

Planning Committee Meeting

**Moot Hall, Town Hall, High Street,
Colchester, CO1 1PJ**

Thursday, 03 February 2022 at 18:00

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters. If you wish to come to the meeting please arrive in good time. Usually, only one person for and one person against each application is permitted. Attendance between 5.30pm and 5.45pm will greatly assist in enabling the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

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

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

Have Your Say!

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

<https://colchester.cmis.uk.com/colchester/HaveYourSay/HYSPlanning.aspx>.

Audio Recording, Streaming, Mobile phones and other devices

The Council audio records and streams public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

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

Evacuation Procedures

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

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Colchester, CO1 1JB

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www.colchester.gov.uk

Covid 19

Please could attendees note the following:-

- Hand sanitiser, wipes and masks will be available.
- Do not attend if you feel unwell with a temperature or cough, or you have come in to contact with someone who is unwell with a temperature or cough.
- Masks should be worn whilst arriving and moving round the meeting room, unless you have a medical exemption.
- All seating will be socially distanced with 2 metres between each seat. Please do not move the chairs. Masks can be removed when seated.
- Please follow any floor signs and any queue markers.
- Try to arrive at the meeting slightly early to avoid a last minute rush.
- A risk assessment, including Covid 19 risks, has been undertaken for this meeting.

COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 03 February 2022 at 18:00

The Planning Committee Members are:

Pauline Hazell
Robert Davidson
Lyn Barton
Helen Chuah
Michael Lilley
Jackie Maclean
Roger Mannion
Beverley Oxford
Martyn Warnes

Chairman
Deputy Chairman

The Planning Committee Substitute Members are:

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

Councillors:

Kevin Bentley	Tina Bourne	Roger Buston	Nigel Chapman
Peter Chillingworth	Nick Cope	Pam Cox	Simon Crow
Paul Dundas	Andrew Ellis	Adam Fox	Jeremy Hagon
Dave Harris	Mike Hogg	Sue Lissimore	Derek Loveland
A. Luxford Vaughan	Sam McCarthy	Patricia Moore	Beverley Oxford
Gerard Oxford	Chris Pearson	Lee Scordis	Lesley Scott-Boutell
Lorcan Whitehead	Dennis Willetts	Julie Young	Tim Young

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

Please note that Agenda items 1 to 2 are normally dealt with briefly.

An Amendment Sheet is published on the Council's website by 4:30pm on the day before the meeting and is available to view at the bottom of the relevant Planning Committee webpage. Please note that any further information for the Committee to consider must be received no later than 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Live Broadcast

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors to the meeting and remind those participating to mute their

microphones when not talking. The Chairman will invite all Councillors and Officers participating in the meeting to introduce themselves.

2 Substitutions

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

3 Urgent Items

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

4 Declarations of Interest

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

5 Have Your Say(Hybrid Planning Meetings)

At meetings of the Planning Committee, members of the public may make representations to the Committee members. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. These Have Your Say! arrangements will allow for one person to make representations in opposition and one person to make representations in support of each planning application. Each representation may be no longer than three minutes(500 words). Members of the public wishing to address the Committee either in person or remotely need to register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition for those who wish to address the committee online we advise that a written copy of the representation be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

These speaking arrangements do not apply to councillors who are not members of the Committee who may make representations of no longer than five minutes each

6 Minutes of Previous Meeting

The Councillors will be invited to confirm that the minutes of the meeting held on the 9 December 2021 and 6 January 2022 are a correct record.

2021-12-09 Planning Committee Minutes

7 - 12

2022-01-06 Planning Committee Minutes

13 - 16

7 Planning Applications

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

7.1 213018 133 Straight Road, Colchester, CO3 9DE 17 - 32

Construction of a detached double garage to serve an approved single storey dwelling together with storage area for recycled material and waste (Household).

7.2 212716 Barn at, Oak Farm, Vernons Road, Wakes Colne, Colchester, CO6 2AH 33 - 54

Barn Conversion to a Dwelling.

8 Exclusion of the Public (not Scrutiny or Executive)

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

Planning Committee Information Pages v2 55 - 66

Part B (not open to the public including the press)

PLANNING COMMITTEE

9 December 2021

<i>Present:-</i>	Councillors Davidson (Chair), Barton, Chuah, Lilley, Loveland, Maclean, Mannion, G Oxford, and Warnes
<i>Substitute Member:-</i>	Councillor G Oxford Substituted for Councillor B Oxford Councillor Loveland Substituted for Councillor Hazell
<i>Also in Attendance:-</i>	

884. Minutes

The Minutes of the meetings held on 19 August 2021, 9 September 2021, and 30 September 2021 were confirmed as a correct record.

885. 202695 Land to the West of the village and Adjoining Birch Road, Layer de La Haye.

The Committee considered an application for the Construction and operation of a photovoltaic (PV) farm and associated infrastructure, including inverters, security cameras, fencing, access tracks and landscaping. The application was referred to the Committee as it was a Major Application which had received objections and because it was a departure from the development plan.

The Committee had before it a report and an amendment sheet in which all information was set out.

James Ryan, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. A presentation was given of the site layout, photographs, the views that would be impacted by the design and the proposed visual mitigation measures that would be secured in the landscaping scheme. The Committee heard that Animal Friendly fencing would be incorporated into the design and that following the scheduling of an ancient monument to the north east of the site the proposals had been amended to take into account this asset and confirmed that there would not be any development on that area. The Case Officer concluded their presentation by outlining that the proposal would provide power for 16,000 homes and that the officer recommendation was for approval.

James Hartley-Bond of Layer Solar Farm Limited addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. The Committee heard that the application had evolved since its submission based upon the feedback received which now included no objections from the technical consultees and that there was also support from the Parish Councils. The Speaker confirmed that there would be an 85% net gain for biodiversity and that the clean electricity which would help fight the climate and energy crisis and would establish energy security which was a growing concern.

The Committee sought clarification on the colour of the inverter cabins that would be used on site, whether Deer fencing would harm other forms of wildlife, whether the Police's

recommendation of the incorporation of microphones on the security cameras was justified, and the timetable of landscape planting near the ancient monument.

In response to questions and concerns raised by the Committee, the Principal Planning Officer responded that the inverter cabins would be located centrally on the site so would be obscured by the panels and the proposed landscaping and that it could be ensured that the chosen colour could be discreet. Further to this the Principal Planning Officer outlined that the deer fencing was of stock design and was designed for small animals to pass through but not sheep which may graze on the site. It was additionally noted although the Police had suggested additional security measures there had been no request for taller security fencing as there was no anticipated amount of anti-social behaviour. The Principal Planning Officer explained that the advanced planting would be prioritised and that there was a 4 metre planted belt between the developed land and the ancient monument could be conditioned if the Committee were minded to approve the application.

A point was raised by the Committee welcoming the renewable energy from the PV panels and how it was essential to produce renewable energy. A further question was asked about the arrangements for footpaths and whether there could be any extension to the waterworks. The Committee repeated its concerns regarding the security of the site and asked whether microphones and speakers could be installed on the cameras and whether the security fencing would stop anti-social behaviour and crime.

In response to the questions the Principal Planning Officer outlined that the possibility of further footpaths to the waterworks was outside of the Committee's control as it was not within the application site and that if requested the security cameras with microphones and speakers could be conditioned. However the further security of the site was within the owner's remit and that it would be unreasonable to confer a condition of that nature on the application.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement was not signed within 6 months, authority be delegated to Assistant Director, Place and Client Services, to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the conditions and informatives as set out in the report and additional conditions concerning security and requiring microphones and speakers to give interactive CCTV coverage of site boundaries, and amendment to the Landscape Management Plan to require and condition that there be planting between the SAM and that it was prioritised.

886. 212506 Chesterwell Day Nursery, Cordelia Drive, Colchester

The Committee considered an application for a mixed use development comprising of a nursery at ground floor level and residential units on the first floor with associated parking and landscaping as part of Neighbourhood Centre NC2. The application was referred to the Committee as it was a major application, was subject to a legal agreement and had received one letter of objection.

