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**Item No:** 7.4

**Application:** 210847

**Applicant:** Mr & Mrs Eden

**Agent:** Karen Fardell, Plater Claiborne Architecture and Design

**Proposal:** Conversion and extension of an existing single storey outbuilding range to form a single three bedroom dwelling.

**Location:** Church House, Church Road, Wormingford, CO6 3AZ

**Ward:** Rural North

**Officer:** Nadine Calder

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because it represents a departure from the Local Plan as the site is situated outside an adopted settlement boundary in open countryside for policy purposes within the Dedham Vale AONB.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the principle of residential development outside the defined settlement limits, the proposed development's impact on nearby designated heritage assets, its wider impact on the surrounding area, neighbouring amenities and highway safety as well as the personal circumstances of the applicant.
- 2.2 It is considered that the proposed development is appropriately designed and based on the personal circumstances would not cause any material harm to designated heritage assets or landscape character. On balance, it is held that the unique personal circumstances justify the proposed development despite its conflict with adopted policies that seek to avoid unsustainable residential development in the countryside.
- 2.3 The application is subsequently recommended for approval subject to conditions.

## **3.0 Site Description and Context**

- 3.1 The site relates to land to the rear (north east) of Church House which is listed at Grade II for its special historic and architectural interest (List UID 1225424) and comprises a group of outbuildings with an outdoor swimming pool that lie to the east of Church House.
- 3.2 The site lies outside any defined settlement limits, within the Dedham Vale Area of Outstanding Natural Beauty (AONB) and for the most part within the designated Wormingford Conservation Area. The Conservation Area covers approximately 4 ha and comprises a small group of dwellings, most of them listed, arranged in a linear form adjacent to the Church of St Andrew. The character of the area is one of detached houses set within large gardens fronting directly onto the road and within the designated landscape of the AONB. The application site comprises existing residential curtilage with most of the development consisting of the conversion of existing outbuildings in ancillary use (pool house).

## **4.0 Description of the Proposal**

- 4.1 This application seeks planning permission for the conversion and extension of an existing single storey outbuilding range to the north east of Church House to form a three bedroom dwelling. The proposal also includes a cartlodge for Church House to the north east of Church House and west of the proposed dwelling.

## **5.0 Land Use Allocation**

- 5.1 The site lies within the Wormingford Conservation Area and the Dedham Vale AONB.

## **6.0 Relevant Planning History**

- 6.1 There is no planning history that is particularly relevant to this current proposal. This application however follows a pre-application enquiry which sought advice on the principle of providing a residential dwelling in the grounds of Church House in August 2020 (reference 201827).

## **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  
SD2 - Delivering Facilities and Infrastructure  
H1 - Housing Delivery  
H2 - Housing Density  
H3 - Housing Diversity  
UR2 - Built Design and Character  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
ENV1 - Environment  
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  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP12 Dwelling Standards  
DP14 Historic Environment Assets  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP21 Nature Conservation and Protected Lanes  
DP22 Dedham Vale Area of Outstanding Natural Beauty

- 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 Submission Colchester Borough Local Plan 2017-2033:  
The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan remains to be examined, with hearing sessions having taken place for two weeks between 20 and 30 April 2021. Section 2 policies must be assessed on a case by case basis in accordance with NPPF paragraph 48 to determine the weight which can be attributed to each policy.

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

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

The Emerging Local Plan submitted in October 2017 is at an advanced stage, with Section 1 now adopted and Section 2 having progressed to examination hearing sessions in April. Section 1 of the plan is therefore considered to carry full weight.

Section 2 will be afforded some weight due to its advanced stage. However, as the Inspector’s report is awaited following completion of the examination. The exact level of weight to be afforded will be considered on a site-by-site and policy by policy basis reflecting the considerations set out in paragraph 48 of the NPPF. Proposals will also be considered in relation to the adopted Local Plan and the NPPF as a whole.

- 7.6 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  
Community Facilities  
Open Space, Sport and Recreation  
Managing Archaeology in Development.  
Dedham Vale AONB Management Plan

## **8.0 Consultations**

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

- 8.2 The Archaeological Officer raises no objection to the proposal subject to a condition.
- 8.3 Environmental Protection raise no objection to the proposal subject to a condition restricting the hours of work.
- 8.4 The Landscape Officer raised no objection to the proposal on landscape grounds.
- 8.5 Following some small revisions to the scheme, the Historic Buildings and Areas Officer raises no objection to the scheme.
- 8.6 The AONB Planning Officer raises no objection to the proposal.
- 8.7 The Highway Authority raises no objection to the proposal.
- 8.8 Natural England have not objected to the proposal.

