typical minor C19 country house and its significance lies in both its historic and architectural interest. The later additions to the building are not considered to have been respectful to its architectural or historic character. To the south of the main house (and wrapping around the rear of the house) is a 1960s single storey accommodation block. This building obscures part of the ground of the south elevation and much of the north elevation. The accommodation block is considered to detract from special interest of the listed building. To the east of the C19 tower, is a three-storey extension, which the applicant states was added in the 1970s prior to the building being listed in 1981. The extension has a flat roof with cut back upper storey and dormers. This extension detracts from the setting of the main house by virtue of the fact that it obscures the north elevation main house / tower and due to its poor design and detailing. In addition to the above extensions, a modern lift tower further obscures and clutters the north elevation.
- 17.12 The proposals involve works to Wakes Hall (including demolition, extensions, and internal and external alterations) to enable conversion to 5 No. dwellings; the conversion of existing buildings; new purpose-built residential

accommodation; and site layout and landscaping works. The main heritage issues raised by the applications are:

- The effect that the proposal will have on the special interest of the listed building and the associated curtilage structure;
- The effect that the proposal will have on the setting of Wakes Hall and other nearby listed buildings;
- The balance of any harm against the public benefits of the proposal

17.13 The previous permission and listed building consent have established the principle of the conversion and the alteration of Wakes Hall, the conversion of the existing buildings on site, and the new build. In terms of their impact on the character and setting of the listed building, it was concluded that the removal of the 1960s and 1970s extensions was a positive step and that the proposed works represented less than substantial harm, with the harm being outweighed by the benefits of the scheme (including bringing the listed building back into use). As the principle of the works (from a heritage perspective) has been established, it is not considered necessary to undertake a further assessment, other than in respect of the proposed changes to the scheme as part of the current applications.

17.14 The current proposal does introduce a number of changes from the permitted scheme. The most notable changes to the listed building relate to the proposed rear extension to the building which has been significantly reduced in scale from three-storey to two-storey in height. This 'alternative' proposal is considered to be more respectful to the host listed building as it is of more modest proportions and therefore more subservient than the permitted scheme. The proposed internal alterations to Wakes Hall as part of its conversion to apartments is principally as previously granted consent under Listed Building Consent 172643. There are, however, some changes in order to meet Building Regulations, such as changes to the layout to avoid internal rooms with no means of escape, the provision of a stair guard to the main stairway (as the balustrade and rail is quite low), and the provision of removable guards to some upper floor windows. A great deal of detail has been provided with the current application so as to reduce the need to apply conditions; details include recording of the building, window and door details, details of internal fixtures and fittings (e.g. skirting boards and cornicing) and their replacement or refurbishment. Amendments which were conditioned under the previous Listed Building Consent have also been incorporated into the current proposals.

- 17.15 In terms of the setting, the new garage court and car ports (to be located to the north-west and south-east of the listed building respectively) are considered to have limited impact on the setting of the listed building given their siting which is generally set apart from the listed building by being associated with intervening buildings or in such a way so as to be a subservient addition to the built environment. The garage court and car ports are sensitively designed so that they are modest in scale and incorporate materials that match or compliment the listed building and its surroundings.
- 17.16 In conclusion, heritage advice is that there is significant benefit in the prospect of bringing this important listed building back into a beneficial use which could ensure its renovation and long-term survival. The works to Wakes Hall would have an overall positive effect on its own setting. Similarly, the openness created by the removal of the modern single storey extension would have a positive effect on the wider landscape setting of the building. The conversion of existing buildings on site are considered to have a neutral impact on the setting of the listed building. As the new build is necessary to fund improvements to the buildings and its immediate surroundings (as demonstrated by the submitted Viability Assessment) it is ultimately considered acceptable.
- 17.17 In terms of archaeology, since the previous permission, further investigation has been undertaken and the Council's Archaeological Adviser has confirmed that the submitted scheme of investigation (WSI) and evaluation report are acceptable. In summary:
An archaeological evaluation (three trial-trenches) was undertaken at Wakes Hall, Colchester Road, Wakes Colne, Essex in advance of the part-demolition and extension of an existing building, its conversion into twelve dwellings, and the construction of a further ten dwellings. Two modern foundations which probably form part of building remains from a camp associated with a Second World War ammunition dump at Wakes Colne were uncovered, along with a ditch of uncertain date. The camp probably supplied troops manning the pillboxes and defences around Chappel Viaduct immediately to the east, part of the Eastern Command Line and was reportedly converted to house displaced persons after the war.
- 17.18 Subject to the archaeological investigation being completed (which can be secured via condition), there are no objections to the proposal in terms of archaeological impact.
- 17.19 It should be noted that Historic England have confirmed that they have no comments on the proposal. The Ancient Monuments Society has confirmed that it has no concerns. No comments have been received from the National Amenity Societies.

