

AMENDMENT SHEET

Planning Committee
18 June 2020

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 183046 – Land to the North of Mill Buildings, Wakes Colne Mills, Colchester Road, Wakes Colne

A number of further representations have been received from two local residents. The points raised are summarised below (in no particular order). The full representations can be read on the Council's website.

- Not all objections have been cited.

Case Officer Comment: For clarity, in addition to the objections referred to in the committee report, there were two objections from local residents received in December 2019. The objections do not raise any new matters, being concerned with the safety of the access onto Colchester Road, how utilities would be provided, what materials would be used, the setting of the Listed Building, how the meadow would be managed, whether trees would be protected, the lack of details for the Mill House redevelopment.

Previous objections, as well as the objection from the Society for the Protection of Ancient Buildings, were considered when the application was previously discussed at Planning Committee. The objections are summarised and included in the appendices of the latest Committee Report.

- The concerns of the committee have not been fully addressed in the committee report.

Case Officer Comment: The Committee minutes have been included as an appendix to the latest Committee Report. As set out in the minutes, the Committee resolution was as follows: "Resolved Unanimously that the application be deferred for further negotiations to secure a revised design approach to reflect a more vernacular approach that better reflect the immediate locality." The latest Committee report therefore focuses on this reason for deferral, although relevant updates are provided (e.g. in respect of flood risk and comments received from Historic England) as well as an assessment of the impacts upon the setting of the Listed Building and Conservation Area. This is explained in paragraphs 2.3 and 2.5 of the latest Committee Report.

- Lack of details regarding materials.

Case Officer Comment: The submitted details show the use of red brick, timber cladding, and slate roofing. In the Case Officer's opinion, there is very little ambiguity in the details submitted; the use of red brick, timber cladding, and slate is traditional and there are examples of its use in the vicinity of the site, as well as wider surroundings. The precise make and manufacturer of the materials can be established and secured via the recommended condition.

- The scheme has got 'bigger'

Case Officer Comment: The revised proposal includes a reorientation of the proposed new build dwellings, as well as amendments to the scale and form of the dwellings, which has resulted in a slightly larger footprint overall (approximately 120sqm). The previous proposal was for two attached dwellings, arranged in a linear form of one-and-a-half to two-storey throughout. The revised proposal is for two detached properties, each with a main two-storey element and single-storey additions. Whilst the overall footprint of the proposed development has increased, the impact of the built form has been reduced.

- Proposed dwellings higher than Coach House.

Case Officer Comment: The two-storey elements of the proposed new dwellings would have a higher ridgeline than the Coach House; the height difference varies between approximately 1m-3m. The application has been amended so that the new build properties are broken down into two-storey and single-storey elements and re-orientated so that they no longer form a solid linear structure parallel to the Coach House. The impact of the proposed new build, both in terms of landscape impact and the impact upon the setting of heritage assets (the Listed Building and Conservation Area) has been assessed in the original Committee Report and latest Committee Report. The relationship between the proposed new build and the Coach House will be described in detail (with the benefit of drawings and photographs) in the Committee presentation.

- The Heritage Statement does not provide an assessment of significance of the Listed Building or an assessment of harm.

Case Officer Comment: This matter is dealt with under the 'Heritage' section of paragraph 6.19 of the latest Committee Report.

- Inadequate assessment of significance of the Listed Building and Conservation Area and the impact on Listed Building and Conservation Area has not been fully assessed.

Case Officer Note: An assessment of the significance of the Listed Building and Conservation Area, as well as an assessment of the level of harm in respect of the proposed development was set out in paragraphs 16.18-16.36 of the original Committee Report and additional comments were provided in the Committee Amendment Sheet. A further assessment is included in paragraphs 6.3-6.9 of the latest Committee Report. The assessment(s) have taken into account the relevant provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF (paragraph 193 in particular), Adopted Local Plan Policies ENV1 and DP14, as well as Historic England Guidance. The Essex County Council 'Water & Steam Mills in Essex – Comparative Survey of Modern & Industrial Sites and Monuments No. 18' document (referenced in the objection comments) has also been taken into account and considered.

One of the objections has referred to a 2019 Judgment (James Hall v City of Bradford [2019] EWHC 2899 (Admin), which found that:

- 1. the Council's approach to the proposals impact on the setting of a heritage asset was flawed,*
- 2. the conditions relied on were unlawful, and*
- 3. the failure to comply with NPPF 189 in that relevant historic records were not properly considered in considering heritage impacts.*

