

Planning Committee Meeting

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

Thursday, 27 July 2017 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. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Your Council> Councillors and Meetings>Have Your Say at www.colchester.gov.uk

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The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Councillors are permitted to use devices to receive messages and to access papers and information via the internet and viewing or participation in social media is at the discretion of the Chairman / Mayor presiding at the meeting 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, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located 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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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.

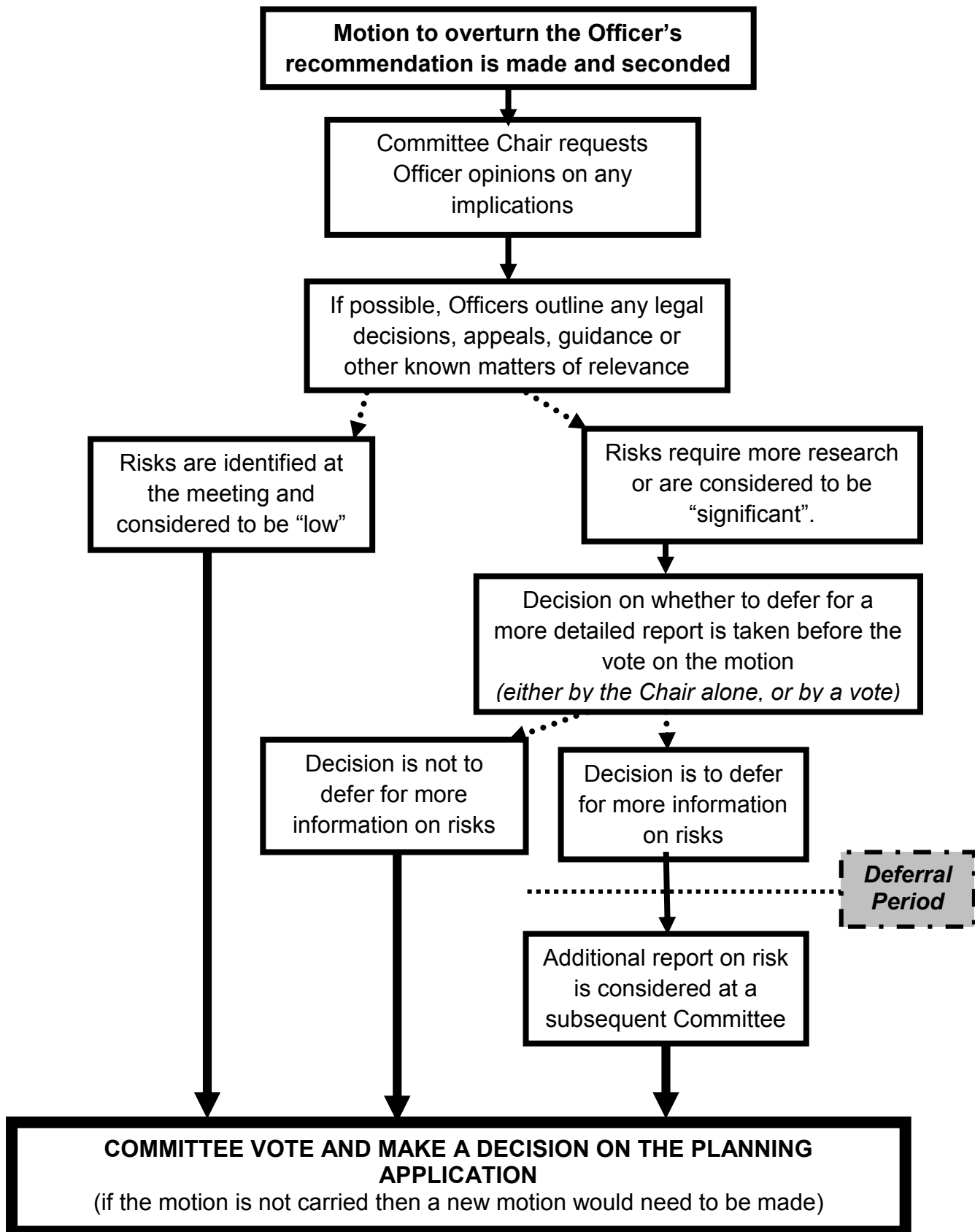
Interpretation of Class C4

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

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.



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 27 July 2017 at 18:00

Member:

Councillor Theresa Higgins
Councillor Cyril Liddy
Councillor Lyn Barton
Councillor Helen Chuah
Councillor Pauline Hazell
Councillor Brian Jarvis
Councillor Derek Loveland
Councillor Jackie Maclean
Councillor Philip Oxford
Councillor Rosalind Scott

Chairman
Deputy Chairman

Substitutes:

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

Councillors Christopher Arnold, Roger Buston, Karen Chaplin, Nigel Chapman, Peter Chillingworth, Phil Coleman, Nick Cope, Robert Davidson, John Elliott, Annie Feltham, Adam Fox, Martin Goss, Dave Harris, Darius Laws, Mike Lilley, Sue Lissimore, Fiona Maclean, Patricia Moore, Beverley Oxford, Gerard Oxford, Chris Pearson, Lee Scordis, Jessica Scott-Boutell, Lesley Scott-Boutell, Paul Smith, Martyn Warnes, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A
(open to the public including the press)

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

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

1 Welcome and Announcements

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.
- b) At the Chairman's discretion, to announce information on:
 - action in the event of an emergency;
 - mobile phones switched to silent;
 - the audio-recording of meetings;

- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

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

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

3 Substitutions

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

4 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

5 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the

interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6	Minutes of 6 July 2017	17 - 22
	To confirm as a correct record the minutes of the meeting held on 6 July 2017.	
7	Planning Applications	
	In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.	
7.1	162925 57 Dunthorne Road, Colchester	23 - 38
	Proposed dwelling.	
7.2	162526 St Mary's Church, High Street, Wivenhoe, Colchester	39 - 54
	Demolition of existing south porch and erection of new extension for meeting room and ancillary facilities.	
7.3	171456 208 Harwich Road, Colchester	55 - 62
	Retrospective replacement of garden wall.	
17.4	171687 Colchester Business Centre, 1 George Williams Way, Colchester	63 - 68
	Raising height of existing masonry parapet and gable walls to roofs including replacing stone copings and flashings, installing stone cill below bullseye louvre vents (5no) and canopy over entrance door.	
8	Appeal Decisions	69 - 72
	See report by the Assistant Director Policy and Corporate.	
9	Exclusion of the Public (not Scrutiny or Executive)	
	In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).	

Part B

(not open to the public including the press)

Planning Committee

Thursday, 06 July 2017

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford

Substitutes: Councillor John Elliott (for Councillor Brian Jarvis), Councillor Lee Scordis (for Councillor Cyril Liddy), Councillor Michael Lilley (for Councillor Rosalind Scott)

Also Present:

478 Site Visits

Councillors Chuah, Elliott, Hazell, Higgins, Loveland and J. Maclean attended the site visits.

479 Minutes of 24 May 2017

The minutes of the meeting held on 24 May 2017 were confirmed as a correct record.

480 Minutes of 25 May 2017

The minutes of the meeting held on 25 May 2017 were confirmed as a correct record.

481 171307 37 Mile End Road, Colchester

The Committee considered an application for proposed student accommodation (resubmission of expired permission 131511) at 37 Mile End Road, Colchester. The application had been referred to the Committee as it had been called in by Councillor Goss. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Nadine Calder, Planning Officer, presented the report and together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Pete Hewitt, on behalf of Myland Community Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that the Community Council had objected to this application and the previous one, largely on the basis of inadequate parking provision and problems

of noise, overlooking and loss of privacy for residents. He was of the view that the proposed development would be impossible to construct on site and that, principle, it was unsuitable overdevelopment which had been erroneously approved previously.

Councillor Goss attended and with the consent of the Chairman addressed the Committee. He agreed with the views expressed by Mr Hewitt and was of the view that the parking standards were being contravened. He referred to the tree at the rear of the site which provided privacy to no 29 Bergholt Road as well as the loss of privacy and noise for the neighbour at no 41 Mile End Road. He considered that the site wasn't in-keeping with the surrounding area and referred to historical issues in relation to unlawful occupation of the existing premises which raised potential questions in relation to fire safety.

The Planning Officer confirmed that there was a proposed under-provision of parking when measured strictly against the standard for a five bedroom dwelling but that the extremely sustainable location of the site meant that the discretion to relax this standard was able to be applied. She considered that there would be no significant impact in relation to loss of privacy and she confirmed that the trees on site were not subject to any formal protection. The existing use of the property was A1 and, as such, she was of the view that a change of use to student accommodation would not generate any additional noise issues. She confirmed that fire safety concerns were a matter for building control.

In discussion, members of the Committee expressed concern in relation to the narrowness of the proposed building and the consequent size of rooms. Whilst mindful of potential car parking issues, the need to bear in mind the conditions attached to the previous planning approval on the site was acknowledged. Assurance was sought regarding the future increased occupancy of the premises by means of the use of kitchen/living area as a bedroom, in response to which the Planning Officer confirmed that an additional condition could be applied to provide for the kitchen/living area to be retained as such at all times.

RESOLVED (FIVE vote FOR, THREE voted AGAINST and TWO ABSTAINED) that the application be approved subject to the conditions set out in the report together with an additional condition requiring the kitchen/living area to be retained as such at all times.

482 170997 Hill House, Carters Hill, Boxted, Colchester

Councillor J. Maclean (by reason of her business acquaintance with the applicant) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an outline application including details of access and layout for 36 residential dwellings, public open space, landscaping, new access and highways,

associated and ancillary development on land at Hill House, Carters Hill, Boxted, Colchester. The application had been referred to the Committee as it was a major application for which objections had been received and the recommendation was for approval subject to a legal agreement. The Committee had before it a report and an amendment sheet in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Nadine Calder, Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Councillor Arnold attended and with the consent of the Chairman addressed the Committee. He referred to his considerable concern regarding the excessive growth of small Hazel trees along the southern boundary of the site. The trees were growing to the back of the highway verge and had proved very difficult to access in order to maintain and to trim adequately. As a consequence, road signs were becoming very difficult to see from the road and the vegetation was compromising the safety of school children and other pedestrians using the crossing at this point. He sought assurances regarding the imposition of a landscape condition requiring the removal of the Hazel trees as well as the clearance and future maintenance of the ditch.