Design and impact on the character of the area

- 17.20 In considering the wider design impacts of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. Core Strategy policies H2 and H3, relating to housing density and housing diversity are also relevant.
- 17.21 The proposal can be sub-divided into four main elements:
1. Conversion of Wakes Hall
 2. Conversion of existing buildings (bungalows, garden cottage, and Former Warden's Flat)
 3. New Build (including the garage court and car ports)
 4. Associated layout and landscaping
- 17.22 As considered under the previous applications, the first two elements involve the conversion of existing buildings. The conversion of the bungalows, garden cottage, and Former Warden's Flat would not result in significant external changes and do not, therefore, have a direct impact on the character of the area. The conversion of Wakes Hall would include the removal of some later additions, namely the single-storey glazed extension, and lift shaft. These parts of the building are publicly visible, from Colchester Road or the Wakes Colne Business Park, and their removal would have some public benefit in exposing and emphasising the original form of the listed building. This would serve to better reveal the significance of the heritage asset.
- 17.23 In terms of wider impact, the character of the area is undeniably rural, with sporadic development and houses set in spacious plots in the main. The proposal is not considered to disrupt this character as there would still be a feeling of spaciousness around the properties by virtue of the retained and managed woodland and parkland. The proposal is, therefore, considered to be compatible with its surroundings in terms of housing density.
- 17.24 In terms of housing diversity, Core Strategy policy H3 seeks to secure a range of housing types across the Borough, with housing development providing a mix of housing types to suit a range of different households. The policy goes on to state that housing developments will also need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs.
- 17.25 The proposal is for housing for those aged over 55 years. The proposal therefore provides housing for older persons as per policy H3. This is considered to be important as the Council's Planning Policy team have provided updated information from the submitted emerging Local Plan which explains that Colchester is expected to record a 60.6% increase in its population of those aged 65 years and over. The Strategic Housing Market Assessment (SHMA) identifies a requirement for 2,147 specialist units, in

addition to the requirement for housing suitable for the needs of older people which allows people to live in their own home for as long as possible. Affordable housing is not being provided within the scheme, but this has been justified due to lack of viability (see section 16 of this report).

- 17.26 In terms of creating a safe environment, Essex Police previously advised under the previous applications that they were satisfied that the proposal is appropriate in terms of creating a safe and accessible environments, although they are now recommending that the developer seek to achieve a Secured by Design award; this advice can be provided by way of an informative.

Amenity

- 17.27 The changes proposed in the current application(s) are not considered to have any greater impact than that assessed as part of the previous permission. For clarity, the assessment under the previous permission was as follows:
- 17.28 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight. These principles are emphasised in Development Plan policy DP12 which relates to dwelling standards and focuses on the avoidance of adverse overshadowing, ensuring acceptable levels of daylight to all habitable rooms (with no single-aspect north-facing homes), acceptable levels of privacy, continued maintenance of buildings and external spaces, the adaptability of internal layouts, parking standards, and accessible bin and recycling storage areas.
- 17.29 The proposal is not in close proximity to existing residential properties so there are no concerns regarding its impact on the private amenity of existing residents. There may be some instances of overlooking within the development itself, with some units within the bungalow conversion and new build being closer than the 25 metres set out in the Essex Design Guide. The nature of the proposal is, however, a development for the over-55s where the majority of the site (woodland, gardens, allotments, tennis courts) being communal. Levels of privacy are therefore considered to be somewhat lower than in a standard private residential development. That being said, instances where overlooking could occur between properties is limited to two or three instances and is not considered to be a significant issue to justify refusal of planning permission.
- 17.30 In terms of impacts on further residents from the existing business park, a noise Assessment was submitted with the planning application and, following consultation, Environmental Protection have confirmed that they have no objections to the proposal. The Noise Assessment concludes that no significant noise is generated by business activities or service vehicles on business park and that, despite the single-glazed windows in the listed building, noise levels would remain within WHO guidelines with windows

closed (with only a slight increase above guidelines with windows open). There is not, therefore, considered to be an adverse impacts to the proposed development from the existing business park.

- 17.31 In terms of the remaining requirements of Development Policy DP12, it is considered that the proposed dwellings would be afforded adequate levels of daylight and sunlight. Maintenance of the buildings and external space can be secured via condition, as can the bin and recycling storage areas. Parking standards are discussed in the subsequent section 'Highway safety and parking provisions'.
- 17.32 Please note that, whilst Development Plan policy DP11 relates to flat conversions, its focus is on conversions within defined settlement boundaries, hence it has not been considered for this proposal given its countryside location.