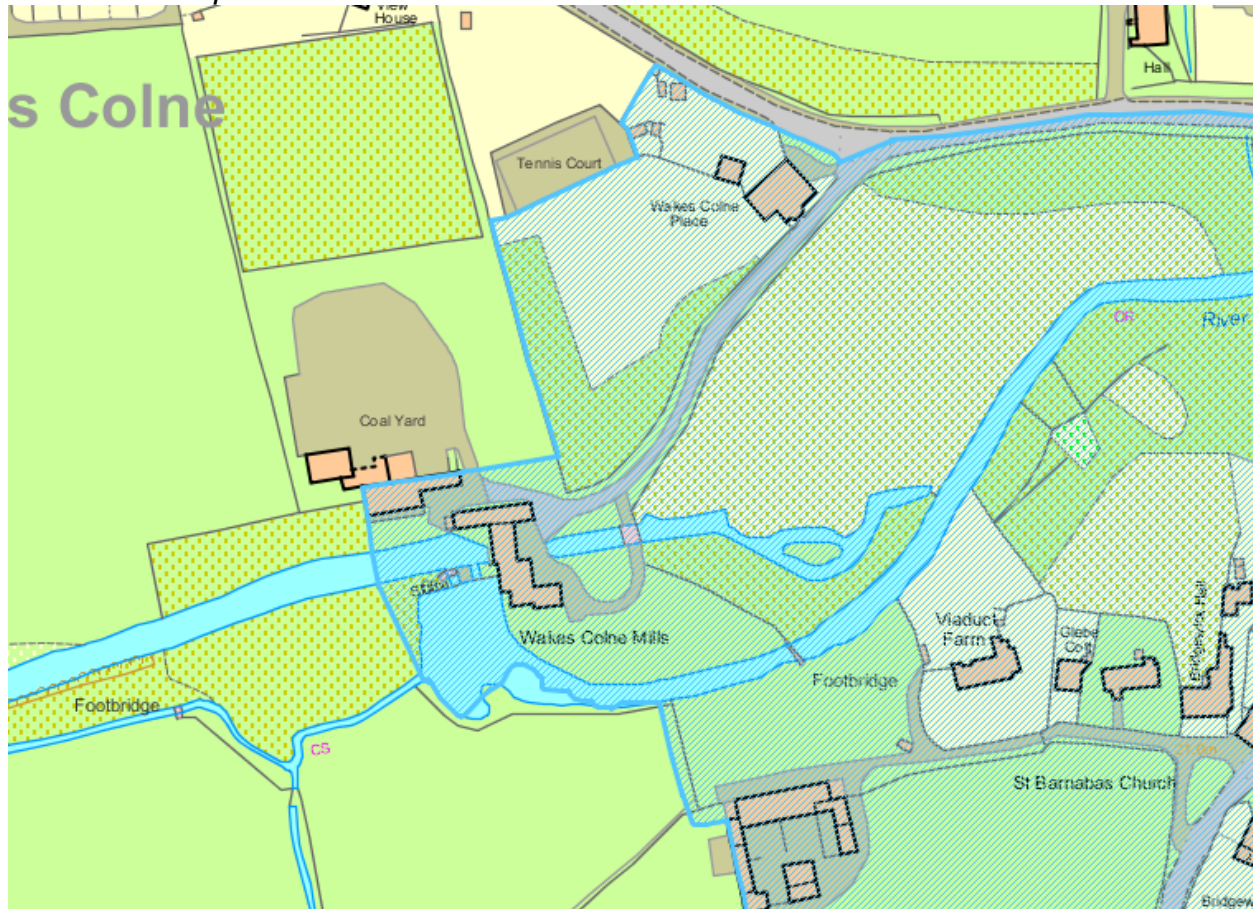
The Judgment is available to read in full on the Council's website, but for ease of reference it has been included as an appendix to this Amendment Sheet.

It is the Case Officer's view that the assessment of the current application has properly considered the impact of the proposals upon the setting of a heritage asset (as set out in paragraphs 6.3-6.10 of the latest Committee Report), the recommended conditions are sound and meet the relevant tests, and that historic records have been properly considered (paragraphs 3.2-3.3 and 16.18-16.36 of the original Committee Report, and paragraphs 6.3-6.10 of the latest Committee Report). For clarity, the heritage value of the Listed Building and Conservation Area has been assessed, and the relevant statutory tests undertaken in accordance with the NPPF and Historic England guidance. The assessment has also included consideration of how the heritage value would be affected by the proposed development, with the conclusion that there would be less than substantial harm overall, but there would be public benefits that would outweigh this harm (taking into account paragraph 155 of the Historic England 'Conservation Principles, Policies and Guidance').

- Views from within the Conservation Area would be irreversibly harmed by the proposals.*

Case Officer Comment: There would be some public views of the proposed development seen in the context of the Listed Building and rural landscape, some of which is designated as Conservation Area

(see plan below with the Conservation Area marked in blue). An assessment of the impact of the proposal on the Conservation Area is set out in paragraphs 16.11-16.14 and 16.18-16.36 of the original Committee Report, as well as paragraphs 6.3-6.10 of the latest Committee Report.