## **9.0 Parish Council Response**

- 9.1 The Parish Council support the application for the following reasons:
- The overall impact of the proposed development is minimal and complimentary to the existing structures.
  - It will have minimal impact on surrounding buildings and countryside.
  - It will have a minimal impact on traffic using School Lane.
  - It will enable the applicants who contribute significantly to village life to remain in residence.

## **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 Councillor Chapman requested the application to be referred to the Planning Committee should a recommendation for refusal be made. This for the following reason:

*"I am impressed by the detailed consideration for landscape, environment and design that has been shown in this application for a site that is in the Dedham Vale Area of Outstanding Natural Beauty and also in a Conservation Area. Bearing in mind the personal circumstances of the Applicant I believe it deserves the full scrutiny of the planning process, and I am, therefore, requesting this Application is taken to Committee if the recommendation is refusal."*

- 10.3 27 letters of support (from the immediate area, the Borough as a whole and well outside the Borough) were received, mainly providing support to the proposal due to the personal circumstances of the applicant.

## **11.0 Parking Provision**

11.1 The proposal would provide policy compliant parking provision for the proposed new dwelling and Church House.

## **12.0 Accessibility**

12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The proposed development does not raise any issues of discrimination; at the heart of the proposal lie the personal circumstances of the applicant which would ensure the development would be accessible for their needs and protected characteristics.

## **13.0 Open Space Provisions**

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

## **14.0 Air Quality**

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

## **15.0 Planning Obligations**

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

15.2 A signed and sealed Unilateral Undertaking supports this application, providing the relevant developer contributions for minor development proposals in order to minimise the impact of new developments and other buildings which create extra demands on local facilities.

## **16.0 Report**

16.1 This application seeks planning permission for the conversion and extension of an existing single storey vernacular outbuilding range to the north east of Church House (grade II) to form a three bedroom dwelling. The proposal also includes a cart lodge for Church House to the north east of Church House and west of the proposed dwelling. The main considerations in the determination of this application are the principle of the proposed development, its impact on the surrounding (designated) area and its impact on designated heritage assets.

### Principle of Development

16.2 The site lies outside the defined settlement limits for Wormingford and therefore within the countryside where new residential development is strictly

controlled in the interests of sustainability and protection of the countryside. The proposal is therefore contrary to adopted policies which seek to direct growth to the most accessible and sustainable locations. To gain support to the principle of a new residential dwelling, any proposed development would have to demonstrate very special circumstances.

- 16.3 The application submission states that the proposed dwelling is required due to the applicant's personal circumstances. These are fully explained in the Personal Statement that supports this application and will not be repeated within this report in compliance with GDPR requirements to protect personal data. In summary however, it is understood that the applicant, for health reasons now relies on the support of their family. They require a place they are familiar with, has level access and offers opportunity for prescribed hydrotherapy, physiotherapy and gym exercises to enable a decent quality of life. The applicant currently lives in Church House which is not suitable for their needs, and it was explained that the applicant is actively engaged in the local community life.
- 16.4 It is up to the decision maker to decide how much weight should be given to the personal circumstances of applicants as part of a planning application. Based on the information submitted in support of this application, it is accepted that this application is concentrated around the special personal circumstances of the applicant. Therefore, this matter can be given weight in the planning balance.
- 16.5 Notwithstanding the above, it needs to be noted that paragraph 79 of the National Planning Policy Framework (the Framework) lists special circumstances which may allow the creation of new isolated homes in the countryside. Whilst none of these circumstances directly apply to this proposal and in strict policy terms, the creation of a new dwelling in this location would therefore technically represent unsustainable development and a departure from the Local Plan. Nevertheless, the NPPF para. 79 does cite circumstances where a relaxation of normally restrictive countryside policies may be justified including: the conversion of redundant buildings to enhance the immediate setting or where the proposal represents the subdivision of an existing dwelling. The proposal does approximately satisfy these criteria; if not achieving an exact fit as the buildings may not be functionally redundant and the scheme includes a new build element. The scheme does involve the subdivision of an existing residential property by severing the pool and pool house from the main dwelling together with associated garden area.
- 16.6 It will be important to assess, in the planning balance, whether the personal circumstances that have been put forward as part of this application significantly and demonstrably outweigh the conflict with adopted policies relating to new dwellings in the countryside.