The Committee had before it a report and amendment sheet in which all information was set out.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not

signed within 6 months, authority be delegated to the Assistant Director, Place and Client Services, to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the conditions and informatives set out in the report : with authority delegated to the case officer to approve an amended Travel Plan and revise conditions in respect of the Travel Plan as appropriate.

887. 212272 Land at Queen Street, Colchester

Councillor Warnes (as a Director of Colchester Commercial Holdings Ltd) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the Demolition of the former bus depot buildings in preparation for the implementation of the planning permissions granted under applications 182120 and 202780. The Application was referred to the Planning Committee as the application had been submitted by Inkpen Downie Architects on behalf of the Colchester Borough Council.

The Committee had before it a report and an amendment sheet in which all information was set out.

Simon Cairns, Development Manager, presented the report and assisted the Committee in its deliberations. A presentation was given by the Development Manager which outlined proposed demolition of the former bus depot presenting pictures of the current state of the building from external and internal views. The Development Manager drew Members attention to the section of the former depot which was attached to the Town Wall and how this would be protected whilst the work was taking place. The presentation concluded with the previously approved applications elevations being shown and the officer recommendation of approval.

Dorian Kelly addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in objection of the application. The Committee heard that the objection was based upon technical reasons as the two applications on the land were unconnected and questioned the legal basis that public funds could be used for this application. The Speaker outlined that The Council was judging itself by a separate standard to that of other applicants and that the application should be deferred to seek more information. The speaker further questioned the reliability of the ecology and methodology statement as there had been no mention of stag beetles which were known to be on site or the need to ensure continued access to the flats and car parks to the north of the site and their access arrangements and concluded that the report included a contradiction regarding whether the ground slabs at the front of the site would be removed..

In response to the Objector the Chief Planning Officer clarified that the application related to the entirety of the bus depot for demolition and that the Council was not reliant upon CCHL's proposal to make the application but that it was regrettable that the description of development related to the separate application. The Development Manager further outlined that there had been no evidence of stag beetles on site, that no condition was needed with regards to right of way, and that everything within the site was to be removed under the proposal. The Officer concluded that the method statement had been reviewed and that the relevant archaeological considerations had been included and that consent for work on a Scheduled Ancient Monument had been granted.

A Statement from Councillor Dundas was read out by the Lead Democratic Services Officer. The Committee heard that the Councillor supported the application and that the appointment of a contractor and the final permission to begin demolition was the first stage of completion for the Grow-on Hub and which was a significant investment in the area which included £4.45m external funding and the digital connection of the proposal formed part of the Town Deal fund and that if work was not started soon then the funding could be in peril. The Committee heard that the building had played a part in Colchester's history which Councillor Dundas sympathised with but noted that the building was beyond repair and that application related to the bus garage only and not the wider area, town wall or other accesses. The statement concluded that the application was necessary because the demolition which was previously planned to be carried out by a different developer had been brought in house and was being carried out under contract by Colchester Borough Council and would not be dependent on third parties.

The Committee sought clarification on the location of the former street sign which had been included in the local list and the timeliness that the previously approved applications could be brought forward in. The Development Manager drew the Committee's attention to the revised wording of condition 7 on the Amendment Sheet which would ensure that a proper standard of appearance of the development was maintained in the interests of conserving the character and appearance of the conservation areas. In light of the Committee's concern regarding the timing of the development the Development Manager proposed amending the officer recommendation so that condition 7 was updated with additional wording as follows:

- The redevelopment of the site shall commence within 12 months following the demolition hereby permitted in accordance with an extant planning permission. Reason: To ensure that the character and appearance of the conservation area is preserved or enhanced.

The Committee's concern regarding heritage issues was also noted and the Development Manager proposed that an additional condition be added (Condition 9) as below and an additional informative be added regarding access to surrounding properties.

- The ceramic street signage on the Queen Street façade of the bus depot shall be removed and taken off site for safe storage. Details of the location of the store shall be submitted in writing to the local planning authority within one month. Reason: The historic signage is a non-designated heritage asset that is required to be reinstated on the frontage of the new development in accordance with planning permission ref: 202780. It is essential that the signage is carefully stored pending reinstatement as a feature that enriches the character of the area.

RESOLVED (UNANIMOUSLY) That the application be approved subject to the conditions and informatives in the report and the Amendments Sheet together with a revised condition 7 as follows:-

"The redevelopment of the site shall commence within 12 months following the demolition hereby permitted in accordance with an extant planning permission. Reason: To ensure that the character and appearance of the conservation area is preserved or enhanced.

and additional condition 9 as follows:-

The ceramic street signage on the Queen Street façade of the bus depot shall be carefully removed and taken off site for safe storage. Details of the location of the store shall be submitted in writing to the local planning authority within one month. Reason: The historic

signage is a non-designated heritage asset that is required to be reinstated on the frontage of the new development in accordance with planning permission Ref: 202780 It is essential that the signage is carefully stored pending reinstatement as a feature that enriches the character of the area.

an additional informative to remind contractors to maintain access to existing properties/businesses.

888. Crown House, Crown Street, Dedham, Colchester, CO7 6AG

The Committee considered an application for the construction of 1 detached dwelling with a detached garage, parking and access. The application was referred to the Planning Committee as the application was a departure from policy as the site proposed for the dwelling to be outside the settlement boundary as outlined in the adopted Local Plan.

The Committee had before it a report in which all information was set out.

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

889. Former, Colchester Rugby Football Club, Mill Road, Colchester, CO4 5JF

Councillor Gerard Oxford declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of the existing Rugby clubhouse and the erection of a new two-storey community centre with associated parking and landscaping. The application was referred to the Planning Committee as the applicant was Colchester Amphora Ltd and was submitted on behalf of Colchester Borough Council.

The Committee had before it a report in which all information was set out.

Chris Harden, Planning Officer, presented the report and assisted the Committee in its deliberations. A presentation was given by the Planning Officer who outlined the proposed demolition on the site and the re-orientation of the new proposal before Members. It was noted that the new building would be a substantial visual improvement in the area that would not cause a loss of light to neighbouring dwellings. The Planning Officer concluded the presentation with photographs of the site and highlighted that the site plan would be amended to ensure the safety of the root protection area for trees in the turning area of the site, and that condition 6 would need to be amended to ensure the inclusion of method statements for both demolition and construction.

The Case Officer responded to a question from the Committee that the proposal did include solar panels and proceeded to indicate their position on the roof of the building.

A statement from Councillor Dundas had been received was read out by the Lead Democratic Services Officer. The Committee heard that Councillor Dundas supported the application as this was a significant investment in the area which had seen significant growth

in the population and this proposal provided fit for purpose facilities for the community and residents. Furthermore, the Committee heard that the proposal complied with the Local Neighbourhood Plan and emerging Local Plan.

In discussion the Committee heard of the work that had been undertaken by Chris Smith who had worked with the Charity Trustees and on the consultations for the proposal. and that a lease arrangement was declined, however the proposed management arrangement included representatives from the Highwoods Ward. It was suggested that a memorial garden should be provided for the victims of conflict and the Covid pandemic, and whether bollards could be installed to stop illegal encampments on the site.

The Planning Officer responded to the points raised and a further question from the Committee on electric vehicle charging points on site. If bollards were added to the site this could cause safety concerns if there was an emergency and that if members were minded that a memorial garden should be included then the details could be conditioned provided that this did not delay the development of the site.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions and informatives as set out in the report with a revised condition 6 requiring two method statements, one for demolition and one for construction and an additional condition for the provision a of a memorial garden celebrating victims of conflict and the Covid pandemic, with details to be agreed by the Local Planning Authority.

PLANNING COMMITTEE

6 January 2022

<i>Present:-</i>	Councillors Davidson (Chair), Barton, Chuah, Hagon, Lilley, Maclean, Mannion, Pearson.
<i>Substitute Member:-</i>	Councillor Jeremy Hagon substituted for Councillor Pauline Hazell Councillor Chris Pearson substituted for Councillor Martyn Warnes
<i>Also in Attendance:-</i>	Councillor Scott-Boutell

890. Minutes

It was noted that there were no minutes presented before the Committee for confirmation.