- The coal yard and its ancillary buildings currently sit unnoticed in the landscape.

Case Officer Comment: There are currently views of the coal yard in the landscape. In particular, the coal yard, ancillary buildings and remnants of its former use as a coal yard (equipment, piles of coal etc) are readily visible from the public footpath which runs along its eastern and northern boundary (PROW 152_27).

- Proposed boundaries and boundary treatments will have a negative impact on the setting of the listed buildings.

Case Officer Comment: The proposal includes a low boundary wall between the Coach House and The Mill House; this wall is an extension of an existing low boundary wall that runs along the southern frontage of the Coach House so it would not appear out of character. The boundary treatments within the coal yard site are not considered to be a dominant feature; they would be visible from public vantage points if someone were to look through the hedge boundaries of the site from

the adjacent public footpath, but they would be seen in context with the properties to which they relate and are not considered to sub-divide the group of buildings that form the Mill complex. Precise details could be considered further and secured under condition, with suggested wording as follows:

No works shall take place to install or erect any walls or fences as shown on drawing 2818-0106 Revision P05 until precise details (to include elevations at scale 1:50 and details of materials) have been submitted to and approved, in writing, by the Local Planning Authority. The walls and fences shall then be installed or erected as approved and thereafter retained as such.

Reason: In the interest of visual amenity to ensure a comprehensive development in keeping with surrounding development and the rural characteristics of the site.

The objection expresses concern that additional or more substantive boundary fencing/walls would be introduced as a result of residential development at this site; recommended condition 4 would remove permitted development rights for fences and walls so any proposals would need to be considered as part of a formal planning application.

- Negative impact on residential amenity in respect of privacy and noise.

Case Officer Comment: Consideration of amenity was addressed in paragraphs 16.65-16.68 of the original Committee Report. The noise implications from residential use of the site is not considered to be detrimental to the living conditions of existing and/or future residents; the proposed new build units would be located to the north of the nearest existing properties (The Mill House, Wakes Colne Mill, and the Old Granary) and would not be in close proximity to them with intervening built form of the existing Coach House. The conversion of the Coach House would result in increased activity in proximity to both The Mill House and Wakes Colne Mill, but this activity (i.e. noise) is not considered to be significant given that the Coach House would be used as a single three-bedroom dwelling.

- Lack of consistency in decision making, citing an example of a refusal at Land North of White Hart, West Bergholt (ref: 170839).

Case Officer Comment: With particular reference to the case cited in the recent objection, it is noted that this was for a proposed residential development, outside of a settlement boundary and in close proximity to a Grade II listed building. In summary, having considered the application details, the refusal notice, and the appeal decision, it would appear that the site and proposal is quite different to the application being considered at Wakes Colne Mill; the site in West Bergholt is located on a busy road within a very open landscape that has remained relatively unchanged (being open fields). In contrast, the Wakes Colne

Mill site being considered has evolved over time, as described in paragraphs 6.4-6.8 of the latest Committee Report. The Wakes Colne Mill site is outside the settlement boundary but is not functionally isolated as there are a number of services and facilities nearby which can be accessed by sustainable modes of transport (foot or cycle); these are referred to in paragraphs 3.8 and 16.2-16.10 of the original Committee Report. There is not considered to be any conflict in a consistency of approach between these two proposals.

- There is no necessity or justification for the new build houses and alternatives to secure the public benefits should be explored.

Case Officer Comment: In respect of rural housing, paragraph 78 of the NPPF states that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.' Paragraph 194 of the NPPF states that 'Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification', and (at paragraph 196) 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.' The justification for the development has been considered and weighed against the public benefits of the proposal in accordance with the NPPF.

The matter of principle of development was considered under paragraphs 16.2-16.10 of the original Committee Report, with a consideration of the justification and impacts of the proposal, as well as the public benefits of the proposal, being addressed in paragraphs 16.18-16.35 of the original Committee Report and paragraphs 6.3-6.10 of the latest Committee Report.

The objector is of the view that the public benefits of the scheme could be secured via alternative proposals. Alternative proposals have not been put forward and there is a duty to assess and determine the application that has been submitted.

Additional Conditions and Informatives:

Condition (Details of Walls and Fences)

No works shall take place to install or erect any walls or fences as shown on drawing 2818-0106 Revision P05 until precise details (to include elevations at scale 1:50 and details of materials) have been submitted to and approved, in writing, by the Local Planning Authority. The walls and fences shall then be installed or erected as approved and thereafter retained as such.

Reason: In the interest of visual amenity to ensure a comprehensive development in keeping with surrounding development and the rural characteristics of the site.

Informative (Landscape Works)

In respect of Condition 19, the applicant/developer is advised that the planting shown to the north of the Coach House on drawing 2818-0106 Rev P05 shall be appropriate tree planting with which to filter views of both Plot 1 and 2 when viewed from the south of the application site.