Members of the Committee expressed their concern about the safety issues for pedestrians and sought assurances, given the outline nature of the current application, that these matters could be addressed by means of an appropriately worded landscape condition when the application for reserved matters consent was considered.

The Planning Manager confirmed that officers had authority to determine reserved matters applications unless the Committee requested its referral to the Committee for consideration.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and in the amendment sheet and the approval of the reserved matters application be referred to the Committee for consideration and determination.

483 170753 1-2 The Folly, Wivenhoe, Colchester

The Committee considered an application for the demolition of the existing roof and chimney, rebuilding of the roof with new roof dormers, new first floor front balconies and lifting beam, red brick front facing elevation, new windows and door, external window and door alterations and internal remodeling at 1-2 The Folly, Wivenhoe, Colchester. The application had been referred to the Committee as it had been called in by Councillor Scott. The Committee had before it a report in which all information was set out.

Chris Harden, Planning Officer, advised that a late representation had been received referring to the potential for the proposed balcony to overhang adjacent highway land, in response to which an additional informative was recommended requiring the applicant to obtain a licence from the Highway Authority permitting the building work over the highway.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report together with an additional informative requiring the applicant to obtain a licence from the Highway Authority permitting the building work over the highway.

484 171109 30 Victory Road, West Mersea, Colchester

The Committee considered an application for the demolition of an existing bungalow and new replacement two storey residential dwelling, resubmission of application number 160159 at 30 Victory Road, West Mersea, Colchester. The application had been referred to the Committee as it had been called in by Councillor Moore. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

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

485 171249 Oak Tree Centre, 252-276 Harwich Road, Colchester

Councillor Chuah (by reason of her Trusteeship of the Oak Tree Centre) 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 removal of existing timber weatherboarding and battens to the roof and their replacement with a new built-up felt roof covering on plywood decking, including additional insulation at Oak Tree Centre, 252-276 Harwich Road, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report and an amendment sheet in which all information was set out.

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

486 163213 91 King Harold Road, Colchester

The Committee considered an application for the demolition of an existing bungalow and

garage and the construction of five three bedroom detached bungalows and associated garages at 91 King Harold Road, Colchester. The application had been referred to the Committee as it had been called in by Councillor Lissimore. The Committee had before it a report in which all information was set out. The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Ishita Sheth, Planning Officer, presented the report and, together with Andrew Tyrrell, Planning Manager, assisted the Committee in its deliberations.

Roger Allen addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was addressing the Committee on behalf of a number of residents. He considered that the application was an over development of the site and that the parking provision proposed for the five three bedroom bungalows would be inadequate. He was of the view that the use of the driveway would be significantly increased and that this would create a danger to school children and other pedestrians who crossed the driveway. He further sought a restriction on the hours permitted for construction works to between 8am and 5pm on weekdays only, given the site's location in the heart of a peaceful residential area.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He confirmed that the proposal conformed with the council's planning policy in relation to back-land development as well as other policies in the adopted local plan. He explained that he and the applicant had worked closely with planning officers and these discussions had shaped the present design proposals and allowed for suggested changes to be accommodated. There were no objections from statutory consultees and matters such as design, density, parking, trees and hedges had all been fully considered. He was of the view that the outstanding objections had not raised any matters of material planning concern and, as such, he sought the Committee's approval of the scheme.

The Chairman reported that Councillor Lissimore had sent her apologies as she had been unable to attend the Committee meeting but had indicated her reasons for calling in the application in terms of concerns expressed to her from local residents. These concerns were in relation to 'garden grabbing' and over development. She was particularly concerned about the use of the driveway as a vehicular access across a well-used piece of pavement. She considered that pedestrians may not exercise the same sense of caution given the driveway was not a conventional access road and was also concerned about the need for vehicles to slow down as they approached the end of the driveway.

The Planning Officer explained that a noise assessment had been submitted which confirmed that noise levels would not be significantly increased and the Highway Authority had not raised concerns regarding the means of access to and from the site

and the visibility issues. She also explained that a condition had been proposed providing for access to and from the site in a controlled manner as well as the passing of opposing vehicles.

Members of the Committee were of the view that the proposal would be a positive contribution to the neighbourhood, provided adequate attention was given to the alignment of those plots closest to the trees which would be retained on the site. The standard condition in relation to hours of work was considered to be reasonable. However, although the conditions in relation to the access to and from the site were welcomed, in the light of concerns expressed by residents, further safety measures were sought, such as the introduction of speed bumps.

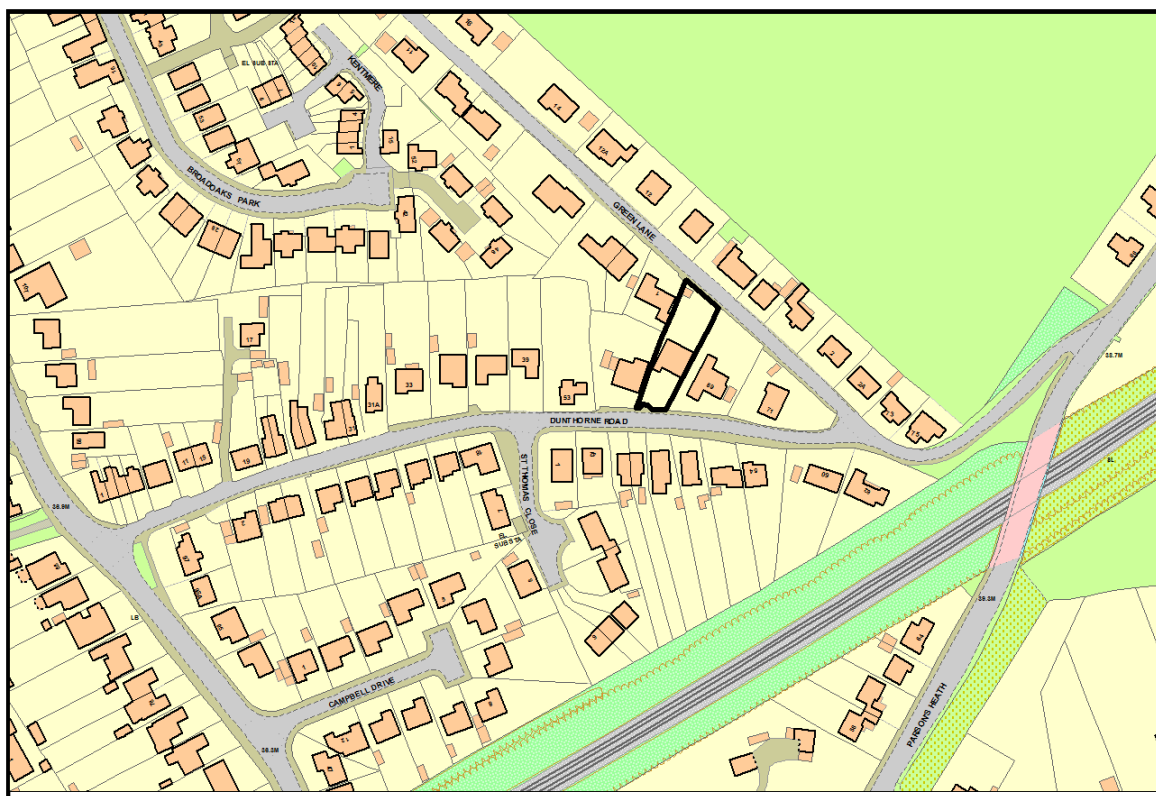
The Planning Manager confirmed that it would be appropriate to add an informative within the details required by proposed condition 16 to provide for the addition of traffic calming measures to the access to the site.

RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report and an additional informative to provide for appropriate traffic calming measures to be applied to the entrance to the access route to the site.

487 171236 Street Record, Westway Northbound, Colchester

The Committee considered an application for a freestanding 'V' Agents Letting Board at Street Record, Westway Northbound, Colchester. The application had been referred to the Committee as it had been called in because the applicant was Colchester Borough Council. The Committee had before it a report in which all information was set out.

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



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Item No: 7.1

Application: 162925

Applicant: Mr Franco Murgia

Agent: Mr Malcolm Ashenden, Ashenden Associates

Proposal: Proposed dwelling.

Location: 57 Dunthorne Road, Colchester, CO4 0HZ

Ward: St Anne's & St John's

Officer: Eleanor Moss

Recommendation: Approve Conditional

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Smith called this application in for the following reasons:

Reasons stated in residents objections. Design layout highway issues.

- 1.2 This application was deferred from the Committee of 25th May in order for your Officers to negotiate a bungalow for the plot. The scheme has been amended in order to achieve a dwelling reduced in height, although not a bungalow.

2.0 Synopsis

- 2.1 The key issues for consideration are the design and layout of the scheme, the impact it will have on highways safety and the impact the scheme will have on neighboring amenity.

- 2.2 The application is subsequently recommended for approval

3.0 Site Description and Context

- 3.1 The site lies within a predominantly residential area within which buildings vary in design, size, building line and appearance. Consequently, there is no obvious uniformity in the built form along Dunthorne Road and Green Lane, with the eclectic mix of properties creating some visual interest to the local street scene.

- 3.2 In this context there are few references that could be considered for new buildings and therefore applications should be appraised on the merits of the design and its relation to the site.

- 3.3 The site comprises a detached dwelling set in a large plot. The property has one existing vehicular access, via Dunthorne Road. The proposal seeks to appoint an access via Green Lane to serve the proposed dwelling. Currently there is no dropped kerb via Green Lane and applicant would need to apply to Essex County Council should they wish to create a dropped kerb.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for the erection of a detached dwelling to the rear of 57 Dunthorne Road, access is to be provided via Green Lane. The proposal includes an attached garage.

- 4.2 The proposal is an open market dwelling, with part of the rear garden of 57 Dunthorne Road being separated.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 An application for a detached bungalow on the site had previously been submitted in 2002. The proposal was refused and subsequently dismissed at appeal for the following reasons:

The appellant says that each of the 2 dwellings would have a garden area of over 100 sq.m. I am more concerned with the quality of that space. The plans do not show where the boundary between the gardens for No. 57 and the new cottage would be. I appreciate that the cottage would be for a parent and that the intention may be for garden space to be shared between the occupants of the 2 dwellings. But I agree with the Council that any such sharing would almost inevitably have to come to an end in the long term, irrespective of any planning condition. If the boundary between the 2 dwellings were to lie halfway between the shortest distance between them the resultant garden space for each would be no more than 2m deep for much of its width. That would be inadequate to serve much purpose, and a satisfactory standard of privacy for those garden areas could only be provided by screening that would result in an overwhelming sense of enclosure.