Amenity space and public open space

- 17.33 Development Plan policy DP16 requires all new residential development to provide private amenity space to a high standard which has a sufficient level of privacy and is secure and usable. Standard garden sizes are set out in the policy, with two- and three-bedroom houses requiring garden sizes of at least 50sqm 60sqm respectively, and flats requiring a minimum of 25sqm per flat to be provided communally. In terms of public open space, policy DP16 requires all new development to provide at least 10% of the gross site area as usable open space.
- 17.34 Whilst the proposal includes some private amenity space for the converted bungalows, new build, and Former Warden's House, the space afforded is below policy standard in some instances. This is not, however, considered reason to refuse the application given the 'communal' nature of the proposed development. Communal space is generous, such as the formal gardens and walled gardens, as is the more 'public' open space (parkland and woodland) which equates to well-over 10% of the site area.
- 17.35 When read as a whole, the proposal is considered to provide sufficient amenity space.

Highway safety and parking provisions (including cycling)

- 17.36 Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements).

- 17.37 The Highway Authority has confirmed that they have no objections to the proposal on highway safety grounds subject to conditions that ensure that the highway is kept clear of obstructions and hazards, that there is safe pedestrian access, and that the development promotes sustainable means of transport. The Highway Authority requirements can be accommodated as conditions.
- 17.38 In terms of parking, the proposal provides adequate (i.e. policy compliant) car parking for the development. Adequate cycle parking is provided for users of the garage court and Wakes Hall, and there is space within the grounds of the new dwelling (to replace the Former Warden's House) for cycle parking. No dedicated cycle parking is provided for the garden cottage or the bungalow conversions. The Wakes Hall conversion does provide generous storage areas for each flat (in the basement) but this is only accessible via stairs so may not be suitable for cycle storage. There are, therefore, certain units within the development that would not have cycle parking facilities. A condition is recommended to secure additional cycle parking facilities.

Flood risk and drainage

- 17.39 Development Plan policy DP20 states that development will only be supported where it minimised the risk of increased flooding both within the development boundary and off site in Flood Zones 2 and 3. Sustainable Drainage Systems (SuDS) are identified as being important to manage surface water runoff rates.
- 17.40 The residential scheme was assessed with regards to flood risk as part of the previous permission. The site is located within Flood Zone 1 which has a very low risk of flooding from rivers or the sea (less than 0.1%) according to Environment Agency Long Term Flood Risk Information. The site is also outside any areas at risk of flooding from reservoirs. The site is not, therefore, considered to be susceptible to flooding.
- 17.41 In terms of surface water flooding, the proposed development would remove some impermeable elements (the existing outbuildings, single-storey glazed extension, and lift shaft), but would result in an overall increase in structures and hard surfacing (the new build and associated pathways/driveways). Essex County Council, as Lead Local Flood Authority, have confirmed that they have no objections to the proposal in terms of surface water flood risk. The previous planning permission included conditions for a detailed surface water drainage scheme, a scheme for during construction, and a maintenance and management plan; these details have been submitted under the current application(s) and Essex County Council have confirmed that they are acceptable. There is therefore no need for pre-commencement conditions in terms of surface water drainage; conditions are required to ensure that the approved details are implemented as proposed.

- 17.42 In terms of foul drainage, Anglian Water have not provided any comments in respect of the current application. Anglian Water did comment on the previous application and recommended a condition for a foul water strategy, details of which were submitted and approved following planning permission (in consultation with Anglian Water); these details have been submitted with the current application and are considered to be acceptable given the previous approvals and in the absence of any objection from Anglian Water. Again, a condition is required to ensure that the approved drainage scheme is carried out.

Ecology

- 17.43 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the Framework is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.
- 17.44 The site is within an SSSI impact zone and there are areas of potential habitat within the site (woodland, trees, overgrown areas). Impacts upon these features were considered as part of the previous planning application when it was concluded that the submitted ecological assessment and species surveys satisfactorily demonstrated that there is no evidence of protected species onsite and, as such, the proposal is not considered to have an adverse impact on the biodiversity or ecology of the site. It is recognised that a large proportion of the site will remain undeveloped as parkland, woodland, or garden. The future management of the parkland and woodland is considered to be important in order to retain habitat features. The ecological assessment has been updated and submitted with the current application and confirms that there are no significant changes to the site that would warrant a different conclusion.
- 17.45 There is no requirement to consult Natural England on the SSSI as the development is under 50 dwellings.
- 17.46 The development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester Borough Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. In accordance with Natural England standing advice, it is anticipated that, without mitigation, new residential development in this area

and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The necessary mitigation in this case is considered to be a financial contribution per dwelling that can be used for RAMS projects; this contribution would be secured via s106 agreement.