#### Impact on the Dedham Vale AONB and Surrounding Area

- 16.7 The site falls wholly within the Dedham Vale AONB, which is a nationally designated landscape. Furthermore, the site sits just within the B5 Rochfords Farmland Plateau Landscape Character Type (LCT) as defined in the

Colchester Landscape Character Assessment (CBA, 2005). The enclosure pattern within the LCT is of small to medium sized irregular and regular fields. Field boundaries consist of hedges, with some small deciduous woodland belts. The settlement pattern is mixed, combining linear (Fordham) and nucleated (Little Horkesley) forms and there are a number of small hamlets scattered across the landscape. The most relevant landscape management guidelines for this LCT regarding this application are to i) conserve the landscape setting of existing small settlements such as Rochfords, Wormingford and Wakes Colne Green, ii) conserve the setting to villages, e.g. Wormingford, by control of expansions to these settlements and iii) ensure that any appropriate new development responds to historic settlement pattern and uses materials, which are appropriate to local landscape character.

- 16.8 The materials and colour palette proposed for the proposed development are considered appropriate for the location. The choice of materials (black and cedar timber cladding, the clay tiles, the zinc roof) and how they have been used to define different parts of the dwelling helps break up the mass of the new building. The timber louvres to be fitted over new window openings are a welcome design feature to help manage light spill. Collectively these measures when considered together would enable this new dwelling to sit sympathetically within the AONB and in the local landscape.
- 16.9 The proposed hard and soft landscape proposals are supported. The mix of fencing types proposed are considered appropriate for this rural location and the more open type fences and soft borders would be penetrable and beneficial for wildlife. The established trees on site and the proposed new planting would help ensure that the new dwelling integrates well within the local landscape and AONB. This approach would also help conserve the defined landscape quality of this part of the AONB.
- 16.10 The site's position set back behind Church House and Church Cottages (when viewed from Church Road) coupled with its modest scale, sensitive choice and use of materials and colour and the presence of established mature vegetation on site, would allow the new dwelling to sit sympathetically within the landscape and AONB.
- 16.11 As such, it is considered that the proposed development complies with the aims of Development Policy DP22 and supports the objectives in section 3.2.7 of the Dedham Vale AONB and Stour Valley Management Plan 2016-2021 as well as the management guidelines in the Colchester Landscape Character Assessment for Wormingford. The proposal would also comply with the aims of Core Strategy Policy ENV1 which seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline. No objection is therefore raised to the proposed development with regards to its impact on the landscape and surrounding area.



### Impact on Neighbouring Amenities

- 16.12 The proposed development comprises mainly of the conversion of existing outbuildings with a modest, single storey extension proposed. The proposed dwelling and additional built form is positioned far enough from its nearest neighbouring properties so as to not cause any materially harmful impact on their amenities in terms of appearing overbearing on their outlook or causing loss of light or privacy. The additional vehicle movements down School Lane from where the dwelling would be accessed are also not considered to be so detrimental as to cause undue noise or disturbance given the existing use of the outbuildings for garaging purposes (amongst others).
- 16.13 With regards to the cart lodge for Church House, this is also considered to be a reasonable distance from the neighbouring dwelling to the east with the structure being enclosed where it faces that neighbouring property. The driveway is existing and the cart lodge in itself is therefore not considered to create any such noise or disturbance to existing neighbouring occupiers that would be unacceptable. As such, the proposed development as a whole is considered to be acceptable with regards to its impact on existing neighbours and their amenities.

### Heritage Impacts

- 16.14 The proposed development does not include works to the listed Church House and therefore, the main heritage consideration with regards to this proposal is the impact of the proposed development on the setting of the listed building, its impact on the character and quality of the Wormingford Conservation Area and the impact on the setting of the nearby designated properties (which include Nos 1 and 2 Church Cottages, Church Road, Wormingford).
- 16.15 When providing advice on the principle of the proposed development as part of the preliminary enquiry in 2020, a number of issues that were held to be fundamental from a heritage perspective were raised, including the impact a new dwelling would have on the setting of the listed Church House by way of the addition of further development within its setting as well as from the fragmentation of its curtilage.
- 16.16 These concerns have not been addressed by the proposed development, which merely includes a small reduction of the proposed extension's footprint compared to the original proposal which was the subject of the pre-application enquiry. The fundamental concerns with regards to the proposed development's impact on the setting of the listed building therefore remain.
- 16.17 Notwithstanding this, by virtue of its form, materials and details, it is considered that the design of the proposed development achieves some mitigation with regards to its impact on the setting of the listed building and the Conservation Area.