The proposed cottage would, admittedly, have a front garden area about 8m deep and nearly 5m wide to the west of the proposed vehicular and pedestrian access. But that would be an inadequately small area affording very little privacy from the road.

I conclude that the appeal project fails in relation to issue (a).

- 6.2 It is worth noting that this previous refusal pre-dates current adopted policy and the current scheme must be determined on different standards and up-to-date policy.
- 6.3 It is also worth observing that the previous refusal was not dismissed on the grounds that it was out of character for the area. The submitted scheme is two storeys in height and demonstrates garden sizes and parking in compliance with adopted standards.

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
UR2 - Built Design and Character
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

- 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 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
Backland and Infill
Sustainable Construction
Sustainable Drainage Systems Design Guide

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 Highway Authority – Revised comment, no objections

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

Conditions relate to the access being at right angles to a depth of 3.7 metres and with a dropped kerb; no unbound materials and parking provision being to standard as well as details of cycle storage being agreed. See conditions at the end of this report.

- 8.3 Urban Designer – no objections: The development is well designed to mitigate existing and proposed residential amenity (e.g. privacy, garden size, shadowing, outlook), at least seemingly to satisfy adopted policy. It would also be of reasonable visual design quality, subject to clarification on a number of details (e.g. eaves, door-surround, pentice board, carport door) which might be conditioned. However, I would query the proposal given the relatively narrow shared street (approximately 5m wide) which appears possibly unsuited to intensification taking into account the existing density of development and that the street doesn't appear to allow for adequate two-way vehicular access (e.g. when large vehicles are involved) and/or the likely demand for on-street parking (to allow large vehicles to pass). Notwithstanding this primary concern which should be checked with Highways, the rear parking should be clarified as a car port as implied by the site layout (i.e. with drive protruding to the rear), given it appears as a garage on the front elevation. I would also query the loss of trees and hedgerow with the relevant officer/s.

OFFICER COMMENT – The Highway Authority did not object to this aspect, therefore it cannot be carried forward as a reason for refusal. Similarly, tree issues have been resolved.

8.4 Landscape Officer – no objections

The following condition(s) are recommended once proposals have been agreed and/or as part of any planning consent given in order to secure a detail landscape scheme.

The condition relates to a landscaping scheme – see full condition at end of report.

8.5 Tree Officer – No objection

I am in agreement with the conclusions of the report provided. The proposal does require the felling of a number of trees within the garden area but none would merit tree preservation order.

Conditions at end of report.

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:

- Concerns regarding privacy on the opposite side of Green Lane
- Concerns regarding emergency traffic hindrance
- Concerns regarding highways safety
- Proposal will make it harder for residents to park on their own drive safely
- Lack of adequate parking along Green Lane as it is
- Refuse collection and street cleaning along Green Lane is already difficult due to the narrowness of the road
- Discrepancies between boundaries
- Inaccurate drawings
- Proposed scheme is out of character with the area
- Impact upon visual amenity
- Concerns regarding height of the dwelling
- Proposal would create an overbearing impact
- Loss of trees
- Concerns regarding surface water drainage
- Overdevelopment of the site
- 'Garden grabbing'
- Previous refusal in 2002
- Dangerous increase in traffic utilising a narrow lane

10.2 Following the submission of an amended scheme, the comments received are summarised as follows:

- Proposed changes are marginal and do not invalidate previous comments
- Plot is too small
- Unable to view previous committee reports until the meeting
- Highways and parking concerns relating to Green Lane
- No consideration for emergency vehicles
- Overdevelopment of site
- Negative impact on the area
- Concerns relating to the building line
- Concerns regarding the 'shared garden'
- Lack of floor plans
- Proposal is not a quality development

10.3 Officer response to some of the points raised above:

It is standard practice to publish committee agendas and reports on the website prior to the committee meeting. Some printed copies are available at the committee meetings, however these are not sent out to residents prior to the meeting.

The proposal is for an open market dwelling, not an annexe. As such, the garden area is not shared but will be sub-divided in order to form two separate rear gardens, one for the proposed dwelling and one for the host dwelling.

11.0 Parking Provision

- 11.1 This scheme provides an attached garage and an off-road car parking space, totalling two off road car parking spaces which comply with car parking standards

12.0 Open Space Provisions

- 12.1 N/A

13.0 Air Quality

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

14.0 Planning Obligations

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

15.0 Report

Principle of Development

- 15.1 The redevelopment of this rear garden area of number 57 Dunthorne Road is acceptable in principle. This area is currently well-screened by existing trees and well maintained by the existing owners but this does not mean it cannot be developed sensitively.
- 15.2 As noted in the planning history section above, permission for a dwelling on this site was refused over 10 years ago. It is important to note that it was assessed against different policy criteria – in particular the area is located within the settlement limits and as such it is considered to be in a sustainable area. Furthermore, the site is not located in the Conservation Area.
- 15.3 The NPPF and Development Plan policies do require high quality design and also require development to respect and enhance the character of the area. It is held that this scheme allows one dwelling in a manner that reflects the character of the area. It is not considered that the garden area to the rear of number 57 is so important to the character of the area that the Council should attempt to preserve it as such.

Design and Layout

- 15.4 The application site is within the defined settlement limits where there is a presumption in favour of the development. The ribbon development and architecture give the surroundings an edge of settlement rather suburban character. The proposed designs are fairly modest and provide for a dwelling which has more of a rural cottage character. This is considered to be acceptable for this area.
- 15.5 Although there are a number of bungalows within the street, it is not harmful in itself to provide for two-storey dwellings within the application site. This is because older houses frequently appear within rows of ribbon development that have developed alongside them. The designs are not unattractive and the form, proportions and detailing are consistent with each other.
- 15.6 Next door (north-west), No.1 Green Lane is a modest, detached, single storey bungalow. The immediate area north of the site is primarily a ribbon of two-storey dwellings of modest height; dormer windows on the front elevation are a common feature here in order to provide for a first floor. Again, within sight of the plot are other single-storey bungalows and two-storey houses.
- 15.7 The proposal has been amended in order to lower the ridge of the property, the maximum height for the proposed dwelling is six metres. This is considered to be very modest in height, whilst still retaining parking and amenity which comply with policy requirements. The layout and proportions of the proposed dwelling reflects the predominant housing type in the locality in terms of scale, design and use of materials.
- 15.8 Concerns have been raised by neighbouring residents relating to the siting of the proposed dwelling, in particular the dwelling being closer to Green Lane. In relation to the whole of Green Lane, it is not uncommon for properties to slightly fluctuate within their respective plots. Some properties sit slightly closer to Green Lane and some properties sit slightly further back from the highway. In this case, the property will sit slightly closer to Green Lane, however this is not considered to be harmful to the character and appearance of Green Lane and will still comfortably within the street scene.
- 15.9 In conclusion, the area is mixed in character and a variety of dwelling types could be introduced without necessarily harming the character. A two storey building within this area, as proposed, would be in keeping with the area and would not have a negative impact upon the street scene when viewed from the public realm.

Impact on Neighbouring Properties

- 15.10 Guidance in Supplementary Planning document 'The Essex Design Guide' states that a 45 degree combined plan and elevation angle from the mid-point of windows should be preserved. This proposal complies with this test.
- 15.11 The proposal has been quite carefully designed so as to minimise harmful impacts on neighbour's amenities. There are no ground floor or first floor windows on the side elevations and as such there would be no loss of light, outlook or privacy to No.1 Green Lane.
- 15.12 The proposal includes first floor dormer windows on the front elevation and concerns have been raised that these will create direct overlooking to the opposite residents. 'The Essex Design Guide' stipulates that 10 metre spacing should be preserved between opposite house fronts in a street. In this instance, a separation distance of over 10 metres remains.
- 15.13 In summary, it is not considered that there would be any harm upon outlook or loss of light to the neighbouring properties and any impact upon residential amenity would be negligible.

Highways and Parking

- 15.14 A number of concerns have been raised regarding access and parking to the site creating an increased amount of traffic congestion, in turn adding to the existing on-road parking in the area. While this is noted, this is an existing problem within the area and a new dwelling on site would not create any undue increase in traffic congestion or off-road parking. The application provides for car parking provisions which comply with the standards and the Highway Authority has not objected to the scheme. Moreover, it is beyond the capabilities of the Local Planning Authority to overcome an existing on-road parking issue.
- 15.15 The application complies with the required car parking standards and as such the scheme is considered to be acceptable from a highways perspective.

Trees

- 15.16 Whilst there are various small garden trees and hedges bordering the site, none are protected and all could be removed at any time without the Council's permission. In any case, none are such that they could not be easily replaced with others of similar or better quality.

- 15.17 The proposal will result in the loss of trees facing onto Green Lane, however these trees are not of high quality to resist their removal. The Arboricultural Planning Officer has assessed the scheme and the submitted Tree Survey and is happy that the scheme can be built subject to tree protection measures being conditioned. On balance, the removal of trees on site is considered to be acceptable.

16.0 Conclusion

- 16.1 To summarise, this development is proposed in a sustainable area of Colchester that does not benefit from any particular designation. The scheme proposes an attractive and well detailed dwelling befitting of the area. It is not held to cause material harm to the character of the area nor to neighbouring amenity. It would also provide a modest contribution to the Council's housing stock. The scheme is, therefore, held to comply with the NPPF, the PPG and the Development Plan and therefore an approval is warranted.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. *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 1096/1A (submitted on 15 June 2017), 1096/2A (submitted on 15 June 2017), 1096/3A (submitted on 15 June 2017) and 1096/4 (submitted 15 June 2017).

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

3. ZBC - Materials to be agreed

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

4. Z00 – Bespoke - Removal of PD for Residential Extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the dwellinghouse hereby permitted, or any detached building erected, without the express permission in writing of the Local Planning Authority.

Reason: The further extension of this dwelling or erection of detached buildings requires detailed consideration to safeguard the amenities of the surrounding area.

5. Z00 – Bespoke - Removal of PD for Residential Extensions

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) no extension or enlargement (including additions to roofs) shall be made to the host dwelling of 57 Dunthorne Road, or any detached building erected, without the express permission in writing of the Local Planning Authority.