Other matters

- 17.47 Contamination: Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. The Framework (paragraph 170) requires the planning system to contribute to and enhance the natural and local environment by (inter alia) preventing both new and existing development from contributing to or being put at an unacceptable risk from or being adversely affected by unacceptable levels of soil pollution. Planning decisions should ensure that new development is appropriate for its location and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.
- 17.48 The proposal is for residential development, which would be classed as a 'sensitive receptor' should the site be contaminated. Under the previous application the Phase 1 Desk Study and Preliminary Risk Assessment identified some potential contamination risks and recommended an intrusive investigation, including ground gas and groundwater monitoring, in order to better assess the risk. These investigations have now been undertaken and further information was submitted under the conditions of the previous permission. As a result, the Council's Contaminated Land Officer is satisfied that the development can be undertaken safely in terms of contamination risk. A condition to cover the procedure should any unexpected contamination be encountered during the development is considered to be necessary.

18.0 Planning Balance and Conclusion

- 18.1 A scheme for residential development has recently been granted for this site and is a 'live' permission. The current proposal does not introduce any changes that are considered to have significant impact to justify refusal of planning permission or listed building consent. The consideration of planning balance undertaken as part of the earlier applications is still considered to be relevant:
- 18.2 Whilst the countryside location of the site suggests that the development would be contrary to Core Strategy policies SD1, ENV1, and TA1 it is recognised that the site is Previously Developed Land (PDL) where development is encouraged by virtue of the Framework. The reuse of this land would not, therefore, be a fundamental conflict in land use policy terms. Some level of harm from the development has been identified, principally the form and scale of the proposed new build upon the setting of the listed building.

- 18.3 It is necessary to assess whether the benefits of the scheme outweigh the identified harm in terms of the conflict with planning policy and impact on the setting of the listed building.
- 18.4 First, the proposal provides housing for older people that contributes to meeting a growing need for housing for an ageing population. This is considered to be a benefit of the proposal.
- 18.5 Second, the proposal includes a number of uses for future residents (allotments, tennis courts and a gym), improved pedestrian access to the village centre, and a bus stop adjacent to the site. These measures will be important in helping to address the issue of the site being functionally isolated relative to services and facilities. Improvements to accessibility by enhancing sustainable transport links accords with Core Strategy policies TA1 (Accessibility and Changing Travel Behaviour), TA2 (Walking and Cycling) and TA3 (Public Transport). These measures can be conditioned and are considered to be a further benefit of the overall scheme.
- 18.6 Finally, it is considered that there is a public benefit in the prospect of bringing the listed building back into beneficial use which would ensure its renovation and long-term survival. Whilst the alteration works would result in some negative impacts, overall it is considered that these are outweighed by the positive aspects of the scheme which involve the removal of some unfortunate elements. Improvements to the immediate setting of the listed building (i.e. reverting the main driveway and entrance to its original arrangement; and maintaining the surrounding parkland). The benefits of bringing the building back into long-term use and improving its immediate setting is considered to outweigh the less than substantial harm caused by the new build elements and a small proportion of the alterations to the listed building.
- 18.7 The benefits of the scheme, when taken as a whole, are considered to outweigh the conflict with planning policy and the identified harm to the setting of the listed building.
- 18.8 Conditions are required in order to ensure that the proposals are acceptable in relation to relevant planning policies as set out in the report.

19.0 Recommendation to the Committee

- 19.1 The Officer recommendation to the Committee is for:
1. APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (for clauses refer to paragraph 16.1 above), within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be

subject to the following conditions (with delegated authority being given to make minor amendments to conditions as appropriate).

2. APPROVAL of Listed Building Consent subject to the following conditions (with delegated authority being given to make minor amendments to conditions as appropriate).