891. Stane Park Site, Yeomanry Way, Stanway, Colchester.

The Committee considered an application for the addition of up to 2,323sqm at first floor/mezzanine level to units A4, A5, A6 and C for use as retail floorspace. The application was referred to the Planning Committee because the proposal constituted a major planning application where a material objection had been received.

The Committee had before it a report in which all information was set out.

Lucy Mondon, Planning Manager, presented the report and assisted the Committee in its deliberations. A presentation was given of the specific units proposed in the application and the wider Stane Park site including the applicant's ownership of the area and the completed retail developments in the surrounding area. The Planning Manager outlined that there were no visual impacts to consider and that there had been no objection from Essex County Council's Highways Department or Highways England. The Planning Manager concluded their presentation by confirming that additional cycle parking had been carried forward from the previous application and that the additional floorspace would be contained in the existing units and that the officer recommendation was for approval as detailed in the committee report.

Martin Robeson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 and in support of the application. The Committee heard that planning permission for the overall development had been granted 3 years ago which had required substantial highways improvements including the dualling of the Stanway Western Bypass and traffic lights on the Eight Ash Green Junction. This which would be completed in January 2022 which provided a benefit to the whole Stanway area. The Committee also heard that the overall scheme had been adjusted to meet the challenging retail issues over

the pandemic period which had all been approved by the Council. The speaker outlined that the current proposal before the Committee was for internal works only to accommodate retail requirements for storage and display at the first-floor level and that the impact of the proposal had been rigorously reviewed by the Council's external retail advisor. The speaker concluded that the applicant had agreed to the Council's suggested conditions and that there was a cap on the maximum amount of space that can be used for sales or display purposes and that there was a condition that ensured that mezzanine space was only occupied in conjunction with the ground floor retailer.

Councillor Scott-Boutell attended and with the consent of the Chair addressed the Committee. The Committee heard that there was concern regarding the highways issues although there had been no objection to the proposals from Essex County Council or Highways England. There were also concerns regarding the impact the proposal would have on the town centre. Councillor Scott-Boutell outlined an objection that had been received from a local resident that the proposed plans had not been a surprise and that they had not formally commented as they did not think their view would be taken into account, and that further highways pressures would be added on the area. The Ward Member informed the Committee that they were concerned with the delivery times for the site as it currently operated as they had received noise complaints and asked that if the application was approved that the applicant pay £2,500 towards litter picking. Councillor Scott-Boutell concluded by requesting that the Committee look carefully at the application before them and that if more information was required then the application should be deferred.

The Democratic Services Officer read out a statement that had been received from Councillor Paul Dundas. The Committee heard that when planning permission for the overall scheme had been sought in 2018 it had gained the support of all the Stanway Ward Councillors as it brought jobs, significant road investment, and was likely to be granted at appeal if refused but raised concern that there was "mission creep" in this application. Cllr Dundas outlined that the permission was granted on the basis of the proposal as it was at the time and its impact on the town centre. The Ward Member detailed that since then there had been an increase of 4,273 square feet of retail space granted under 20105 in February 2021 and now the proposal before members for a further 2323 square feet which was a significant increase on what had approved in the 2018 permission. Cllr Dundas asked the Committee to carefully consider whether awarding the further floorspace by this method takes the overall scheme beyond what was deemed as acceptable in 2018 with regards to retail space and the impact on the traffic movements and whether the mitigation measures were still relevant including the number of car park spaces. The statement concluded by outlining that the proposal would have an impact on the Town Centre and its place within the emerging Local Plan and that the smaller increases in development over time through multiple planning applications was not appropriate and that they hoped not to see any further applications relating to this site.

At the request of the Chair the Planning Manager responded to the comments that had been made by the speakers and Ward Members. The Planning Manager outlined that the incremental changes in designs such as the proposal before Members had to be assessed accordingly, that the proposal had been assessed and found to be acceptable by the Council's retail consultant and statutory bodies, and outlined the original conditions associated with the 2018 permission. The Committee heard that the worst case scenario for the car park was that it would be at 71% capacity at peak times, that travel planning was in place and that when conducting their site visit they saw customers cycling to the area. The Planning Manager concluded that the original Section 106 agreement did not include litter picking but it was included in the conditions of the original permission.

Concern was raised by the Committee over the impact on the town centre due to the incremental growth of this development. Disappointment was also expressed that Essex County Council had not sent a representative to the meeting so that the Committee could question their conclusions on the highways implications of the proposal.

The Planning Manager responded to the concerns of the Committee that the impact of retail development on the town centre had been summarised by the Council's independent consultant who had found that there would be no adverse retail impact. In response to the concern regarding the highways impacts, it was noted that the statutory consultee had no objections. The development would be tied to conditions as approved on the original permission but if members deemed it necessary to add further conditions regarding staff parking and electric vehicle and cycling charging points then these could be included.

Members debated the accessibility of the site including that the surrounding junction was a pinch point, and that there was support for the jobs and economic benefits that the proposal would bring. However, concern was raised regarding the connectivity between the site and the surrounding area including to the Sainsburys supermarket, and the lack of toilet facilities that were available on the site and requested that an informative be added to encourage the provision of toilet facilities.

In response to the points raised the Planning Manager outlined that an informative note could be added with regards to the toilet facilities in the area, that the conditions could include electric car charging points, and that the original permission's pedestrian access in the southeast of the site was not available due to highways objections.

At the request of a Member of the Committee the Chair agreed that Councillor Scott-Boutell could address the Committee again to clarify her request on the point of litter picking and the provisions in the area and wider community. The Committee heard that the Ward Member was requesting a one-off payment for litter picking equipment to be provided for the Stanway area.

Members requested that additional litter bin facilities be included on the site and discussed the possible allocation of the £2,500 and the possible recipients in the Stanway area, The Committee were supportive of the proposal and concluded that the decision on how this could be best achieved should be delegated to officers to determine.

RESOLVED (SIX Voted FOR and TWO voted AGAINST) that the application be approved subject to the conditions and informatives in the report, including the following amendments/ additions and the provision of a contribution of £2500 towards litter picking equipment for use in the Stanway ward, with authority delegated to officers to agree the most appropriate mechanism for delivery.:-

Conditions:

- Condition 7 to be amended to include EV charging for cycle parking
- An additional condition for a scheme for additional EV car charging spaces
- An additional condition for further litter facilities on site.

Informatives:

- To advise that staff cycle parking to be separate and secure
- To encourage tenants to provide customer toilet facilities



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Item No: 7.1

Application: 213018

Applicant: Mr Robert Tebby

Agent: Mr David Webb

Proposal: Construction of a detached double garage to serve an approved single storey dwelling together with storage area for recycled material and waste (Household)

Location: 133 Straight Road, Colchester, CO3 9DE

Ward: Prettygate

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Buston who has concerns that the proposal “contravenes policies DP1 Design and Amenity, DP12 Dwelling Standards and DP19 Parking standards (incl Design and Good practice). The main house is set back from public view, so the difference in materials to those already in existence in the area can be overlooked. However, extending this to an area in public view means it's design and materials do not relate to the existing surrounding context of development. “

2.0 Synopsis

- 2.1 The key issues for consideration are the layout and design, and impact upon neighbouring residential amenity, highway safety and vegetation.
- 2.2 The application is subsequently recommended for approval. To summarise, the proposed garage is considered to be of an appropriate design (including materials), scale and form to relate satisfactorily to its context and would not undermine the character of the street scene. There are no objections on the grounds of highway safety and the Highway Authority have not objected to the scheme. It is considered there would be adequate parking provision and manoeuvring areas on site to serve the previously approved dwelling. It is not considered there would be any significant impact on neighbouring residential amenity from the garage building itself or in respect of noise and disturbance. No vegetation of significance would be affected.