Reason: The further extension of this dwelling or erection of detached building requires detailed consideration to safeguard the amenities of the surrounding area

6. ZFK - Smallscale Residential Boundary Treatments

No works shall take place until details of the provision, siting, design and materials of screen walls and fences have been submitted to and agreed, in writing, by the Local Planning Authority. The approved screen walls and fences shall then be erected prior to the first occupation of the dwelling to which they relate and shall thereafter be retained in the approved form.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to amenities and the surrounding context.

7. Z00 – Bespoke – Vehicle Access

Prior to first occupation of the proposed development, the proposed vehicular access onto Green Lane shall be constructed at right angles to the highway boundary and to a width of 3.7 metres and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety

8. ZIF – No unbound materials

No unbound materials shall be used in the surface treatment of the proposed vehicular access throughout.

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

9. Z00 – Bespoke – Parking Space

The parking space / vehicular hardstandings shall be constructed to minimum dimensions of 6.0m x 3.0m.

Reason: To encourage the use of off-street parking, in the interests of highway safety.

10. Z00 – Bespoke – Cycle storage

Prior to commencement of the proposed development, details of the provision for the storage of bicycles, of a design this 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 and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

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

11. Z00 – Bespoke – Car Parking standards

All off street car parking shall be in precise accord with the details contained within the current Parking Standards.

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

12. ZDM - Retaining Garage for Parking

The garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

13. ZIW - *Single Garage Dimensions*

The single GARAGE(S) shall have a minimum internal measurement of 7m x 3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

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

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been protected as shown in the Arboricultural Impact Assessment produced by Oisín Kelly dated 14th March 2017 (Ref: 313). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

15. ZFS - Tree and Hedgerow Protection: General

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

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

16. ZFT - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

17. ZFU - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

18. ZFC - Simple Landscaping Scheme Part 1 of 2

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which 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. Any trees or shrubs which, within a period of 5 years of being planted die, are removed

or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

19. 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.

20. ZPD - Limits to Hours of Work

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

Weekdays: 8:00 – 18:00

Saturdays: 9:00 – 13:00

Sundays and Bank Holidays: None.

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.

18.0 Informatives

18.1 The following informatives are also recommended:

1. Non Standard Informative – Highways

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

The applicants should be advised to contact the Development Management Team by email at

development.management@essexhighways.org or by post to:

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

2. Non Standard Informative – Landscaping

'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 @

<http://www.colchester.gov.uk/article/13592/Landscape-Guidance-for-Developers>.

Link to: [Notes for Applicant/Agent](#) – please refer to when instructing landscape consultant and/or before contacting landscape planning officer

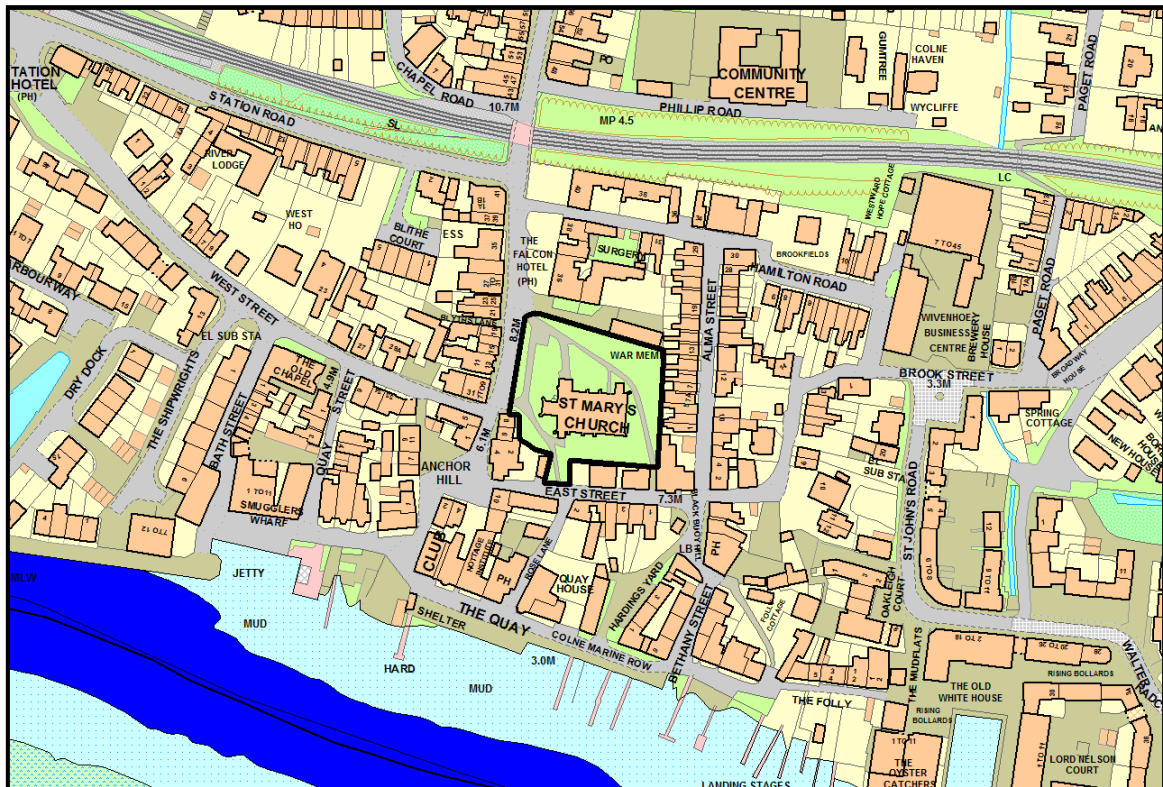
3. Non Standard Informative -Trees

It should be noted that any technical interpretation of these detailed requirements by the applicant or their agent should be sought externally from/through the relevant professional (i.e. Arboricultural consultant – details of local practices available through Arboricultural Officer on 01206 282469 (am only).

In the interest of efficiency any clarification of technical requirement should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the Applicant's Arboricultural Consultant and the Council's Arboricultural Officer.

4 - 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.



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Item No: 7.2

Application: 162526

Applicant: St Mary's PCC

Agent: Mr Ben Downie

Proposal: Demolition of existing south porch and erection of new extension for meeting room and ancillary facilities

Location: St Marys Church, High Street, Wivenhoe, Colchester

Ward: Wivenhoe

Officer: Mark Russell

Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application has been referred to the Planning Committee following a call-in by Councillor Scott for the following reasons:

Residents have expressed concern that this listed building is being changed with the loss of the porch and the design of the community room is deemed unsuitable and incongruous. The church is an important historical asset, it is felt the committee should look at the proposed changes in the context of the surrounding area and its character.

2.0 Synopsis

- 2.1 The application at hand seeks to demolish the existing Victorian porch at St. Mary's church (grade II*) and erect an extension on the southern aspect to provide a meeting room and associated facilities. This partially incorporates the fabric from the former porch (dressed door surround).
- 2.2 The following report describes the consultation process and the many letters of support as well as several objections including Historic England's concerns regarding the proposed significant changes to this Grade II* listed building.
- 2.3 The process of negotiation, involving meetings with Historic England and members of the Parochial Church Council is then described, including several changes to the proposal which led to a reconsultation in May 2017.
- 2.4 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 St. Mary's Church (properly described as "The Parish Church of St. Mary the Virgin, Wivenhoe") is arguably Wivenhoe's premier building and has a long history, with parts of it being constructed from Roman brick. The north and south arcades and the north aisle are 14th century, with the entire building having been restored in 1859 and again in 1884 following the Colchester Earthquake. Modern additions include the chancel, north and south chapels and north and south porches. The southern porch and adjacent walling together with the chancel are Victorian work.
- 3.2 The church sits within a pleasant, if none-too-large church yard. This is largely laid to grass with several large trees. A war memorial is at the northern end of the site, away from the development side and there are several gravestones about the site.
- 3.3 In the heart of Wivenhoe's conservation area, the level of built environment is generally of very high quality, with the church virtually surrounded on all sides by listed buildings, including the Grade I Old Garrison House to the south.

- 3.4 The southern aspect of the church, where the works are proposed, is a key view of old Wivenhoe as one moves up Rose Lane from the quayside. The sole visual detractor is the flat-roofed fish and chips shop and its extraction flue.

4.0 Description of the Proposal

- 4.1 The application description aptly explains the works which are being proposed. Whilst Planning permission is required for most of these works, there is no requirement for Listed Building Consent due to the Ecclesiastical Exemption, which hands the responsibility for these matters over to the church.
- 4.2 The details of the design were refined during discussions with the applicants and will be explained in more detail in the relevant section, but broadly speaking, the fundamentals of the proposals have remained the same throughout the process, as follows:
- 4.3 It is proposed to remove the southern porch which, as stated is a Victorian addition.
- 4.4 In its place, a new larger porch is to be constructed in a larger format partially incorporating some historic fabric to create “a shared ante space entered via an upgraded Carolin Garden.” The character of the southern elevation would remain punctuated by a legible porch that defines the entrance. The form and character of the former porch is thus maintained by the proposed scheme.
- 4.5 To the east of the porch an attached meeting room is proposed and this element is the *raison d’être* for the scheme.
- 4.6 This meeting room follows the rhythm of the existing building, which is comprised of three ranges of dual-pitched roofs. The roof to the meeting room is of the same pitch and is subservient to the existing church. A contemporary but respectful architectural style is employed that reflects the ecclesiastical context but is clearly of its own time stylistically.
- 4.7 The extension is to be well-fenestrated to allow for light within it and within the body of the main church building itself as well as views into the church from outside.
- 4.8 In terms of works to the grounds, many of which do not require Planning permission, it is proposed to remove a large Lime tree, which is described as being too large for its location. In its place will be a newly-landscaped Carolin garden with new planting and paving.
- 4.9 The proposed materials have changed during discussions and will be covered in the relevant section below.