7. 1 192219: Planning Permission

1. **Time Limit**

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

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

2. **Approved Documents**

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

1529-LOC Rev A Location Plan
1529-P001 Rev F Proposed Site Layout
1529-P004 Rev D Proposed Layout Building Groups
1529-P005 Rev G Parking Layout
1529-P006 Survey Showing Buildings to be Demolished or Retained
1529-P007 Rev C Proposed Footpath Connection
1529-P015 Rev C Proposed Main House Basement Plan
1529-P016 Rev F Proposed Main House GF Plan
1529-P017 Rev D Proposed Main House FF Plan
1529-P018 Rev D Proposed Main House SF Plan and Sections
1529-P019 Rev C Proposed Main House Elevations
1529-P020 Rev A New Build GF Plan 1 of 3
1529-P021 Rev A New Build GF Plan 2 of 3
1529-P022 Rev A New Build GF Plan 3 of 3
1529-P023 Rev A New Build FF Plan 1 of 3
1529-P024 Rev A New Build FF Plan 2 of 3
1529-P025 Rev A New Build FF Plan 3 of 3
1529-P026 Rev E New Build Elevations 1 of 3
1529-P027 Rev D New Build Elevations 2 of 3
1529-P028 Rev D New Build Elevations and Streetscene 3 of 3
1529-P029 Rev B New Build Sections A-A to E-E
1529-P036 Rev A Bungalows Floor Plans 1 of 2
1529-P037 Rev A Bungalows Floor Plans and Bin Stores 2 of 2
1529-P038 Rev B Bungalows Elevations 1 of 2
1529-P039 Rev B Bungalows Elevations 2 of 2
1529-P040 Rev A Bungalows Sections A-A to D-D
1529-P041 Rev A Bungalow in Walled Garden
1529-P047 Rev D Phasing Plan
1529-P048 Rev A Replacement Dwelling Floor Plans

1529-P049 Rev D Replacement Dwelling Elevations Sheet 1
 1529-P050 Rev B Replacement Dwelling Elevations Sheet 2
 1529-P061 Rev B Gym and Media Lounge Plans and Elevations
 1529-P062 Rev B Cart Lodges Plans and Elevations
 1529-P065 Garage Court Floor Plan
 1529-P066 Rev C Garage Court Section and Internal Elevations
 1529-P067 Garage Court External Elevations
 1529-C27 Rev G Phase 1 Converted Bungalows Door and Window Schedule
 1529-C28 Phase 1 Converted Bungalows Proposed Window Details
 1529-C29 Rev A Phase 1 Converted Bungalows Proposed French Door Details
 1529-C72 Rev A Garden Cottage Window and Door Details Front Elevation
 1529-C73 Rev B Garden Cottage Window and Door Details Front Elevation
 1529-C74 Rev A Garden Cottage Window and Door Details Gable End Elevation
 1529-C75 Rev A Garden Cottage Window and Door Details Rear Elevation
 Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3. Tree Matters

The development hereby approved shall be carried out strictly in accordance with the TPS Arboricultural Impact Assessment and Preliminary Method Statement (ref: TPSarb0230619), dated 8th August 2019 unless otherwise agreed in writing by the Local Planning Authority.

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

4. Construction Method Statement

The development hereby approved shall be undertaken in all respects in accordance with the Rose Construction Method Statement Version 1.0, dated 5th February 2019, unless otherwise agreed in writing by the Local Planning Authority.

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

5. Surface Water Management Plan (during construction)

The construction of the development hereby approved shall be carried out strictly in accordance with the Rose Construction Surface Water Management Plan Version 1.0, dated 4th February 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to prevent excess water being discharged from the site that could result in flood risk or polluted water being allowed to leave the site.

6. Surface Water Drainage Scheme

The surface water drainage scheme for the development hereby approved shall be maintained and managed entirely in accordance with the D.J. Barton Associates Draft Maintenance Management Plan (ref: 2318E), dated August 2019 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate maintenance arrangements are put in place

to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

7. Cladding

Notwithstanding the submitted details, the cladding to be used in the development shall be horizontal featheredged timber cladding.

Reason: In order to ensure that suitable materials and finishes are used on the development.

8. Surface Treatment

No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

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

9. Gates

Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6 metres from the highway boundary or proposed highway boundary.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

10. Brickwork

Notwithstanding the submitted details, all new brickwork shall be constructed in Flemish bond (or such other bond as may be agreed in writing by the Local Planning Authority) and shall use a white mortar mix and a 'bucket handle' joint profile.

Reason: In the interests of ensuring a satisfactory design having special regard to the setting of a listed building.

11. Rooflights

The rooflights hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roofslope.

Reason: In the interests of the character and appearance of the building having special regard to the setting of a listed building.

12. Joinery

Unless expressly stated in the approved drawings, all joinery comprising doors, windows, eaves and other external architectural features shall be constructed in painted timber unless installed in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character of the development and its impact on the special interest of a designated heritage asset and its setting.

13. No Floodlighting

No floodlighting shall be constructed, installed or illuminated at any time.

Reason: To ensure that there are no undesirable effects of light pollution in this countryside location.

14. PD Rights Removal

Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A-H of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of extensions, alterations, buildings, enclosures, swimming or other pool shall be erected.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

15. PD Rights Removal

Notwithstanding the submitted details, other than the Bungalow Conversions (shown on drawings 1529-P038 Rev B and 1529-P039 Rev B), all new rainwater goods (gutters, downpipes, hopperheads and any external soil pipes) shall be finished in cast aluminium and painted black unless otherwise agreed in writing by the Local Planning Authority following receipt of details of said rainwater goods. The profile of all rainwater goods shall be agreed in writing by the Local Planning Authority prior to their installation.