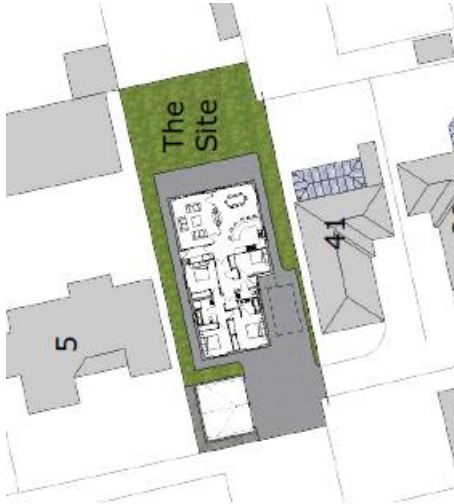
3.0 Site Description and Context

- 3.1 The site lies within the settlement limits and is part of the rear garden of 133 Straight Rd. Permission has previously been granted for a single storey dwelling which has yet to be constructed but the permission remains extant (see planning history below). The site would be served by a private drive known as President Road as per the previous approval. The existing dwelling utilises access from Straight Road. To the North of the site lies a two storey dwelling and to the South there is a single storey dwelling.

4.0 Description of the Proposal

- 4.1 The proposal is for the erection of a single storey, flat roofed double garage positioned on the side boundary close to the rear boundary in the position previously shown for two parking spaces. The garage would be finished in boarding and brick to match the material approved on the single storey dwelling.
- 4.2 The agent states that “The size internally is 6.000m x 7.113m. As you are aware a normal parking space is 2.9m x 5.5m. Essex C.C. recommend the normal depth of a garage be 7m in order to accommodate storage. However I have set this storage area (6sq.m) at the side so as to give maximum turning area in front of the garage. The brickwork will match the approved dwelling as will

the boarding to the fascia. The doors will be roller shutter so as to be remote controlled and the roof will have anthracite coloured fibre glass finish.”



Current garage proposal: 213018



Previous approval 202835

5.0 Land Use Allocation

5.1 Settlement limits.

6.0 Relevant Planning History

6.1 202835 - Single storey dwelling to the rear of existing. Access off President Road between No. 37 and 41 together with access drive and turning facility, parking for 2 cars. Approved July 2021.

6.2 200854 - Detached 4 bedroom bungalow in the garden of 133 Straight road, to be accessed from President Road - resubmission of application no. 192571 – Approved 9/9/20.

6.3 192571 Proposed dwelling – Refused.

7.0 Principal Policies

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

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

7.3 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
UR2 - Built Design and Character
ENV1 - Environment

7.4 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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP15 Retention of Open Space and Indoor Sports Facilities
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
DP21 Nature Conservation and Protected Lanes

7.5 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

7.6 The Neighbourhood Plan: N/A

7.7 Submission Colchester Borough Local Plan 2017-2033:

The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at an advanced stage having undergone examination hearing sessions in April 2021 and recent consultation on modifications. Section 2 will be afforded some weight due to its advanced stage. However, as it is yet to complete examination, the exact level of weight to be afforded will be considered on a site-by-site basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

Paragraph 48 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 weight in the consideration of the application, but as it is yet to complete final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction
Managing Archaeology in Development.

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 Cllr Buston has called in the application on the following grounds:

“I am requisitioned by residents of adjoining properties to the site to call in the application, as it contravenes :

DP1 Design and Amenity,
DP12 Dwelling Standards,
DP19 Parking Standards
and Parking Standards: Design and Good Practice.

3. The main house is set back from public view, so the difference in materials to those already in existence in the area can be overlooked. However, extending this to an area in public view means it's design and materials do not relate to the existing surrounding context of development.

Additional Notes :

This is now the fourth application for this site in 2 years and each subsequent application increases the size and bulk of the build.”

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

Informative1: 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 – Development Management
Essex Highways Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
Essex
CO7 7LT

8.4 Tree officer states that the proposal needs to be set against a tree survey and constraints plan and consultation criteria to be applied. Final comments on submitted AIA are awaited.

8.5 Environmental Protection state:

Should permission be granted for development, Environmental Protection recommends inclusion of the following advisory note: -

NOTE: Demolition and Construction

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.

8.6 Archaeologist states: The proposed development is in an area of high archaeological interest, being in close proximity to the below ground remains of the Shrub End Dyke, part of the defensive system of Late Iron Age Colchester. Notably the remains of a Roman road were found by the owner in the rear garden of no. 149 Straight Road in 1977. Groundworks on the proposed development site have the potential to impact on archaeological remains of significance, particularly of Roman and/or medieval date.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 205), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

The following archaeological condition (**Z00**) is recommended:

No works shall take place until the implementation of a programme of archaeological work has been secured....”

9.0 Parish Council Response

9.1 Non-Parished

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 One comment states:

- Will the completion of this structure mean that household waste for 133 Straight Road would now be collected via President Road?
- Are there any stipulations in place regarding what happens after the construction is built? - it seems perfectly plausible that the owner may aim to subsequently adapt the garage and bin store to an additional dwelling in the future with access from President Road.

10.3 Two letters of objection have been received, making the following points:

- garage will create bulk and affect the visual appearance of the area for neighbouring properties, particularly with the closing in of the areas to both sides of the.
- Even with a flat roof, this will have an adverse impact to the privacy and use of the amenity spaces for No's 37 President Road and 5 The Poplars as this sits directly alongside their garden spaces.
- Functional- to reduce depth risks unsuitable for intended purpose
- Should be 7 x 3 not 6 x3 (Essex Design Guide).
- Photos taken of front of our property without our consent.
- Dimensions of our garage are much smaller than those currently in use. With an internal dimension of 5.8m x 4.5m ours is too small to be considered a double garage and is not deep enough to fit either of our 'average' sized cars into. This is recognised in Essex County Council's "Parking Standards: Design and Good Practice" document at 1.2.4.

- Extending different materials this to an area in public view means it's design and materials do not relate to the existing surrounding context of development.
- Addition of a waste storage area to the side of the garage does NOT fully satisfy condition No.8 on the previous Planning Approval. The front of this property still sits further than the 25m 'drag distance' to the public highway (which sits between No's 28 and 37 President Road) and so does NOT satisfy the collection element of this requirement.
- 4th application for this site in 2 years and each time the application increases the size and bulk of the build; when will enough be enough?
- If a garage is required then why not incorporate it into the side of the property.
- To continually ignore these guidelines in relation to minimum dimensions, design, materials and spatial proximity sets a dangerous precedence, which only serves to create a disjointed development that does not 'fit' with existing surroundings and creates an unfriendly, unattractive and unusable (particularly in relation to the smaller than 'minimum' sized garage) area for existing and prospective residents.
- Contravenes DP1 Design and Amenity, DP12 Dwelling Standards, DP19 Parking Standards and Parking Standards: Design and Good Practice.
- For these reasons, this application should be refused.
- Drip feeding applications through.
- Extremely small private road.

11.0 Parking Provision

11.1 At least two spaces.

12.0 Accessibility

12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DP17 (Accessibility and Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

13.0 Open Space Provisions

13.1 N/A

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 Planning Obligations

15.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is

considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

16.0 Report

Design, Scale and Form:

- 16.1 It is considered that the design, form and scale of the single storey garage is acceptable in this context. It is set back in the site and would not be particularly prominent in the wider environment although its front elevation would be visible from the private element of President Road. The building is relatively modest in scale, being single storey and would relate satisfactorily to the character of its surroundings. By having a flat roof the building is somewhat contemporary in form and this would relate satisfactorily to the character of the recently approved dwelling and keeps its height down, thereby reducing its prominence and wider presence. The use of brick, cladding and a slate colour roof would match the approved dwelling and would accordingly be visually appropriate for the context of the site.
- 16.2 Accordingly the proposal is considered to comply with Policy DP1 of the Local Plan Development Policies document adopted 2010 (with selected Policies revised July 2014) which provides that all development must be designed to a high standard and respect the character of the site, its context and surroundings including in terms of layout. Emerging Local Plan Policy DM15 has similar provisions, as does SP7, (Place Shaping Principles)

Impact on Neighbour Amenities:

- 16.3 Regarding the scale and positioning of the garage the proposal is considered acceptable in terms of its impact upon neighbouring residential amenity. Owing to the single storey scale of the proposed garage and its distance from neighbouring properties, the proposed development would not appear overbearing on the outlook of neighbours. The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and the proposal complies with this policy requirement.
- 16.4 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide. It is not considered there would be any loss of neighbouring privacy from the use of the garage or any additional noise and disturbance to neighbours. As per the approval for the dwelling, appropriate conditions can be applied to minimise disruption including a construction management plan and hours of working. Environmental Protection have made no objections.
- 16.5 The proposal would thus comply with DP1 which provides that all development should avoid unacceptable impacts upon amenity, including the protection of residential amenity with regard to noise and disturbance and overlooking. Policy DM15 of the Emerging Local Plan has similar provisions.