5.0 Land Use Allocation

5.1 Place of Worship.

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Planning (Listed Buildings & Conservation Areas) Act 1990 sets out a presumption in favour of the preservation of heritage assets (s.66(1) and 72(1)) and harm is undesirable and should be avoided if possible. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy (see paragraphs 126-141 concerning Heritage Assets). Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR2 - Built Design and Character

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

DP1 Design and Amenity
DP4 Community Facilities
DP14 Historic Environment Assets

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

The Essex Design Guide
External Materials in New Developments
Community Facilities
Managing Archaeology in Development.
Wivenhoe Town Plan and Executive Summary

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 Historic England: Supplied a lengthy response which raised concerns over the initial proposal. This concluded: “Historic England considers the enlargement of St. Mary’s Church on the scale and in the manner proposed would cause harm to its special architectural and historic interest.” It repeated its view that the matter would be better dealt with by the provision of a series of detached church rooms, adding: “We do not consider the proposals form the most appropriate means of providing ancillary facilities for the church due to the size of addition proposed.”
- 8.3 Whilst this may read as an objection, Historic England held back from so doing, adding: “We understand, however, the parish’s wish to proceed with the enlargement of the church.....It is therefore for your authority, in accordance with paragraphs 132 and 134 of the National Planning Policy Framework, to assess whether the benefits of the current scheme could only be achieved by the proposed means and, if so, whether they would justify the harm to the special interest or significance of the church that would ensue.”
- 8.4 Historic England has subsequently been reconsulted and a response is awaited. However, given that it did not originally object and the current scheme is an improvement it is presumed that no objection will be forthcoming.
- 8.5 Historic Buildings Officer: Initially raised concerns over several issues. After your Officers met with the applicants and the general changes were agreed, the following comments were made:

Proposed plan - southward projection creates an awkward ‘pinch point’, compromises the setting of the church. However, public benefit outweighs the harm. The tree is best removed to allow a more open aspect.

Porch – detailing of porch must be carefully considered from the demolition to the reconstruction. Existing materials should be retained and reused and added to with other similar materials.

Parallel buttresses - to break down the perceived width of the extension. Their detailing must look as if it is supporting the church rather than being “visual devices”. i.e. should look as if they are bearing the load as if traditional rubble wall construction.

East elevation glazed ‘arrow’ design not fully supported, but if necessary, should be well detailed and the ‘surround’ of all the elements considered. The accumulation of different frames, finishes, details etc on a small façade can result in an untidy and clumsy finish.

Zinc - is nearly always treated and rarely acquires the patina of age or visual interest of the lead. An option to avoid this might be untreated zinc or an alloy e.g. from KME Tecu, which ages more gracefully and will acquire a patina of

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age. Potential bulkiness of the verge/gutter etc profile. needs to be carefully considered.

Glazed screen at upper level - a seamless effect - for the glazing may be desirable to not overload the building with 'verge'/incidental details of different materials and finishes. The frame details should be carefully considered at design stage and not detail stage.

Doors - should be tailor-made for St. Mary's if money permits – contemporary craftsmanship would be a welcome.

Glazed roof: Again the detailing should be considered at design stage.

West elevation - The choice of slate, ridge and verge details are fundamental to the success of this elevation as it is so simple.

The **facing brick** is the single most important element of the proposed design. Ideally the applicant should discuss this with the LPA prior to any panels being made.

- 8.6 Archaeology: *This proposal is located in the area of high archaeological interest, defined in the Colchester Historic Environment Record, within the churchyard (HER no. MCC10041) and abutting the Church of St Mary the Virgin (HER no. MCC89804). There is high potential for encountering burials as well as remains of earlier foundations, at this location. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.*

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 141), 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.

A standard archaeological condition is recommended, but with the following non-standard informative:

I will, on request of the applicant, provide a brief for the archaeological investigation. In this case, full archaeological excavation of the footprint of the extension will be required in advance of construction because of the use of piled foundations (that are damaging to sensitive, buried archaeological remains), with continuous archaeological monitoring of other services and groundworks relating to the consent. In addition, a detailed record will be required of the south porch and south-facing wall of the Church will be required before the development is commenced.

- 8.7 Environmental Control: Condition hours of work.

9.0 Parish Council Response

- 9.1 Wivenhoe Town Council stated that its Members supported the proposal for the Church annexe.

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 Thirty-nine letters of representation were received, the vast majority of which (thirty-five) supported the proposal, with two objections and two general observations.
- 10.3 The main points of support related to the need for such a facility for the community and also for it being available for hire to other users. A need for facilities for the disabled was also mentioned.
- 10.4 Supporters also stated that the proposal was well-considered and sympathetic to the conservation area.
- 10.5 The objections were to the scale and design of the extension and the negative effect on the conservation area. Concerns were also raised over the loss of green space and the severing of the link between different parts of the churchyard, the loss of the porch and tombstones and of views of windows.
- 10.6 The general observations related to: i) the fate of the tombstones which currently form part of the flagstone path - it was requested that details of these be recorded; and ii) the fact there was no statement from the Diocesan Council which confirmed that it agreed with the works.

11.0 Parking Provision

- 11.1 n/a

12.0 Open Space Provisions

- 12.1 n/a

13.0 Air Quality

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

14.0 Planning Obligations

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

15.0 Report

- 15.1 The main issues in this case are the visual effect of the proposal on the character and appearance of the conservation area and the significance of the listed building, as well as any direct impact on the fabric of the latter and the community benefits which would be gained from the proposal. The NPPF identifies that in some cases, harm to significance although undesirable may be unavoidable to deliver wider public benefits. In such cases, the harm if less than substantial, needs to be balanced against the public benefits identified.
- 15.2 On the latter point, there is universal agreement, even amongst objectors, that the type of facility being sought is desirable and indeed essential for Wivenhoe’s growing community.
- 15.3 Indeed, Core Strategy policy SD3 states: “The Council will work with local partners, such as Parish Councils or Community Associations, to plan and manage community facilities..” whilst Development Policies policy DP4 clearly states: “Support will be given to the provision of new community facilities.” There is clearly policy support for and no reason to deny permission for facilities such as those proposed.
- 15.4 The applicant did investigate alternative ways of accommodating a meeting room within the existing building, but found this not to be possible due to a lack of space. This, when combined with what is seen to be a growing attendance at church (which, it is hoped, will grow further) led to the following conclusion: “Reducing the available seating in order to provide space for facilities such as a meeting room, a kitchen and two toilets (one for disabled use), and storage would limit our overall capacity and thus have a negative impact on our ability for growth.”
- 15.5 This led to a position where external alterations and additions became Inevitable and the real consideration, therefore, relates simply to the effect on the church and the wider Wivenhoe conservation area.
- 15.6 In early discussions, Historic England raised concerns about extending the building, instead favouring a separate building within the church grounds. However, the church opposed this idea due to issues of workability and also through concerns that this would push the development towards a boundary and affect the setting of the church. It was thus concluded that an extension was the only option.

- 15.7 In terms of which direction to extend towards, it was concluded that the “rear” (south) of the church would impact the setting least, with the main (north) aspect containing the highly visible access from the High Street, the war memorial and the majority of the graves; an offering that it is desirable to retain. Furthermore, the historic fabric that is directly affected by the proposals is of lower significance being Victorian as opposed to medieval.
- 15.8 What this does mean is that the space between the building and its southern boundary does become scarce and could compromise both the setting of the church to the south and also circulation space around the grounds. Your Officers raised concerns about this latter point and amendments have been received which, in their opinion, free this up to a satisfactory degree.
- 15.9 The main view of the new porch and extension is from the south and is glimpsed as one emerges from the river front up Rose Lane, then coming in to full view quite close to the church itself, through the gap to the left of the chip shop and opposite the Grade I listed Old Garrison House.
- 15.10 The current view of the old porch would be mimicked by that of the new, but the main new key feature would be the extension to the right (east) of this. Currently one has full views (albeit obstructed in part by the chip shop, amongst other buildings) of the main body of the church; the southern flinted wall, the buttresses, the arched window and the roof. This last feature would be hardly affected, but views of the other features on the south aisle wall would be largely lost, replaced by views of the new slate roof with its two large windows. The affected elevation is Victorian in origin and therefore of lesser significance than other, earlier areas of the church. Furthermore, the quality of the Victorian fabric affected is not exceptional in its architectural quality.
- 15.11 Views in to the site from either side (east and west) would also necessarily be altered, although these have a more limited throw due to the relationship with surrounding buildings.
- 15.12 On the western side, views of the six metre deep brick porch wall and pitched slate roof would be obliquely glimpsed from parts of the High Street, but would only really be seen from inside the site and from a limited number of gardens on Anchor Hill.
- 15.13 On the eastern side, the extension shows a fully-glazed, zinc-seamed gable and French doors with brick piers and stone dressings in the lower half. Also in view is a glazed link between the new and old roofs. With the exception of some possible surprise glimpses between buildings on Alma Street, the only views on this side of the development would be from the rear of some houses on Alma Street and East Street and from within the site itself.

- 15.14 In total, the proposed changes to the public aspect of the church and to its immediate and wider conservation area setting are considered to be neutral and have been evolved to sit within Wivenhoe's conservation area as subtly as possible without causing any harm to the appearance or setting of any of the identified designated heritage assets.
- 15.15 In terms of fabric, the main intervention is the proposed removal of the southern porch. The current porch, whilst sympathetic to the main building and appearing to be contemporary to it, in fact largely dates from 1859 (there having previously been a porch to the south from at least as early as 1566) when it was extensively restored at the time that the church was being extended, then being further restored following the earthquake of 1884.
- 15.16 The applicant's Design & Access Statement makes it clear that the southern porch is the poor relation in comparison to its northern counterpart, with a cramped interior, slightly slacker pitch and comparative paucity of detail. In sum, its removal can be justified in heritage terms, pending the acceptability of the replacement.
- 15.17 The replacement porch is to be an integral part of the proposed meeting room structure, acting as an access point in to the new room and also, as an access porch to the south (an access which had, apparently, been lost when the WC was installed), with a store and a new WC on the left hand side and a further WC (for people with disabilities) to the right. A new kitchen will act as a link to the meeting room and is deliberately articulated being set back from the porch element.
- 15.18 This gives the desired internal usage, whilst still allowing the porch to be expressed as a separate entity.
- 15.19 The new door to the south porch will be fully glazed giving a view into the building from the street.
- 15.20 The choice of materials evolved during discussions with your Officers. The preferred choice now is a mixture of facing brick with stone dressings, with the porch dressings being re-used. Metal windows and a slate roof complete the offering, with the aforementioned glazed element filling out the eastern aspect.
- 15.21 The final part of the proposal is improved landscaping to the Carolin garden. This is described as currently being poorly-paved with little planting. The proposal is to remove an over-sized lime tree and to re-landscape the garden with new paving and planting.