Reason: In the interests of the character and appearance of the building having special regard to the setting of a listed building.

16. Diocletian window design

The design of the arched windows shown on drawing no. 1529-P026 Rev D (Proposed Elevations Sheet 1 of 3) shall amended to a Diocletian window design.

Reason: To reinforce local distinctiveness and to ensure a satisfactory design having regard to the setting of the listed building.

17. Archaeological Investigation

No works shall take place in the areas of the site outlined in red in Figure 1 Site Location of the Colchester Archaeological Trust Written Scheme of Investigation (WSI) (project code 2019/12b), dated 18th December 2019, until an archaeological site investigation has been carried out and completed in accordance with that Written Scheme of Investigation. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Colchester Borough Council's

Core Strategy (2008) and Adopted Guidance 'Managing Archaeology in Development' (adopted 2015).

18. EV Charging

Notwithstanding the submitted details, prior to occupation Electric Vehicle (EV) charging points shall be provided and made available for use in each of the garages and car ports on site and within the 2 No. visitor spaces.

Reason: In the interests of sustainability and air quality by encouraging the use of ultra-low emission vehicles and in the interests of accessibility.

19. Bricks (Phase 2)

Notwithstanding the submitted details, no works other than groundworks shall take place in respect of Phase 2 of the development until precise details (including samples) of the manufacturer and types and colours of the bricks to be used in the construction of the 'Main House Car Ports' have been submitted to and approved in writing by the Local Planning Authority. The Main House Car Ports shall then be constructed in accordance with the approved materials.

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

20. Windows, Doors, and Architectural Detailing

Notwithstanding the submitted details, no works other than groundworks shall commence in respect of Phase 3 of the development until additional drawings that show details and amended design (as necessary) of any proposed or new windows (including the method of opening, reveal, and glazing bars), screens, doors (including fanlights), porches, eaves, verges, cills and arches, plinths, roof features, string courses, console brackets, decorative panels, chimneys, and cupolas to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, have been submitted to and approved, in writing, by the Local Planning Authority. The development of Phase 3 shall thereafter be implemented in accordance with the approved additional drawings.

Reason: In order to ensure suitable detailed design in the interests of the setting of a listed building as there are insufficient details within the submitted planning application.

21. Landscape

The landscape details as shown on approved drawings 19.4088.01 Rev C; 18.4088.02 Rev C; 19.4088.03 Rev C; 19.4088.04 Rev C; 19.4088.05 Rev C; and 19.4088.06 Rev C shall be carried out in full prior to the end of the first planting season following the first occupation of the development or in such other phased arrangement as shall have been previously agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that the landscape is implemented in accordance with the detail submitted within the application in the interests of good design and visual amenity.

22. Foul Water Drainage

No dwellings shall be occupied until the foul water drainage and surface water drainage works have been undertaken in accordance with drawings 2318/E/1 (Foul and Surface Water Drainage Strategy Layout); 2318/E/2 (Private Roads and Parking Layout); 2318/E/3 (Long Section Private Roads); 2318/E/4 (Private Drainage Layout); 2318/E/5 (Offsite SW Drainage and Infiltration Basin Location Layout); 2318/E/6 (Surface Water Infiltration Basin Layout and Sections); and 2318/E/7 (Private Drainage Construction).

Reason: To prevent environmental and amenity problems arising from flooding.

23. Junction

Prior to first occupation of the development, both of the proposed access roads shall be reconstructed to provide a bellmouth junction with Colchester Road, together with 6.0m radius kerbs returned to an access road carriageway width of 6.0m and flanking footways 2m in width returned around the radius kerbs.

Reason: To ensure that the largest type of vehicle using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

24. Vehicular Turning

Prior to first occupation of the development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions shall be provided within the site as shown on the approved drawings. The turning head shall then be retained and maintained free from obstruction thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

25. Recycling/Bin/Refuse Collection Points

Prior to first occupation of each phase of the development, communal recycling/bin/refuse collection points shall be provided within 20m of the circulatory carriageways or adjacent to the highway boundary in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The collection points shall be clear of all visibility splays at accesses and retained as approved.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

26. Car Parking and Turning Area

Each phase of the development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Melville Dunbar Associates Drawing number 1529/P005 Rev F and 1529/P065. The car parking and turning area shall be retained in this form at all times and shall not be used for any purpose other than the parking of

vehicles related to the use of the development thereafter.