- 16.18 In order to maximise this mitigation, it was requested that the roof be kept free of reflective surfaces, such as the rooflight on the north elevation (above the dining room) and the solar panels on the south elevation. As the Framework places equal significance on the requirement to protect the natural and historic environment, the renewable energy strategy for the new dwelling cannot be implemented at the expense of the area's character. The roofscape of the historic settlement is free of features such as solar panels and their introduction to this site would set an unwelcome precedent that could encourage applications for their use on other sites which would then erode the character of this very sensitive Conservation Area. A more sympathetic solution would be the replacement of the existing slate roofs with PV slate tiles that would preserve their appearance while hopefully achieving the same energy gain as the solar panels. Moreover, the configuration of the flat-roofed sections as green roofs is an environmental-friendly option and adds some interest to these less-sympathetic roof sections. The agent accepted this request and has since removed the solar panels from the proposed scheme and reduced (albeit not removed) the size of the rooflight above the dining room.
- 16.19 The use of louvres in order to mitigate the impact of the glazed openings is a commendable solution but there were also concerns about the amount of glazing on the west elevation. It was recommended that the glazed half of the gable end be replaced by a solid, weatherboarded section. The adjacent louvres and the louvres over the opening of the gable end to the north, as well as the louvres of the opening to the master bathroom, should be permanently fixed features, rather than sliding or opening panels, to limit the light spillage towards Church House and Church Road and preserve the existing impression of the outbuildings. The glazed door to the corridor was also asked to be reduced in width. These changes were again accepted by the agent and fully incorporated into an amended scheme.
- 16.20 The proposal also includes two new outbuildings: a detached garage to serve the proposed new dwelling and a new detached cartlodge for Church House. The size, scale, form, design and materials of these structures are considered to be appropriate for the site and the location, thus not causing any significant concerns with regards to their impact on the setting of any designated heritage asset.
- 16.21 Taking into account the above, the proposed development is expected to result in a modest degree of harm to the special interest of the listed Church House through adverse impact to its setting; this impact would reflect to a certain degree on the designated Conservation Area as well. This harm would be classified as less-than substantial, according to the classification of the Framework. The mitigation by design and reduction of the extension's scale (compared to the extension proposed as part of the preliminary enquiry) reduces the level of less-than substantial harm towards the lower spectrum, while the recommended changes as set out above, which have since been implemented, further assist in mitigating

and addressing the specific concerns with regards to the proposed development.

- 16.22 Although paragraph 196 of the Framework requires public benefits and benefits that are associated to the use of the listed building in order to outweigh the anticipated harm, paragraph 194 stresses that any harm to the special interest of a designated heritage asset from development within its setting requires robust and convincing justification. In this case, this justification is provided by the personal circumstances of the applicant. It is also noted that the application has received a lot of support from the locality based on the applicant's personal circumstances. Whilst this does not translate into any public benefits, it shows that the community is not opposed to the proposed development and would support this development due to the applicant's personal circumstances which form an integral part of this application. It is on that basis, that the Historic Building and Areas Officer raises no objections to the application on heritage grounds.

#### Archaeology

- 16.23 The proposed development is situated within the area of archaeological interest that has been defined in the Colchester Historic Environment Record (HER), being situated immediately opposite the medieval church of St Andrew (MCC7183). Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist. 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. This was agreed with the agent. Subject to this condition, the proposal is not held to cause any concerns in this regard.

#### Highway Matters

- 16.24 Access to the site would be gained via School Road which is an existing access road leading to Church House. The Highway Authority has not raised any objection to the proposed development on highway safety or efficiency grounds and the proposal would result in adequate parking facilities and turning space to enable both occupiers (i.e. those of the proposed development and Church House) to enter and leave the site in a forward gear. There are therefore no concerns with regards to the impact of the proposed development on highway matters.