16.0 Conclusion

- 16.1 To summarise, the proposal at hand would provide a much needed community facility with adaptations for people with disabilities.
- 16.2 The proposed works are held to be visually satisfactory, with sympathy to the existing listed building and the wider setting of the Wivenhoe Conservation Area, whilst giving rise to no negative effects on residential amenity. Whilst the

loss of historic fabric is a direct impact that will result in a modest degree of harm, this harm is less than substantial and would be justified by the significant public benefits identified above. This approach is in conformity with Government policy set out at paragraphs 126-141 of the Framework.

16.3 The recommendation is, therefore, one of approval.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers A-1207-PL-01 A, A-1207-PL-03 E, A-1207-PL-04 D, A-1207-PL-05 C, A-1207-PL-06 D.

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

3. Non-standard condition – Details of materials

Prior to the commencement of any works, full details of the facing STONEWORK and dressings including the bond, mortar mix and joint profile shall be submitted to and approved, in writing, by the Local Planning Authority.

Reason: To protect the special character and architectural interest and integrity of the building and conservation area in accordance with the requirements of section 66(1) and Sections 72 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Non-standard condition – Sample Panel of Materials

Prior to the commencement of any works a sample panel of all new facing brickwork shall be constructed on site showing the proposed brick types, colours and textures, face bond and pointing, mortar mix and finish profile and shall be made available for inspection by the Local Planning Authority and the materials and methods demonstrated in the sample panel shall have been approved, in writing, by the Local Planning Authority. The applicant shall also provide the Local Planning Authority with a justification for the choice of materials. The approved sample panel shall then be retained on site until the work is completed and all brickwork shall be constructed in all respects in accordance with the approved details.

Reason: To protect the special character and architectural interest and integrity of the building and conservation area in accordance with the

requirements of section 66(1) and Sections 72 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Non-standard condition – Salvage of stone elements

All stone elements of the existing porch including stone surrounds and stone dressings shall be carefully salvaged and set aside in a secure location for reuse on the new porch.

Reason: To protect the special character and architectural interest and integrity of the building and conservation area in accordance with the requirements of section 66(1) and Sections 72 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Non-standard condition – Glazing and Associated Fixings

All glazing and associated fixings should be non-ferrous to ensure that the adjacent fabric is not subject to damage from oxidation.

Reason: To protect the special character and architectural interest and integrity of the building and conservation area in accordance with the requirements of section 66(1) and Sections 72 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Non-standard condition – Additional large scale drawings

Additional large scale drawings that show details of proposed new:

- Windows
- Doors
- Eaves
- Buttresses
- Verges
- Slate roof (including ridge, verge, eaves and gutter detail) and parapet
- Gutters
- Rainwater goods
- Glazed roof

to be used, by section and elevation, at scales [of/between 1:20 and 1:1] as appropriate including manufacturers details and details of how the proposed elements will be fixed/will adjoin the surrounding elements and materials, shall be submitted to and approved in writing by the Local Planning Authority to the relevant part of the works being undertaken. The development shall be implemented in accordance with the approved additional drawings.

Reason: To protect the special character and architectural interest and integrity of the building and conservation area in accordance with the requirements of section 66(1) and Sections 72 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Non-standard condition – Details of roof, ridges and gutters

Details of roof, ridge and gutter including buildup shall be submitted to and approved in writing by the LPA prior to the relevant part of the works being carried out and shall be implemented as such.

Reason: To protect the special character and architectural interest and integrity of the building and conservation area in accordance with the requirements of section 66(1) and Sections 72 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Non-standard condition – Recording of works

Prior to the commencement of any works a record of the existing porch shall be carried out by a building recorder, or an organisation with acknowledged experience in the recording of standing buildings which included historical research and photographs, shall be submitted to and approved in writing by the LPA prior to the removal of the porch.

Reason: In order to have a record of this phase of the Church's construction for posterity.

10. Non-standard condition – Rainwater Goods

All rainwater goods (gutters, downpipes, hopper heads and soil pipes) shall be finished in CAST-IRON and painted BLACK and retained as such.

Reason: To protect the special character and architectural interest and integrity of the building and conservation area in accordance with the requirements of section 66(1) and Sections 72 (1) and (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

10.ZMY - Minor additions and new services

Prior to any new services being installed or any existing services being relocated (in each case including communications and telecommunications services) details thereof (including any related fixtures, associated visible ducts or other means of concealment) shall have been submitted to and approved, in writing, by the Local Planning Authority and the works shall be carried out in complete accordance with the approved specification.

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.

11.ZMZ - No New Pipework or Extraction Fixtures

No new plumbing, pipes, soil stacks, flues, vents or ductwork 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.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.

13.ZNB – Fixtures

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes or flues shall be fixed to any elevation fronting a highway.

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.

14 ZPD - 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.

15 Non-standard condition – Archaeological work

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 which has been previously submitted to and approved, in writing, by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.
- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

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).

16 - ZFC - Simple Landscaping Scheme Part 1 of 2

The development hereby approved shall not be occupied until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

17 - ZFD - Simple Landscaping Scheme Part 2 of 2

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details 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 trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

17 Non-Standard condition – Recording of headstones

During the course of development, any remaining headstones that are being used as paving shall be examined (including their undersides) and any inscriptions shall be matched with the register of burials prior to the development hereby permitted coming in to use.

Reason: In the interests of a fuller understanding of the history of this important site.

18.0 Informatives

18.1 The following informatives are also recommended:

(1) ZT0 – Advisory Note on Construction & Demolition

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

(2) ZTA - Informative on Conditions Stating Prior to Commencement Occupation

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

(3) ZTB - Informative on Any Application With a Site Notice

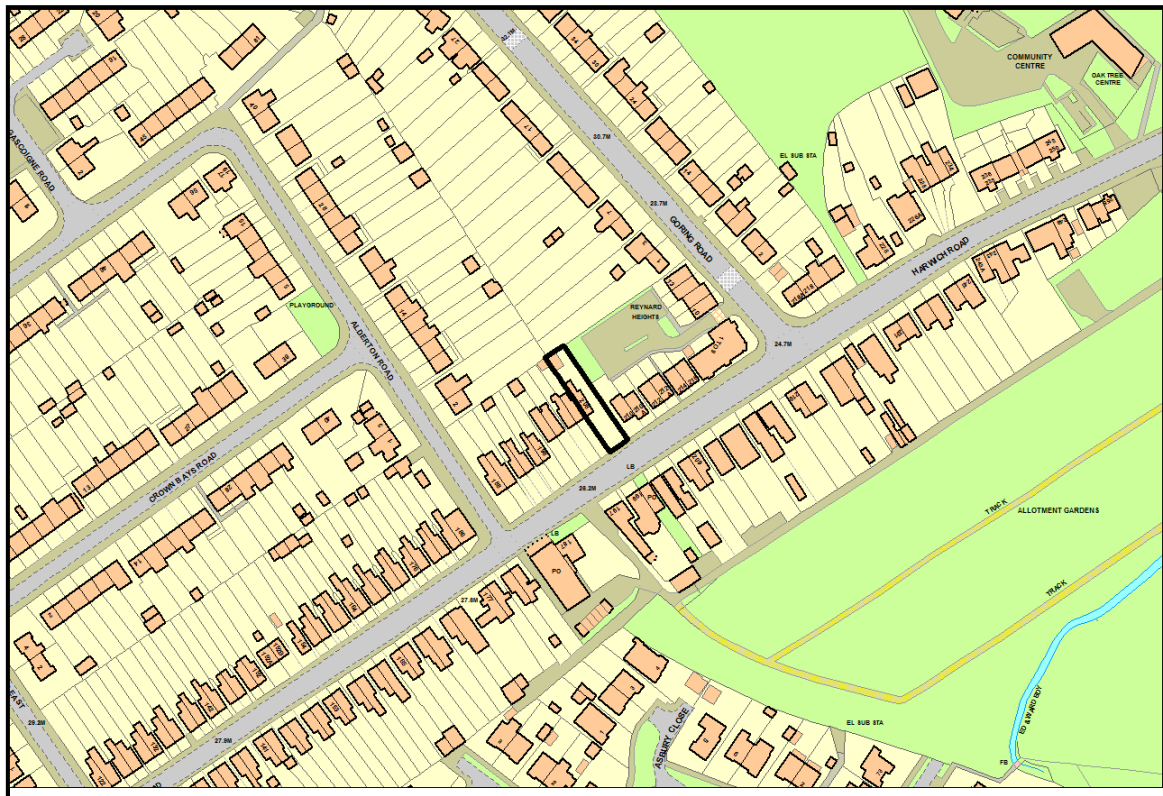
PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

(4) Non-standard informative - Archaeology

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk>

In this case, full archaeological excavation of the footprint of the extension will be required in advance of construction because of the use of piled foundations (that are damaging to sensitive, buried archaeological remains), with continuous archaeological monitoring of other services and groundworks relating to the consent. In addition, a detailed record will be required of the south porch and south-facing wall of the Church will be required before the development is commenced.



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Item No: 7.3

Application: 171456

Applicant: Mr Daniel Coe

Agent:

Proposal: Retrospective replacement of garden wall.

Location: 208 Harwich Road, Colchester, CO4 3DE

Ward: St Anne's & St John's

Officer: Mark Russell

Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

- 1.1 This application has been called in to the Planning Committee by Councillor Paul Smith for the following reason: *"I can see nothing wrong with the improvements to the property."*

2.0 Synopsis

- 2.1 The key issues for consideration are highway safety and the effect of the development on visual amenity.
- 2.2 It is concluded that, in this context, while there are no highway concerns, the appearance is not visually satisfactory. The application is subsequently recommended for refusal.

3.0 Site Description and Context

- 3.1 208 Harwich Road is within a small group of five houses, forming a larger group of eleven, which are on the northern side of Harwich Road and appear to be older than the rest of the road. The group is set back from the main building line, giving deep front gardens and it appears that the subject property may have been added to the terrace of four at a later date.
- 3.2 It is at the eastern end of the row and is next to the Reynard Heights development on the site of the old Flying Fox public house. The area is predominantly residential with some shops opposite.
- 3.3 The frontage to the group of houses in question is generally open, although some fences have recently been erected which run down towards the road. The wall under consideration is the only enclosure which stretches across the front of these properties.

4.0 Description of the Proposal

- 4.1 The application is retrospective and seeks to retain two brick piers (2.1 metres and 2.2 metres respectively) and two three metre stretches of brick wall approximately 1.8 metres high. The walls bend away from the footway to the front of 208 Harwich Road and leave a three metre access five metres back from the footway edge.