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

27. Bicycle Storage

Prior to the occupation of each phase of the development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of each phase of the development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

28. Residential Travel Information Packs

Prior to occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of Residential Travel Information Packs for sustainable transport for the occupants of each dwelling together with details of public transport (timetables and locations of bus stops etc), walking and cycling being prominently displayed and regularly updated and maintained in perpetuity within the site, which shall be approved by Local Planning Authority, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) are to be provided by the Developer to each dwelling free of charge.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

29. Bus Stops

Prior to the first occupation of any of the dwellings hereby approved the Applicant/Developer shall provide 2 No. new bus stops located in precise accordance with Richard Jackson Drawing Numbered 49713/C/01 REV B, together with the provision of level entry kerbing, new posts and flags, timetables, carriageway markings, any adjustments in levels, surfacing, pram crossing and any accommodation works to the footway and carriageway channel being provided entirely at the applicant/Developer's expense to the specifications of the Highway Authority.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

30. Footways

Prior to the occupation of any of the dwellings hereby approved, the footway(s) as shown on drawing 49713/C/01 Rev B shall be provided in their entirety (including new posts and flags, entry level and standard kerbing, surfacing, drainage, any adjustments in levels, and any accommodation works to the verge, footway and carriageway channel).

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

31. Details of Management Company

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of multi-occupancy buildings and communal external spaces shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: In accordance with policy DP12 of the Development Policies DPD (adopted October 2010, revised July 2014) as the application contains insufficient information to ensure that the development will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment and setting of a designated heritage asset.

32. Visibility Splays

Prior to the proposed accesses being brought into use, vehicular visibility splays of 120m by 2.4m by 120m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of each access and shall be retained and maintained free from obstruction clear to ground thereafter.

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

33. Unexpected Contamination

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

Reason: The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site. The site lies on or adjacent to land with the potential to be contaminated and Environmental Protection wish to ensure that development only proceeds if it is safe to do so.

Informatives

- (1) Please note that there is an associated Listed Building Consent to this permission: planning reference 192220.

- (2) PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.
- (3) 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.
- (4) PLEASE NOTE To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.
- (5) PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.
- (6) Anglian Water Informative
“Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence.”
- (7) Design – Informative
In relation to the above conditions, please be advised of the following
- The ‘great doors’ indicated on drawing no. 1529-P026 Rev B (elevation 2) shall be omitted from the scheme.
 - The screen/great openings should be set back to provide a deep shadow (recommended set back of 500mm).
 - Windows – all to be constructed of timber unless otherwise agreed in writing by the Local Planning Authority; where set in masonry the windows should have an off white finish (avoid pure white); where set in weatherboarding, the colour of the joinery needs to be relate to the weatherboarding colour (and avoid a stark contrast).
 - Windows – the window detailing is unclear for Phase 3 (new build); the ‘standard’ windows in elevation 1 & 8 should be sliding sash (due to their height); the design of arched windows (elevation 1) should be amended to Diocletian windows (this will assist with opening);

porthole windows are set excessively high. Casement windows should be flush fitted; glazing should be slimlite (or similar) and through glazing bars should be used. Details of gauged arches and cills required.

- Screen / great openings – detailing required / design requires simplifying. The glazing should be set back to provide a deep shadow (and therefore imply a former opening). The implied doors (elevation 2) should be omitted; The vertical cladding between floors should also be omitted / redesigned.
- Dormer windows – further details required; dormer windows (elevation 3) require amending (they have excessively wide cheeks) and dormer windows (elevation 6 and 7) should have lead cheeks and roofing).
- Doors - door surround detail required; material to be stone.
- Details of the fanlight are required.
- Porch – details required
- Plinth – detail required; the plinth should employ a canted (splayed) brick.
- Decorative panel (elevation 3) – details required
- String course - detail required
- Eaves detailing – details of console brackets and depth of eaves required
- Chimney / cupola etc, - details required

(8) Essex Police would like to see this developer seek to achieve a Secured by Design award in respect of this development. To ensure this development is a safe, secure place to live, e.g. uniform lighting without dark areas, effective physical security on each property and to comply with Colchester's Planning Policy DP1: Design and Amenity (Revised July 2014), (iv) Create a safe and secure environment, it is recommended that the applicant incorporate Crime Prevention through Environmental Design and apply for nationally acknowledged and police recommended Secure By Design accreditation. Essex Police is able to support the applicant to achieve appropriate consideration of the Secure By Design requirements and is invited to contact Essex Police via designingoutcrime@essex.police.uk.