Highway Matters:

- 16.6 The comments received from neighbours in respect of highway matters have been carefully assessed. The Highway Authority have raised no objections and accordingly consider the size of the garage and the retained area for parking and manoeuvring to be acceptable. The fact that the double garage has internal measurements of 6m x 7.113 m is considered acceptable given the agent indicates that the extra width can accommodate requisite storage and allows the maximum turning within the site. In addition there are potentially two parking spaces available outside the proposed garage within the site, including in front of the garage and alongside the dwelling, as shown on the block plan. Accordingly it is considered that there is an appropriate level of parking provision on site to serve the dwelling as the adopted Essex County Council parking standards state that there should be two parking spaces provided for a 4 bedroom dwelling.
- 16.7 The Essex Design Guide provides that “ The overarching aim is to ensure that in new residential and mixed-use environments, the circulation and movement of people is pleasant, convenient, safe, responds to local context and combines with good place-making. Motorised vehicle movement must efficiently service development without predominating...” It is considered the proposal does not contravene these aims of the Essex Design Guide as agreed when the dwelling itself was approved.

Trees and vegetation issues:

- 16.8 It is not considered there could be any impact of significance upon vegetation. The TPO tree on the site is the other side of the approved dwelling so set well away from the garage. The only vegetation in the vicinity of the garage are the remains of leylandii which are not considered to be of value. In addition, the garage is to be positioned on an area of proposed hardstanding already approved for parking.

Wildlife issues:

- 16.9 As the site is not overgrown and no older or timber framed buildings would be demolished it is not considered that a phase 1 Ecological survey is required as the site is already garden land. Accordingly it is not considered the scheme is contrary to policy DP21 which aims to protect and enhance biodiversity. Policy ENV1 of the Emerging Local Plan has similar provisions.

Garden space:

- 16.10 Adequate amenity space for the new dwelling has been shown to be provided in accordance with Policy DP16 (ELP DM19) and the garage does not alter this previously approved provision.

Environmental and Carbon Implications

- 16.11 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning

Policy 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. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that, on balance, the application can contribute to achieving sustainable development. The site is considered to be in a sustainable location and would minimise carbon emissions from trips generated to access services.

Other

- 16.12 Finally, in terms of other planning considerations, the proposed development does not raise any concerns. There are no overriding archaeological issues (Policy DP14) – a Programme of Archaeological Work condition has been applied as per the archaeologist's recommendation.

17.0 Conclusion

- 17.1 To summarise, the proposed garage is considered to be of an appropriate design, scale and form to relate satisfactorily to its context and would not undermine the character of the street scene. There are no objections on the grounds of highway safety and the Highway Authority have not objected to the scheme. It is considered there would be adequate parking provision and manoeuvring areas on site to serve the previously approved dwelling. It is not considered there would be any significant impact on neighbouring residential amenity from the garage building itself or in respect of noise and disturbance. No vegetation of significance would be affected.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2.ZAM- Development to accord with approved drawings

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers RT/LSR/DWSM/01 Rev 'B', 2021/534/06, 2021/534/07 Rec'd 2.11.21

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. ZBB- Materials As Stated in the Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.

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

4. ZPA Construction Method Statement

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide

details for:

the parking of vehicles of site operatives and visitors;
hours of deliveries and hours of work;
loading and unloading of plant and materials;
storage of plant and materials used in constructing the development;
the erection and maintenance of security hoarding including decorative
displays and facilities for public viewing, where appropriate;
wheel washing facilities;
measures to control the emission of dust and dirt during construction;
and
a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable and in the interest of highway safety. (see informatives).

5. ZNL- Full Archaeological Condition

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the

analysis and records of the site investigation

e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. 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 with

Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

6. Non Standard Condition - Construction and Demolition

No demolition or construction work shall take place outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

19.0 Informatives

19.1 The following informatives are also recommended:

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

2. The applicant should assure themselves that vehicular and pedestrian rights of access exist in perpetuity to the site

3. The applicant should note that owing to the nature of President Road, some construction vehicles (especially larger ones) are likely to have difficulty in manoeuvring satisfactorily over the private drive section of President Road. Accordingly the Construction Management Plan should take account of this and provide appropriate mitigating details in this respect. The applicant is advised that any damage to the private drive should be made good after completion of the development and this is a private matter.

4. 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.

5. 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

6. The applicant should note that with regard to the refuse storage/disposal condition there are carry/drag distance provisions for the operatives of the refuse collection vehicle.

7. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

8. ZTB - Informative on Any Application With a Site Notice

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



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Item No: 7.2

Application: 212716

Applicant: Mr Peter Chillingworth

Agent: Mrs Mandy Sexton

Proposal: Barn Conversion to a Dwelling

Location: Barn at, Oak Farm, Vernons Road, Wakes Colne,
Colchester, CO6 2AH

Ward: Rural North

Officer: Hayleigh Parker Haines

Recommendation: Approval subject to completion of Unilateral Undertaking under s.106 of the Act to secure contributions.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the Applicant is a Borough Councillor. Furthermore, the site is outside the adopted settlement boundaries in an area defined as countryside and relates to the creation of a dwelling. The proposal is therefore a Departure from policies in the Local Plan which seek to direct new development to within settlements.

2.0 Synopsis

- 2.1 The key issue for consideration is the principle of development; in particular the location of the site outside the settlement boundary. The proposal has accordingly been advertised as a Departure from the Local Plan as the scheme relates to the creation of a dwelling in the countryside. Matters explored within this report are the optimal viable use of a heritage asset, impact on the landscape character of the area and a wildlife mitigation payment
- 2.2 The planning merits of the case are assessed leading to the conclusion that the proposal is acceptable, as a Departure from Policy is justified and that approval is recommended. The below report details how this recommendation has been reached.

3.0 Site Description and Context

- 3.1 The application site sits to the eastern side of Vernons Road, in the open countryside situated approximately 1.5km to the west of the Fordham village settlement boundary and 7km from the Colchester settlement boundary. The site is currently occupied by a group of agricultural outbuildings that formed the farmyard of Oak Farm, the farmhouse is situated to the south and is a Grade II Listed building. The group of buildings subject of this application includes a five-bay barn to the west, a stable block in the middle and a workshop to the east. The site benefits from its own access off of Vernons Road which sits to the south of the barn.
- 3.2 The barn is within the same ownership as Oak Farm, it has been resolved that the barn is not within the curtilage of Oak Farm but is considered to be a non-designated heritage asset comprising a traditional timber framed barn.

4.0 Description of the Proposal

- 4.1 Planning permission is sought for the conversion and change of use of the existing barn to a four-bedroom dwelling. This would include some external alterations mainly consisting of the addition and replacement of openings:
- Western elevation (front): Replacement of existing opening with a large glazed panel and 'dummy doors', addition of three windows (one at first floor) and the addition of a rooflight.
 - Eastern elevation (rear): Replacement opening with large glazed panel to the gable, addition of one rooflight to the main roof, three rooflights to the lean-to projection, replacement of the two smaller doors and a new ground

floor window. Also proposed is the extension of the lean to roof to provide a covered area.

- Northern elevation: three new windows (one at first floor) and new door.
- Southern elevation: addition of two new windows; one of which is a high level smaller window.

- 4.2 The ground floor would consist of kitchen with open plan dining and living area, two bedrooms, bathroom, garden room, hall and boot room, utility room and WC. The first floor would provide two bedrooms with ensembles and a mezzanine playroom/office.