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

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

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

UR2 - Built Design and Character
PR2 - People-friendly Streets

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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

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

n/a

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

The Essex Design Guide
External Materials in New Developments

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.

9.0 Parish Council Response

9.1 n/a

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 Three letters of support have been received, two from Borough Councillors, the third from a commuter from Suffolk.
- 10.3 Cllr Smith stated: *I would support this application and should the Officer be minded to reject it should like it referred to the Planning Committee.*
- 10.4 Cllr Hogg stated: *I have visited the address and spoken to the applicant and support this retrospective application to retain the new entrance and brickwork which I believe enhances the area.*
- 10.5 The commuter, from Ixworth in Suffolk, stated: *My wife & I often use this Road to commute to and from work at university of Essex and had noticed renovation works had been carried out to this property which we feel the owner has done to a great standard considering what they had to work with from how the property was left. I believe that the driveway and wall really improves the look of the area which still has a couple of derelict houses. I hope somebody buys and improves those as well as the owners have here. Great job.*

11.0 Parking Provision

- 11.1 The provision remains the same, there is ample on-site parking.

12.0 Open Space Provisions

- 12.1 n/a

13.0 Air Quality

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

14.0 Planning Obligations

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

15.0 Report

- 15.1 The two main issues to consider for this application are Highway safety and efficiency and visual amenity:
- 15.2 On this first point, the Highway Authority (HA) has no issues with this application, other than requesting that the dropped kerb be extended to the south by 1.8

metres to ensure a 90 degree access on to the road and asking that there be no loose materials.

15.3 It is noted that the brick wall has a letter box on it. This indicates that there might be an intention to install gates. If these were in excess of one metre in height, they would require Planning permission, but this has not been applied for here.

15.4 It is presumed, therefore, that there are no Highway issues.

15.5 The key consideration, therefore, is simply one of visual amenity. Is the appearance of the development acceptable?

15.6 As earlier stated, 208 Harwich Road forms part of a distinct group of houses which are set back considerably from the main building line of Harwich Road. A map regression shows that buildings have been on this site since the 18th century and possibly before, when a limb of Parsons Heath extended westward along Harwich Road. This explains the odd positioning of the row.

15.7 The current houses date from the early 20th century, but still follow that early set-back position and therefore have their own setting and sense of place, which requires consideration.

15.8 The gardens in the immediate group of five are approximately sixteen metres deep, with the next group being almost twelve metres. This compares with depths of between four and five metres for all of the rest of this side of Harwich Road within the 180 metre stretch between Dilbridge Road (East) and Alderton Road, with the opposite side measuring only two to three metres. The application site and its group has, therefore, a unique characteristic.

15.9 Unsurprisingly, the owners of the properties in question have taken advantage of this wealth of space and opened it up to use it for the parking of vehicles. Whilst aesthetically it would be preferable for the gardens to be fronted with dwarf walls and, perhaps, railings (as can still be seen on at least one property further down Harwich Road) the removal of such items is a matter beyond Planning control and it would be unrealistic to expect house owners not to try and use the space in some way.

15.10 That said, the Local Planning Authority *can* control fences, walls and enclosures which are in excess of one metre in height. If these are seen to be visually inappropriate in any way, then the Authority may seek to refuse or amend, even if the enclosures are already in place.

15.11 That the walls in question are already in place does assist in assessing the visual impact. As one progresses from the north-east, all buildings are open to view, including the more recent (although dating from the early 2000s) Reynard Heights, which has railings between 1.5 and 1.8 metres high, giving views of that development.

15.12 The first main obstruction to views from the north-east is not the wall in question, but the close boarded fence which forms the boundary between the application site and Reynard Heights. This light brown structure predates this

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application, has been in place for some time and does temper the visual impact of the wall to a certain degree.

- 15.13 The walls do become very apparent diagonally opposite the site (just past the bus cage) and, in your Officer's opinion, are totally out of keeping when one is immediately opposite.
- 15.14 In slight defence of the proposal, there was previously a brick pier on the right hand side (bordering Reynard Heights) in the same position as the new one and of a similar height. However, there were no other structures in excess of one metre in height, instead was a dwarf wall which had a "dry-stone" appearance.
- 15.15 The fact that the walls and piers are the only such structures in the vicinity means that they are stark within their setting. Even when allowing for the fence to the right (Reynard Heights), it is highly prominent. This is slightly offset by the return fence, which runs up the garden (also on the applicant's property), but that fence is also in excess of a metre in height where it meets the highway and also requires Planning permission as does, apparently, the fence a few houses to the left.
- 15.16 This discordant appearance could be tempered if other properties were to build similar structures. Then the row would have more of a uniformity about it and the development would appear less incongruous, albeit potentially.
- 15.17 However, the nearby plots do not have sufficient width to contain a development such as this and still be able to accommodate vehicles. The application site is eight metres in width, whilst the other properties are generally four to four and a half metres in width (in one case being just three metres) whilst number 188 (at the opposite end of the group) measures almost seven metres.
- 15.18 This fact militates both in favour of and against the proposal. In its favour, it means that the likelihood of a forbidding 45 metre long stretch (from Alderton Road to Goring Road) of similar piers and walls (which it would be very difficult to exist if this application were approved) is very slim, with the possible exception of 188 Harwich Road, some 38 metres away.
- 15.19 Against it is the fact that it would, therefore, stand alone as a walled structure of 1.8 metres in height (up to two metres at pier) in a group of eleven houses with no front boundaries, barring a two and a half metre stretch of brick wall at number 198 and another at the corner on 188 (both no higher than a metre and therefore visually acceptable as well as being beyond our control).
- 15.20 The visual discordance is only offset by the fact that the brick pier, railings and return fence are already in place at Reynard Heights and this forms a back-drop of sorts. It is the latter item which does the most to absorb the visual effect.
- 15.21 The left-hand-side return fence at the application property also does much to obstruct the visual impact of the wall as seen from the south-west, but it must be recalled that this is also unauthorised.

15.22 Design and appearance are both a matter of taste and, whilst the walls have been built well, it is their sheer height which is discordant and this is more apparent when passing by the site on the same side as it.

15.23 Whilst it is acknowledged that improvements have been made to the house and garden, it is still felt that the proposal is visually unacceptable.

16.0 Conclusion

16.1 To summarise, whilst the property has been improved by the applicant, your Officer feels that the works subject of this application are too high when viewed close up form a discordant within the context of this group of eleven houses and within the wider setting of this part of Harwich Road.

16.2 For these reasons, your Officers recommend that this application be refused.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

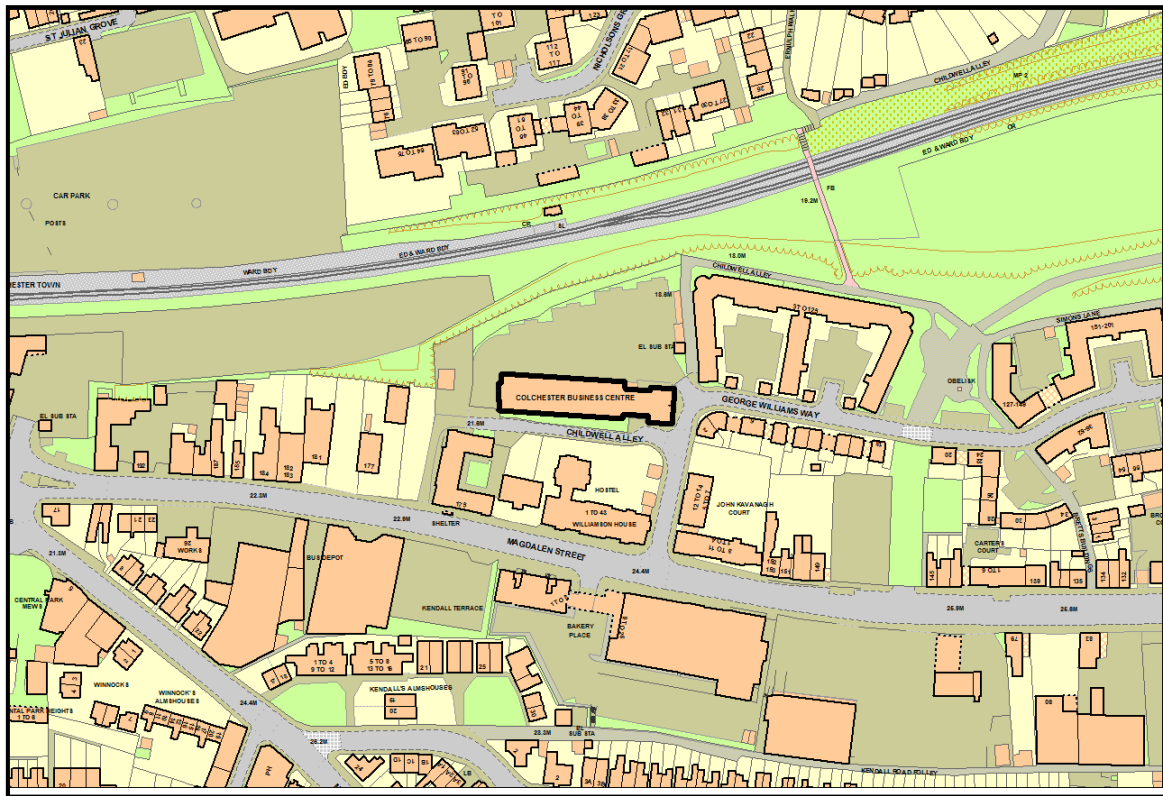
REFUSAL of planning permission for the reasons set out below:

- Visual amenity and incongruity in this location. Contrary to the NPPF, UR2 and DP1.

18.0 Informatives

18.1 The following informatives are also recommended:

The applicant is advised that the structures the subject of this application, in addition to the return fence are all unauthorised and should be removed or reduced to a height of no more than one metres.



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Item No: 7.4

Application: 171687

Applicant: Colchester Borough Council

Agent: Colchester Borough Homes

Proposal: Raising height of existing masonry parapet and gable walls to roofs including replacing stone copings and flashings, installing stone cill below bullseye louvre vents (5no) and canopy over entrance door.

Location: Colchester Business Centre, 1 George Williams Way, Colchester, CO1 2JS

Ward: New Town & Christ Church

Officer: Mark Russell

Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Colchester Borough Council is the applicant.