(9) Highway Informatives

The spine road from the access bellmouth "Entry Only" heading west then north is relatively narrow and is unlikely to accommodate clear passage for opposing vehicles and it is suggested that 2No passing places being provided along that route for the purpose of providing safe refuge for vehicles waiting to pass.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

7.2 192220: Listed Building Consent

1. Time Limit

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

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

2. Approved Documents

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved, in writing, by the Local Planning Authority prior to any works commencing. For the avoidance of doubt, the approved drawings/details are, with the exception of any provisions within the following conditions, as follows:

1529-LOC Location Plan
1529-P015 Rev C Proposed Main House Basement Plan
1529-P016 Rev F Proposed Main House Ground Floor Plan
1529-P017 Rev D Proposed Main House First Floor Plan
1529-P018 Rev D Proposed Main House Second Floor Plan
1529-P019 Rev C Proposed Main House Elevations
1529-P201 Lime Render Spec
1529-P202 Rev A Proposed Window Details
1529-P204 Rev B Ground Floor Retained and Restored Features Key
1529-P206 Rev C First Floor Retained and Restored Features Key
1529-P208 Rev B Second Floor Retained and Restored Features Key
1529-P209 Rev A Skirting and Architrave Profiles
1529-P210 Rev A Ceiling Plaster and Fixed Door Details
1529-P211 Rev A Extension Modification Details
1529-P212 Rev A Coach House Details
1529-P213 Rev A Kitchen Window and Patio Door Details
1529-P214 Proposed Subdivision G05 and F06
1529-P215 Rev B Apartment 1 and 2 Internal Entrance Screens
1529-P216 Rev A Sash Window Details
1529-P217 Listed Building - Restored Front Entrance Steps

1529-H12 Rev C Party Floor -Carpets
1529-H13 Rev C Party Floor - Tiles
1529-H35 Rev A Ground Floor Detail (vented void)
1529-H36 Rev A Ground Floor Detail (Basement)
1529-H38 Removable Window Bar
1529-H39 SVP Ducting Detail
1529-F02 Rev A Ground Floor Fire Plan
1529-F03 Rev B First Floor Fire Plan
1529-F04 Rev A Second Floor Fire Plan
1529-C130 Rev B Main Building Elevations - South
1529-C131 Rev B Main Building Elevations - West
1529-C132 Rev B Main Building Elevations - North
1529-C133 Rev C Main Building Elevations - East

Reason: For the avoidance of doubt as to the scope of the consent and to ensure that the historic building is preserved from any other potentially harmful works.

3. Underpinning

Notwithstanding the submitted details, this decision does not consent to any underpinning of the building. Any proposals for underpinning will need to be subject to separate Listed Building Consent.

Reason: In the absence of sufficient details with which to assess the need, justification, and proposed works required in respect of underpinning.

4. Brickwork to Match

All new brickwork shall match the adjacent brickwork in terms of brick type, bond and mortar unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring a satisfactory design having special regard to the setting of a listed building.

5. Rooflights

The rooflights hereby given consent shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roofslope.

Reason: In the interests of the character and appearance of the building having special regard to the setting of a listed building.

6. Slimlite Glazing

The double-glazed sash windows as shown on drawings 1529-P211 Rev A; 1529-P12 Rev A; and 1529-P213 Rev A shall be slimlite double glazing with 12mm overall glazing thickness comprising of 4mm glass/4mm cavity/4mm glass unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

7. Protection of Features

The hereby consented works shall be undertaken in accordance with the Statement of Protective Measures, dated 12th December 2019 unless

otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure that there is sufficient protection to these features.

8. Details of Stair Guard

The stair guard to the main entrance curved stairway shall not be installed until elevation, section, and floor plan drawings (to scale) to show the overall design of the stair guard, as well as its position and extent along the stairway, have been submitted to and approved in writing by the Local Planning Authority. The stair guard shall then be installed as approved and retained as such.

Reason: To ensure that the stair guard respects the special character and interest of the listed building.

9. Removal/Alteration of Internal Walls

Notwithstanding the details submitted, where internal walls are to be removed or altered, additional drawings showing the dimensions of nibs and downstands to be retained shall be submitted to and approved in writing by the Local Planning Authority. The alteration works shall be implemented in accordance with the details subsequently approved.

Reason: to ensure that the historic plan form of the building remains discernible and thereby safeguarding the special interest as a designated heritage asset.

10. Making Good

Within one month of the alteration works being carried out, all adjoining surfaces which have been disturbed by the works shall be made good with materials and finishes to match those of existing undisturbed areas surrounding the new opening.

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

11. Discovery of Unknown Historic Character

If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in context of the approved scheme shall be submitted for written approval by the Local Planning Authority.

Reason: To secure the proper recording of the listed building.

Informatives

(1) Please note that there is an associated Planning Permission to this consent: planning reference 192220. This consent should be read in conjunction with the associated planning permission.

(2) PLEASE NOTE: The associated planning permission is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

(3) The developer is reminded that drawing 1529-P16 Rev F includes both a door nib and downstand between rooms 1.2 and 1.3, as annotated in the Revisions Key.