5.0 Land Use Allocation

- 5.1 The barn is currently being used as storage by the current owners and occupiers of the Farmhouse, with the last known lawful use being for the storage of memorabilia as there is no evidence that the car valeting business use was ever implemented. Historically the barn and associated land formed part of the wider farmstead.

6.0 Relevant Planning History

- 6.1 97/0254 - Renewal for use of barn for the storage of memorabilia. Non-compliance with Condition 01 of planning permission ref COL/93/1581 restricting use to a temporary period. - Approved

146270 - Prior approval of proposed change of use of agricultural building to a car valeting business (B1 use). – Prior Approval Not Required

201171 – Pre-application enquiry for the proposed change of use and conversion. Objection to the principle of development raised alongside issues in relation to the design and impact on character and appearance of the area and setting of a listed building

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density

H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities
ER1 - Energy, Resources, Waste, Water and Recycling
TA1 - Accessibility and Changing Travel Behaviour

- 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
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
DP21 Nature Conservation and Protected Lanes

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

- 7.5 The site does not fall within a Neighbourhood Plan Area

- 7.6 Colchester Borough Local Plan 2017-2033:

The Colchester emerging Local Plan (eLP) was submitted to the Planning Inspectorate in October 2017. The Plan is in two parts with Section 1 being a shared Strategic Plan for the North Essex Authorities (Colchester, Braintree, and Tendring). Following Examination in Public (EiP) the Section 1 Local Plan was found sound and Colchester Borough Council adopted the Section 1 Local Plan on 1 February 2021 in accordance with Section 23(2)(b) of the Planning and Compulsory Purchase Act 2004.

The hearing sessions for Section 2 of the emerging Local Plan have now taken place and the Inspector’s modifications have been consulted upon. The consultation has now ended.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan;

- The extent to which there are unresolved objections to relevant policies in the emerging plan; and
- The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is held to be at an advanced stage having been Examined and with the Inspector's suggested modifications having now been consulted upon. It is therefore, considered to carry material weight in the consideration of the application. Further details are set out below and in the main report

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

External Materials in New Development
 EPOA Vehicle Parking Standards
 The Essex Design Guide
 Sustainable Construction
 Managing Archaeology in Development.
 Developing a Landscape for the Future
 Provision of Community Facilities
 Provision of Open Space, Sport and Recreation

5 Year Housing Land Supply

Section 1 of the Emerging Local Plan was adopted by the Council on the 1 February 2021 and therefore carries full weight.

Section 1 includes strategic policies covering housing and employment, as well as infrastructure, place shaping and the allocation of a Garden Community. Policy SP4 sets out the annual housing requirement, which for Colchester is 920 units. This equates to a minimum housing requirement across the plan period to 2033 of 18,400 new homes.

Although the Garden Community is allocated in Section 1, all other site allocations are made within Section 2 of the Plan which is still to complete examination. Within Section 2 the Council has allocated adequate sites to deliver against the requirements set out in the strategic policy within the adopted Section 1. All allocated sites are considered to be deliverable and developable.

In addition and in accordance with the NPPF, the Council maintains a sufficient supply of deliverable sites to provide for at least five years' worth of housing, plus an appropriate buffer and will work proactively with applicants to bring forward sites that accord with the overall spatial strategy. The Council has consistently delivered against its requirements which has been demonstrated through the Housing Delivery Test. It is therefore appropriate to add a 5% buffer to the 5-year requirement. This results in a 5 year target of 4,830 dwellings (5 x 920 + 5%).

The Council's latest published Annual Housing Position Statement (May 2021) demonstrates a housing supply of 5,597 dwellings which equates to 5.79 years based on an annual target of 920 dwellings which was calculated using Objectively

Assessed Housing Need (OAHN). This relates to the monitoring period covering 1.4.21 to 31.3.26 and will be updated in April 2022.

The LPA's 5YHLS has been tested at appeal and found to be robust, the most recent cases being on Land at Maldon Road, Tiptree (Appeal Ref: APP/A1530/W/20/3248038) and Land at Braiswick (Appeal Ref: APP/A1530/W/20/324575).

Given the above, it is therefore considered that the Council can demonstrate a five year housing land supply.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Landscape Officer originally raised concerns in relation to the proposal due to the fenestration proposed. Amended plans were received on the 26th November which are considered to adequately address the concerns raised as part of the original consultation response and therefore, subject to the inclusion of a condition securing landscaping details, the Landscape Officer no longer raises any objection to the proposal.
- 8.3 The Historic Buildings and Areas Officer has raised no objections in principle to the proposed development and recommended some minor amendments to the design of the proposed dwelling, which have been taken into account with amended plans having been received on 16th December, to date a response has not been received commenting on the amended plans.
- 8.4 Environmental Protection have raised no objection to the proposal subject to the inclusion of two conditions and an informative should the application be approved
- 8.5 The Archaeological Officer has raised no objection to the proposal subject to the inclusion of a pre-commencement condition in relation to a programme of building record and analysis being provided should the application be approved
- 8.6 Essex County Council Highways have raised no objection to the proposal subject to the inclusion of two conditions and an informative should the application be approved
- 8.7 No response had been received from the Bat Conservation Trust at the time of writing this report.
- 8.8 Natural England have raised no objection to the proposal subject to an Appropriate Assessment being carried out which is the LPA's responsibility.

9.0 Parish Council Response

- 9.1 The Parish Council have raised no objection to the proposal.

10.0 Representations from Notified Parties

10.1 The application did not result in any letters of representation from interested third parties including neighbouring properties.

11.0 Parking Provision

11.1 The proposal would provide a minimum of two vehicle parking spaces in line with the minimum requirement for a four bedroom property.

12.0 Accessibility

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of potential direct or indirect discrimination.

13.0 Open Space Provisions

13.1 The proposed development includes appropriate provision of private amenity space and there is no need for any public open space to be provided.

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 Planning Obligations

15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.2 Notwithstanding the above, should the application be approved a unilateral undertaking would be required to secure contributions for Community Facilities/Sport & Recreation as per our adopted SPD.

16.0 Report

16.1 Principle of Development

16.1.1 The main issue in terms of the principle of the proposal is that the site is located outside the settlement boundary and accordingly the creation of an independent dwelling is a Departure from the Local Plan that needs to be justified. Whilst such development would be acceptable in principle within the settlement boundary (Core Strategy Policy SP1), development outside settlement boundaries is strictly controlled in order to protect and enhance the character of the countryside, as well as safeguard the biodiversity, geology, history, and archaeology of undeveloped sites (adopted Core

Strategy Policy ENV1 and emerging policy SG1). Accordingly, the application has been advertised as a Departure to the Local Plan as it involves the provision of a new residential unit in the countryside. It is important to note, however, that planning policy does not rule out development in the countryside altogether, but there are tighter controls to development in these locations. The main planning considerations for the principle of development in these cases are: whether the proposal represents sustainable development, having either a positive or negligible impact upon economic, social, and environmental factors; and its impact upon the character of the countryside.

16.1.2 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

16.1.3 The NPPF goes on to state that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. It also states that to ensure sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

16.1.4 Paragraph 80 of the NPPF states the following:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling;
- e) the design is of exceptional quality, in that it: - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

16.1.5 The Villages of Chappel and Wakes Colne are considered to be Sustainable Settlements benefitting from a village shop, post office, public house, three places of worship, a primary school, cricket club, a village hall and other local attractions all within approximately 2 miles / 30 minute walk of the application site. Vernon Road itself does not benefit from a formal footpath or lighting and therefore the journey to local amenities for future occupiers of the dwelling would involve travelling a moderate distance without formal pathing/lighting until they reach the junction with Colchester Road to the north west of the site (approximately 0.9 miles) whereby the closest bus stop is situated an estimated 18 - 20 minute walk from the site and offers a number of irregular services (82B and 83) starting from Colne Engraine and Bures (respectively) to Colchester Town Centre and a regular hourly service from Halstead to Colchester Town Centre (88, 88A and B), between 06:42 and 17:37. The bus services offered overall are considered to be relatively frequent. It should also be noted that Wakes Colne Train station is situated approximately 1.4 miles from the application site whereby there are frequent services to London, Norwich and Clacton however, as with the above this would require walking along an unlit road (Vernon Road) which does not benefit from a formalized footpath along its entirety (0.9 miles). Taking into account the above, it is considered that whilst Chappel and Wakes Colne do benefit from some services, for the majority of services future occupiers would have to travel to Colchester. As the site is relatively remote it is likely most trips would need to be undertaken by personal vehicles but there are services and facilities within a reasonable walking distance.