2.0 Synopsis

- 2.1 The following report gives a brief description of proposed works at the Colchester Business Centre. It is explained that these works are minimal and that no issues of design or amenity arise.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The Colchester Business Centre is a purpose-built facility from the early 2000s to house COLBEA (Colchester Business Enterprise Agency). COLBEA is a not for profit organisation dedicated to supporting business, offering training and advice sessions and other services to local businesses.
- 3.2 The organisation's building was erected at the same time as the surrounding housing development on Magdalen Street and George Williams Way.

4.0 Description of the Proposal

- 4.1 The proposed development is purely cosmetic – as the description implies, it involves raising the height of a parapet and gable walls (all masonry), replacing stone copings and flashings and installing stone cills and a canopy over the entrance door.

5.0 Land Use Allocation

- 5.1 Employment land, within the settlement boundary of Colchester.

6.0 Relevant Planning History

- 6.1 F/COL/00/1243 - Construction of new enterprise centre with associated parking - Demolition of existing enterprise centre and new residential development to comprise 6 houses and 62 apartments including associated roads, parking and landscaping (Phase 1). Approved 22nd February 2001.

7.0 Principal Policies

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

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

UR2 - Built Design and Character

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

DP1 Design and Amenity

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

The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 Environmental Control – suggested a standard demolition and construction advisory note.

9.0 Parish Council Response

- 9.1 n/a

10.0 Representations from Notified Parties

- 10.1 At the time of writing (11th July 2017) no other comments had been received. The consultation process is set to expire on 20th July and any comments received will be reported on the amendment sheet.

11.0 Parking Provision

- 11.1 n/a

12.0 Open Space Provisions

- 12.1 n/a

13.0 Air Quality

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

14.0 Planning Obligations

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

15.0 Report

15.1 The main issues in this case is simply one of design.

15.2 The proposed amendments are limited and give rise to no concerns at all. The very slight increase in height of the facing brickwork (150mm) and installation of new cast stone copings to the gable parapet wall, coupled with the installation of the new band of render to the gable parapet wall will be visible as will (although less so) the new cast stone cill beneath the louvre gable vents. However, these are minimal interventions.

15.3 Some of the works are to the rear and sides, many of them being minimal. To the front, also, minimal changes are tabled, but the new canopy over the front door is the main change. This is aluminium framed and clad with plastic. This is perfectly acceptable in this location.

15.4 There are no other issues arising and, therefore, the application is recommended for approval.

16.0 Conclusion

16.1 To summarise, the minimal works are acceptable and the application should be supported.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers COR 294571 drg 04 and 08.

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

18.0 Informatives

18.1 The following informatives are also recommended:

ZT0 – Advisory Note on Construction & Demolition

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

27 July 2017

Report of	Assistant Director – Policy & Corporate	Authors	Andrew Tyrrell & Simon Cairns
Title	Summary of Received Appeal Decisions		
Wards affected	All		

This report is the first of its type, following a request by the Planning Committee, to begin regular reporting of any recently received appeal decisions. The decision(s) will be summarised so that the Committee can remain up to date with appeal outcomes, trends and changes; so they can further understand how Inspectors are presiding over our own decisions.

1.0 Appeals Decisions Received

- 1.1 At the time of writing there were only 3 appeal decisions received in the last month within the Borough and neighbouring authorities (selected for relevance). These are detailed below:

A1.0 “Appeal A” Details

Site Address: 56 Blackberry Road, Stanway CO3 ORZ

Outcome: Dismissed

Inspector: Miss L Fleming MRTPI

Appeal Ref: APP/A1530/W/17/3169298

Application No: 162509 (Refused under delegated powers on 22 November 2016)

Proposal: 2-storey extension to both ends of the existing shopping parade to create new ground floor retail units and first floor self-contained flats.

A2.0 Background

- A2.1 The original application had received 14 objections from residents, Stanway Parish Council had also objected, as did Essex County Council Highways. Councillor Lesley Scott-Boutell had called-in the application if it were to be approved by officers; however it was not brought to Committee because officers also concluded that it was unacceptable and consequently refused it under delegated powers.

A3.0 Summary

- A3.1 The key issue for the appeal was the adequate provision of parking for the existing shops, the new shops and the extra residents. The Council contested that there was inadequate parking provision at the site and that the parking layout would be unworkable and unsafe in highway terms.

- A3.2 The applicant claimed there were approximately 30 spaces laid out to the rear and side of the appeal building and six spaces to the front. However, the Inspector noted there were no detailed car parking layout plans showing the current or proposed parking spaces and on the basis of the evidence was “not satisfied that the appeal site could safely accommodate 35 car parking spaces whilst also allowing for a safe circulation space if those spaces were all occupied”. On-street parking nearby was not adequate mitigation as these would also meet the demands of nearby residents. Even if the appellant could adequately control car ownership through parking permits the appeal site is not in a town centre location and it has not been demonstrated that there is a high level of access to local services such as schools, healthcare and leisure. Thus, a reduced parking requirement could not be applied.
- A3.3 Overall, the Inspector agreed with the Council that the number of parking spaces required could not “be safely accommodated within the site whilst also providing adequate circulation space for customers and servicing vehicles. That would result in vehicles waiting to access spaces and manoeuvring in limited space. Furthermore, the narrowing of the space between the building and the side boundaries would reduce driver visibility and would significantly increase the risk of vehicle and pedestrian collisions in the area, thus harming highway safety.
- A3.4 In reaching these conclusions, the Inspector did “acknowledge the benefits of the proposal in terms of providing local services, economic development and new homes. However, these matters do not outweigh the harm... Consequently the proposal is not sustainable development as set out in the National Planning Policy Framework.” The Inspector also identified conflict with Policies DP1 and DP19 of the CBC Development Policies DPD and Policy UR2 of the Core Strategy, which aim to achieve good design and highway safety.

B1.0 “Appeal B” Details

12 July 2017 – Neighbouring authority: Braintree District

Address: Land at West Street Coggeshall – Appeal Ref: App/Z1510/W/16/3160474

Proposal: Hybrid application for mixed uses including public open space, community woodland with Outline application for 8 self-build dwellings & business hub. Full application for 98 dwellings & garages/parking with access from West Street.

B2.0 Summary

- B2.1 This dismissed appeal helpfully illustrated the balancing of competing material considerations; namely the provision of homes in a situation where a five year housing supply cannot be demonstrated. Under the National Planning Policy Framework, authorities must demonstrate a five-year supply or their local plan policies are deemed out of date and the framework’s “presumption in favour of sustainable development” is initiated. In this case, although not subject to a national designation, the landscape was locally significant and the setting of designated heritage assets was adversely affected by the scheme potentially.
- B2.2 Apart from determining the level of the agreed shortfall in housing in the area, the inspector considered the impact of the mixed use scheme on the setting of a nearby grade II listed farmhouse and outbuildings, the setting of the adjoining conservation area and the appearance and character of the area generally.

- B2.3 In reviewing the shortfall, the inspector considered the use of a five per cent buffer and the Sedgefield method were appropriate and this resulted in a total of 3.12 years of housing land supply. This, she acknowledged, was significant but also commented on the fact that it had mainly arisen due to a very recent re-assessment of the objectively assessed need, whereas previously the council had had a good record of meeting need. Nevertheless, paragraph 14 of the NPPF needed to be enacted.
- B2.4 In terms of impact on heritage assets, the inspector found that the scheme would result in less than substantial harm to the setting of both a listed farmhouse and outbuildings and the conservation area by virtue of the erosion of the gap between the buildings and the village, diminishing the agricultural context of the listed buildings and the verdant approach to the village.
- B2.5 The inspector held the landscape affected by the scheme was a valued one by virtue of its quality, scenic contribution, conservation interest and recreational use. Its loss, she held, would harm cross-valley views from the rights of way and towards the listed buildings.
- B2.6 In balancing the benefits against the harm, the inspector concluded the aggregate of the heritage and landscape harms and conflict with the development plan, albeit afforded less weight, outweighed the benefits of the housing and employment proposed. The appeal was consequently dismissed.

C1.0 “Appeal C” Details

Appeal Ref: APP/A1530/D/17 CBC

Application No: 170260 (Refused by committee in line with officer recommendation)

Appeal Decision: The rear extension was dismissed (14 June 2017), a replacement front entrance door was allowed.

Address: 8 Roman Road, Colchester, Essex CO1UR

Proposal: Two storey replacement rear extension & replacement front door.

C2.0 Summary

- C2.1 The proposed development comprised the demolition of an existing rear extension and construction of a two storey rear extension with part single storey element. A replacement entrance door to front did not form part of the reasons for refusal. The property is subject to an Article 4 direction and is within the Colchester No.1 Conservation Area.
- C2.2 The appeal was dismissed and the reasons for refusal were design based, concerning the adverse impact on the character and appearance of the conservation area.
- C2.3 The Committee considered this application in March 2017. The application relates to an early Victorian, semi-detached cottage subject to an article 4 direction in Roman Road. The property backs onto an area of public open space from which the rear elevation can be readily seen and the relationship with the scheduled town wall appreciated. The main planning issue was the impact of the proposal on the character and appearance of the wider conservation area. The inspector commented *“In my opinion, the traditional materials and fenestration proportions make a positive contribution to the character and appearance of the Conservation Area.”* The proposed extension was to be faced in larch timber cladding with relatively large areas of glazing.

C2.4 The inspector concluded *“that the proposed rear extension would appear as an alien feature. This would not preserve the traditional character or appearance of the Conservation Area, but this would be less than substantial harm as set out in the Framework.”* This was seen to be in conflict with relevant local plan policies where they seek a high standard of design, for new development to respect and enhance local character and the requirement to preserve or enhance the character or appearance of a conservation area. The Inspector concluded that the proposal did not therefore represent sustainable development insofar as the harm identified failed to satisfy the requisite environmental role of paragraph 14 of the framework. The appeal was dismissed and a revised scheme has now been submitted that will be reported for committee’s consideration in due course.

C2.5 In terms of the front door, the replacement front door had not been contested and was not part of the reasons for refusal, but in reaching a split decision the Inspector’s conclusions was that:
“The proposal includes a replacement front door and fan light of traditional design. From my observations, this would be in keeping with the character and appearance of the existing dwelling and would preserve the character and appearance of the Conservation Area. As this part of the proposal can be undertaken independently from the proposed rear extension, I consider it appropriate to issue a split decision in this respect.”