#### Other Matters

- 16.25 The outbuildings which are proposed to be converted and/or demolished are currently in use and are therefore not vacant or neglected. As such, it is not considered that they offer any opportunities for bats to roost. The agent has confirmed that no evidence of bats (droppings etc.) was found within the outbuildings. There is therefore no need for an ecological/bat survey.

- 16.26 The application is supported by a signed and sealed Unilateral Undertaking which provides the relevant developer contributions for minor development proposals in order to minimise the impact of new developments and other buildings which create extra demands on local facilities.
- 16.27 The proposed development therefore complies with Core Strategy Policy SD2 and Development Policy DP3 as well as the Supplementary Planning Documents 'Community Facilities' and 'Open Space, Sport and Recreation'.
- 16.28 In addition to the above, a Habitat Regulation Assessment has been carried out and is attached to this report. This finds that subject to the relevant financial contribution towards RAMS (which has already been paid), the proposal would comply with Development Policy DP21.

#### Planning Balance and Conclusion

- 16.29 The above assessment has concluded that the proposed development would not cause any visual or material harm on the Dedham Vale AONB, neighbouring amenities or highway safety while less than substantial harm, which is outweighed by the personal circumstances of the applicant, would be caused to the setting of the listed Church House.
- 16.30 It is accepted that this application is concentrated around the personal circumstances of the applicant. These provide that the applicant requires familiar surroundings to ensure they continue to have a good quality of life. They are very familiar with the application site, as they have lived in Church House for a long period. They are familiar with the site and its surroundings. It is also understood that they actively engage in community life. All these matters are important elements in supporting the wellbeing of the applicant. The circumstances are also considered to be unique and therefore warrant a more careful assessment. Consequently, this matter can be given some weight in the planning balance.
- 16.31 The creation of a new dwelling in this sensitive location and outside the settlement limits would have a longer-term impact on the surrounding area as this use, if approved, would continue to exist beyond the need for the applicant to live in this development. As identified above however, the proposed development would not cause any significant or demonstrable harm to the character and appearance of the surrounding area, the setting of the listed building or any other material planning considerations. When combined with the fact that the dwelling would be created by the conversion of existing outbuildings, except for a relatively modest extension, it is considered that in this instance, on balance, the applicant's exceptional and unique personal circumstances that apply to this current application outweigh any harm the development would cause in the longer term.

## **17.0 Conclusion**

17.1 To summarise, the proposed development would be contrary to Local Plan policies which seek to protect the countryside from unsustainable residential development. This application however is based on the very personal circumstances of the applicant, which outweigh the conflict with adopted policies. On balance, it is therefore concluded that the proposed development, given the unique circumstances, is acceptable in this instance.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

### **1. 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

2005/loc01 (Location Plan)

2005/03 (Site Plan)

2005/05 Rev A (Proposed Floor Plan)

2005/06 Rev A (North Elevations)

2005/07 Rev A (South Elevations)

2005/08 (East Elevations)

2005/09 Rev A (West Elevations)

2005/10 (North Elevations)

2005/11 Rev A (North and South wing elevations)

2020\_75 001 Rev D (Landscape & Arboriculture Strategy)

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

### **3. Landscape**

The landscape details as shown on the approved drawing(s) 2020\_75 001 Rev D (Landscape & Arboriculture Strategy) shall be carried out in full prior to the end of the first planting/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 and its implementation shall be in compliance with the recommendations set out in the relevant British Standards current at the time of submission. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that the landscape is implemented in accordance with the detail submitted within the application.

#### **4. Archaeology**

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

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

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

#### **5. 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.

## **6. Removal of PD for All Residential Extensions & Outbuildings**

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

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

## **19.0 Informatives**

19.1 The following informatives are also recommended:

### **1. 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. 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](http://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. 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. Informative on Unilateral Undertaking**

PLEASE NOTE: This application is the subject of a Unilateral Undertaking legal agreement and this decision should only be read in conjunction with this agreement.

### **5. Informative on 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/article/13595/Archaeology-and-the-planning-process>

## **6. Informative on Works affecting a Highway**

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](mailto:development.management@essexhighways.org) or by post to:

SMO1 – Development Management  
Essex Highways Ardleigh Depot,  
Harwich Road,  
Ardleigh,  
Colchester,  
Essex  
CO7 7LT