16.1.6 Paragraph 80 of the NPPF states the following:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless the development would represent the optimal

viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

16.1.7 The National Planning Policy Framework (2021) is an additional consideration. Section 16, Par. 197 (a) states that the determination of applications should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Par. 199 determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

16.1.8 Although the buildings are not afforded listed status as curtilage buildings to the farmhouse, they have been historically associated to the farm, they are present in historic maps and have sufficient heritage interest for their age, agricultural character and contribution to the understanding of the farm's historic development to be regarded as non-designated heritage assets.

16.1.9 The proposals in the current scheme are welcome as they have limited impact on the fabric of the complex, while the treatment of the elevations helps to preserve the agricultural character of the buildings to a great degree. Furthermore, it is noted that other uses of the barn have been explored previously to ensure its retention, however, have not proved overly successful with no great need for such uses in this location. It is therefore, considered that the conversion of the barn to a residential dwelling is a suitable use of the heritage asset to secure its future preservation

16.1.10 The NPPF requires the economic, social and environmental roles of sustainability to be considered together. The proposal is likely to have a positive or negligible social and economic impact. It is considered to have a positive environmental impact.

16.1.11 As stated above Wakes Colne has a village hall, pub, train station, church, primary school and general store. The expenditure by future occupiers would help to support local services in Wakes Colne. Also, in the short term the construction works would generate local employment.

16.1.12 The preservation of the heritage asset will have a positive environmental impact and preserve the setting of the listed farmhouse..

16.1.13 Given the above factors, it is considered that a Departure to Policy has been justified..

16.2 Design and Impact on the Character and Appearance of the Site and Surrounding Area

16.2.1 Core Strategy policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet, with Policy DP14 seeking to enhance and protect the historic environment and its setting. These require

new development to be of a high quality and respect the character of the site and its context.

- 16.2.2 As discussed above the application site lies outside of any defined development boundary. Core Policy ENV1 sets out the requirements for conservation and enhancement of Colchester's natural and historic environment. Vernons Road is rural in nature characterised by low density development with soft landscaping and large areas of undeveloped countryside with properties located sporadically along the public highway.
- 16.2.3 The alterations to the building are minimal and consist mainly of the addition, replacement and enlargement of existing openings which are to be inset so as not to be overly prominent features which is a welcomed improvement from the original submission. The 'dummy doors' are considered to reflect the previous nature and design of the original building, alongside the larger glazed panels. Whilst the inherent nature of the proposal would to some extent result in the domestication of the site such as domestic parking, amenity space and the traditional appurtenances of residential living which by its very nature is likely to detract from the character and rural tranquility of the site and the surrounding area, the proposed parking area is to be located within the built form of the site and would not be overly prominent within the surrounding area. Additionally, the amenity space is to be provided to the north of the barn, and whilst limited landscaping details have been provided as part of this application, as discussed below, it is considered that these could be secured via condition with the recommendation that supplementary native planting is provided to the western, northern and eastern boundaries of the site to largely mitigate any views of the domestic paraphernalia within this space. Consequently, it is considered that these impacts could largely be mitigated and would not justify the refusal of the application.
- 16.2.4 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the setting of listed buildings. Similarly, development policy DP14 of the Local Development Plan seeks to enhance and protect the historic environment and its setting. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 16.2.5 The entire complex has group value for its potential to illustrate the development of the farm. Moreover, the site forms part of the immediate setting of the listed Farmhouse. Although the house has its domestic curtilage defined by a boundary wall separating it from the farmyard, the agricultural buildings provide the context for the farmhouse and the agricultural group complements the listed building in the rural context. It is considered that subject to minor alterations to the proposed openings of the barn, the changes to the character, appearance and spatial configuration of the complex do not harm the setting of the listed property and that these could be overcome by the imposition of clear and concise conditions should the application be approved.

16.2.6 Par.127(c) of the NPPF requires that planning decisions should ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting; the comments from the Landscaping Officer were taken on board and amended plans have been received which overcome the initial concerns raised in relation to the impact on the landscape setting

16.2.7 Taking into account the above, it is considered that the design of the proposed conversion, subject to conditions, would be sympathetic to the historic use of the site and neighbouring farmhouse. Whilst the development of the site would introduce residential paraphernalia into the countryside, it is considered, on balance, this could be mitigated by supplementary planting and other measures to ensure minimal impact on the character and appearance of what in policy terms is considered countryside.

16.3 Impact on Neighbouring Amenity

16.3.1 Adopted Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. This is also reflected within emerging policy DM15 which is considered can be afforded significant weight given the minor modification of the addition of one bullet point recommended. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.

16.3.2 The closest neighbouring property to the application site also falls within the Applicant's ownership. Within the Design and Access Statement it is advised that the conversion is to provide a new dwelling for the Applicant's daughter, however, any determination must be based on the lifetime of the development and not the current circumstance. The proposal relates to the conversion of an existing building; the proposal would not result in an increase to the height of the building and would result in a very minor increase in built form (extension of lean to roof) therefore, it is not considered that the proposal would result in a further material impact to the neighbouring property in terms of having an overbearing impact or a loss of light than the existing built form on site. Furthermore, the dwelling would sit over 18 metres from Oak Farm and therefore, due to this sufficient degree of separation it is not considered to represent an unneighbourly form of development in relation to this neighbouring property. It is noted that there is one additional small high level window which would face the neighbouring property; however this would serve a bathroom and is therefore, likely to be obscure glazed and would offer, if any, views of the front amenity space/driveway afforded to the dwelling

16.4 Amenity Space and Landscaping

- 16.4.1 Development Policy DP16 requires all new residential development shall provide private amenity space to a high standard, where the siting, orientation, size and layout make for a secure and usable space. For houses of four bedrooms as proposed a minimum of 100m² of useable amenity space is required.
- 16.4.2 From the block plan provided the amenity space would be provided to the north of the dwelling and attached outbuilding, and this would be in excess of 100m² as required by the standard. The ground slopes down from the barn to the proposed garden area and it is clear that significant landscaping works would be required should the application be approved. However, this is something that could be conditioned should the application be approved. It is recommended that the front boundary (western) utilises some native hedging and supplementary tree planting to achieve the screening and privacy required rather than close boarded fence or a wall. Additionally, it is considered that sufficient high quality amenity space in excess of 100m² could be provided on site as shown and therefore, there are no concerns in relation to this. It is noted that this is denoted on the block plan as an orchard, however as stated above limited details have been provided in relation to this application in relation to the proposed landscaping of the site, but again, this can be dealt with via an appropriately worded condition.
- 16.4.3 It should be noted that a number of trees are present on site and details of the protective barriers to be used to retain all the trees on site have been provided as part of this application. Should the application be approved it is considered that securing this fencing and the protection of the existing trees is essential and can be dealt with via condition

16.5 Parking, Access and Highway Safety

- 16.5.1 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraph 109 of the NPPF confirms development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 16.5.2 Policy TA5 of the Core Strategy refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which is an adopted SPD (November 2009). This policy requires that a minimum of two parking spaces

should be provided for each dwelling of two or more bedrooms. On the proposed block plan provided it shows that parking will be provided to the east of the dwelling between the barn and the outbuilding, it is considered that there is sufficient space to the front of the proposed dwelling to accommodate a minimum of two vehicle parking spaces. Furthermore, the site benefits from an existing access which is to be utilised as part of this application and no objections have been raised by highways in relation to this and therefore, there are no concerns in relation to this aspect of the proposal

16.6 Ecology

16.6.1 Core Strategy policy ENV1 and Development Policy DP21 seek to conserve or enhance biodiversity of the Borough. Additionally, the National Planning Policy Framework states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

16.6.2 A preliminary ecological appraisal and bat survey has been submitted with the application which confirms the presence of brown long-eared bats on the site. It is recommended that the best chance of retaining the roost is to retain the existing loft space within the barn from the southern to northern gable end and an exposed ridge beam. It is also recommended that post-development monitoring is to take place to ensure that the new roosting opportunities continue to be available and to determine whether bats are making use of them. Subject to the proposal being carried out in accordance with the recommendations and mitigation measures as outlined in the report by Essex Ecology Services Ltd. and dated September 2021, no concerns are raised in respect of harm to the bats or other protected species

16.7 RAMS/Habitat Regulations

16.7.1 Under the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitat Regulations) a Habitat Regulations Assessment (HRA) is required for land use plans and for planning applications, which are likely to have significant effects on a Habitat Site.

16.7.2 It is anticipated that, without mitigation, new residential development in this area could have a significant effect on the sensitive interest features of these European designated sites, through increased recreational pressure, particularly when considered 'in combination' with other plans and projects.

16.7.3 The appropriate payment has been made and therefore it is considered that the appropriate mitigation has been secured.

16.8 UU Contributions

16.8.1 The applicant/Agent has submitted a Unilateral Undertaking therefore the scheme provides the necessary legal agreement with regards to community and leisure provisions which would be triggered by the grant of planning permission. Community have requested £4,101.05 which would contribute to the purchase and installation of four planters (form part of the Jubilee plans for 2022), with each unit costing £657 (looking to provide four) with labour and materials coming to a total of £1368. These would be located at the two bus stops on Colchester Road close to the post office, as shown on the map below:



17.0 Conclusion

17.1 Given the specific circumstances of the proposal described above, the preservation of a heritage asset, the lack of harm to the character and appearance of the area, the proposed development would not conflict with Core Strategy Policy ENV1 which aims to conserve and enhance Colchester's countryside. Overall it would achieve the three dimensions of sustainable development sought by Core Strategy Policies SD1 and H1, and which the Framework promotes.

- 17.2 Whilst the proposal is contrary to Local Plan policy in terms of its location outside the village settlement boundary, planning approval is justified due to the particular site circumstances which would enable a change of use to take place within a building that has some historic value and without any negative impacts. The preservation of the heritage asset is in accordance with national policy and should be given considerable weight. The environmental aspects of the application are considered to be positive and the proposal will also provide limited social and economic benefits by affording a permanent new home for a family. Consequently, a conditional approval is recommended.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the completion and agreement of the unilateral undertaking and the following conditions:

Conditions

1. **ZAA - Time Limit for Permission**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. **ZAM - Development to Accord with Approved Plans**
The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 001 Rev B, 005 Rev H, 007 Rev J, and 009 Rev B
Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.
3. **ZLY – Listed Building Materials**
Prior to their inclusion in the development hereby approved samples of the materials (including weatherboarding, brickwork and metal roof sheets) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.
Reason: In order to preserve the historic character of the listed building.
4. **ZMM – Additional Details Windows and Doors**
Prior to their inclusion in the works hereby approved, additional drawings that

show details of any proposed new windows (including reveals, materials and finishes), doors, eaves, verges, extract and flue vent terminals, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. **ZDA - Removal of PD for All Residential Areas**

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity, protection of a heritage asset and landscape character.

6. **Z00 - Non Standard Condition – Archaeology**

Prior to the commencement of any works, a programme of building recording and analysis shall have been undertaken and a detailed record of the building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for recording and analysis of matters of historical importance associated with the site, which may be lost in the course of works.

7. **ZLA – Only works within Application**

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.

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

8. **Z00 - Non Standard Condition – Ecology**

The development shall be carried out in complete accordance the mitigation and enhancement measures set out in the 'Preliminary Ecological Appraisal and Bat Survey' dated September 2021. Enhancement measures shall be retained thereafter.

Reason: In order to safeguard protected wildlife species and their habitats and in the interests of ecological enhancement.

9. **ZLQ – Schedule of Repairs/Works**
Prior to the commencement of any works, a full schedule and specification of works and repairs has been submitted to and approved, in writing, by the Local Planning Authority. The works shall thereafter be carried out in full accordance with the approved details.
Reason: In the interests of preserving the character and appearance of the listed building and its setting.
10. **ZLH – Extent of Removed Historic Fabric**
Prior to the commencement of any works, the extent of any removal or demolition of original fabric shall have previously be fully recorded by scaled drawings and photographs that shall be submitted to and agreed, in writing, by the Local Planning Authority.
Reason: For the avoidance of doubt as to the scope of these works and to ensure that the amount of historic fabric disturbed by the development is necessary and appropriate.
11. **ZNA – No New Minor Fixtures**
No new grilles, security alarms, lighting, cameras or other appurtenances shall be fixed on the external faces of the building other than those shown on the drawings hereby approved unless otherwise first agreed, in writing, by the Local Planning Authority.
Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
12. **ZMX – Rainwater Goods to be coloured Black**
All new rainwater goods or other external pipework shall be finished in metal and coloured black.
Reason: To ensure that the approved works are carried out without detriment to the character and appearance of the building where there is insufficient information within the submitted application.
13. **Z00 - Non Standard Condition – Insulation**
Prior to the commencement of any works, details of the methods of insulation for the walls, floors and ceilings, including 1:5 sections through walls and ceilings, shall have been submitted to and approved in writing by the local planning authority. The works of insulation shall be carried out in accordance with the approved details.
Reason – To ensure that the approved works are carried out without detriment to the historic fabric, character and appearance of the listed building where there is insufficient information within the submitted application.
14. **Z00 – Non standard Condition - Mezzanine**
Prior to commencement of any works full details of the new structural frame to support the mezzanine separate from the historic timber frame

shall have been submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved details.

Reason– To ensure that the approved works are carried out without detriment to the historic fabric of the listed building where there is insufficient information within the submitted application.

15. **Z00 – Non Standard Condition – Limits to hours of work**
No demolition or construction work shall take outside of the following times;
Weekdays: 08:00 – 18:00
Saturdays: 08:00 – 13:00
Sundays and Bank Holidays: Not at all
Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.
16. **ZCJ – Foul Sewage Drainage**
Prior to the first occupation of the development, the foul sewage drainage works shown on the approved drawings shall have been completed in all respects in accordance with the approved details and be available for use.
Reason: In order to avoid unnecessary environmental, amenity and public health problems that could otherwise arise.
17. **ZFC – Landscaping**
Prior to works above ground level a scheme of hard and soft landscape works has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also accurately identify positions and spread of all existing trees, shrubs and hedgerows on the site; proposed planting; details of any hard surface finishes and external works. The implementation of all the landscape works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.
Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are areas to be laid out but there is insufficient detail within the submitted application.

18. **ZIF – No unbound surface Materials**
No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.
19. **ZIE – Turning Areas**
Prior to the first occupation of the development hereby approved, details of a car parking and turning area shall be submitted and approved, in writing by the Local Planning Authority. These facilities shall be retained in this form at all times and shall not be used for any purpose other than the parking and turning of vehicles related to the use of the development thereafter.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.
20. **ZJA – Cycle Parking**
Prior to the occupation of the development hereby permitted details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter
Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

Informatives

1. 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 – Development Management
Essex Highways Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
Essex
CO7 7LT
2. Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape webpage: <https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169> under Landscape Consultancy by clicking the 'read our guidance' link)
3. PLEASE NOTE that this permission contains a condition precedent that requires details

to be agreed and/or activity to be undertaken either BEFORE you commence the development or BEFORE you occupy the development. ****This is of critical importance****. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. ****Please pay particular attention to these requirements****. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

4. 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.

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.

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan* 1989) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

- | | |
|--|-------------------------|
| 1. Necessary | 2. Relevant to planning |
| 3. Relevant to the development permitted | 4. Reasonable |
| 5. Precise | 6. Enforceable |

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer’s Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
 - (b) professional services (other than health or medical services), or
 - (c) any other services (including use as a betting office)
- which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
 - (b) for research and development of products or processes, or
 - (c) for any industrial process,
- being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyard or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004

Supreme Court Decision 16 October 2017

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

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

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

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.

