

Planning Committee Meeting

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

Thursday, 05 March 2020 at 18:00

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

Information for Members of the Public

Access to information and meetings

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

Dates of the meetings are available here:

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

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

Have Your Say!

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

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

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Access

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COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 05 March 2020 at 18:00

The Planning Committee Members are:

Councillor Cyril Liddy	Chairman
Councillor Lyn Barton	Deputy Chairman
Councillor Helen Chuah	
Councillor Pauline Hazell	
Councillor Brian Jarvis	
Councillor Derek Loveland	
Councillor Jackie Maclean	
Councillor Philip Oxford	
Councillor Martyn Warnes	

The Planning Committee Substitute Members are:

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

Councillors:

Christopher Arnold	Kevin Bentley	Tina Bourne	Roger Buston
Nigel Chapman	Peter Chillingworth	Simon Crow	Robert Davidson
Paul Dundas	John Elliott	Andrew Ellis	Adam Fox
Dave Harris	Theresa Higgins	Mike Hogg	Mike Lilley
Sue Lissimore	A. Luxford Vaughan	Sam McCarthy	Patricia Moore
Beverley Oxford	Gerard Oxford	Lee Scordis	Lesley Scott-Boutell
Lorcan Whitehead	Dennis Willetts	Julie Young	Tim Young

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

Please note that Agenda items 1 to 6 are normally dealt with briefly.

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

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Have Your Say! (Planning)

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

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

3 Substitutions

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

4 Urgent Items

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

5 Declarations of Interest

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

6 Planning Committee minutes 6 February 2020

7 - 16

The Councillors will be invited to confirm that the minutes of the meeting held on 6 February 2020 are a correct record.

7 Planning Applications

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

7.1 192219 Wakes Hall, Colchester Road, Wakes Colne, Colchester

17 - 54

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

7.2 192220 Wakes Hall, Colchester Road, Wakes Colne, Colchester

Listed Building Consent: Demolish part of existing buildings, extend and convert to provide residential dwellings.
See report at agenda item 7.1

7.3 200040 Town Hall, High Street, Colchester

55 - 64

Listed Building Consent: Removal of the existing wooden shelving from the Court Library

Planning Committee Information Pages v2

65 - 76

8 Exclusion of the Public (not Scrutiny or Executive)

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

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

Planning Committee

Thursday, 06 February 2020

Attendees: Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Derek Loveland, Councillor Jackie Maclean, Councillor Philip Oxford, Councillor Martyn Warnes

Substitutes: Councillor Theresa Higgins (for Councillor Lyn Barton), Councillor Chris Pearson (for Councillor Cyril Liddy)

Also Present:

776 Site Visits

Councillors Chuah, Hazell, Loveland and Maclean attended both of the site visits and Councillors Higgins and Jarvis attended only the site visit at the Garage Site, Hardings Close, Aldham.

777 Chairman

RESOLVED that, in the absence of the both the Chairman and Deputy Chairman of the Committee, Councillor Higgins be elected Chairman of the Committee for this meeting.

778 Deputy Chairman

RESOLVED that, in the absence of the both the Chairman and Deputy Chairman of the Committee, Councillor Pearson be elected Deputy Chairman of the Committee for this meeting.

779 Planning Committee minutes 9 January 2020

The minutes of the meeting held on 9 January 2020 were confirmed as a correct record.

780 192904 Former Severalls Hospital Site, Boxted Road, Colchester

The Committee considered a planning application for the variation of Condition 2 (site levels) following grant of planning permission 100502 at the former Severalls Hospital Site, Boxted Road, Colchester. The application had been referred to the Committee as an officer referral for reasons of transparency.

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

James Ryan, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Andrew Owen addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site, with full planning permission, had been bought from the Homes and Communities Agency and, as part of the approved plans, indicative finished floor levels had been shown on the site layout. He explained that the application sought to regularise what had been built on site, that the site had been reliant on the delivery of the Northern Approach Road which formed the vehicular access to the site with connections for drainage and utilities, that the delayed delivery of the road had led to revised levels being required across the site to form the connections to comply with adoptable standards and that the road alignment and connections had all been approved by the relevant authorities. He further explained that the scheme was a sustainable homes development, including the provision of level access to each dwelling to provide for future adaptation for wheelchairs and, as such, the drives and paths had been amended to accord with this requirement and, where the levels had been raised, these were in the least sensitive locations. He referred to the properties in Thomas Wakley Close being closest to the scheme but where the levels were lower. He welcomed the views of officers that the proposals were considered acceptable.

One member of the Committee sought an assurance in relation to complaints from nearby residents regarding potential flooding and surface water drainage problems.

The Principal Planning Officer confirmed that the application for a change in levels was required as the scheme had been built to a level which did not accord with the approved levels drawing. He explained that the buildings had been built at different levels because the scheme needed to be worked into an adoptable highways and drainage system all of which needed to link into the new Northern Approach Road. He confirmed that the on-site drainage system was now in place and featured a number of sustainable urban drainage features, such as swales. He further confirmed that no professional evidence had been presented in relation to surface water drainage issues and the floor levels were lower than the nearest neighbouring properties. He also referred to the significant additional planting along the boundary to be secured by condition which would increase water uptake in that area.

RESOLVED (UNANIMOUSLY) that -

(i) The Assistant Director Place and Client Services be authorised to approve the planning application subject to the conditions set out in the report and subject to the signing of a linking legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting and, in the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Assistant Director Place and Client Services be authorised, at

their discretion, to refuse the application or otherwise be authorised to complete the agreement.

(ii) The Assistant Director Place and Client Services also be authorised to approve the landscaping / buffer belt condition without further reference back to the Committee.

781 191467 Fairfield's Farm, Fordham Road, Wormingford, Colchester

The Committee considered a planning application for the removal or variation of a condition following grant of planning permission 172600 at Fairfield's Farm, Fordham Road, Wormingford, Colchester. The application had been referred to the Committee because it had been called-in by Councillor Chapman.

The Committee had before it a report and 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.

David Lewis, Planning Officer, presented the report and, together with Simon Cairns, Development Manager, Belinda Silkstone, Environmental Health Manager and Guy Milham, Environmental Health Officer, assisted the Committee in its deliberations.

Daniel Fenn addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He was speaking on behalf of a number of residents of Wormingford. He had been a resident of Spring Cottage for 14 years over which time the number of nuisance complaints and the extent of the odour problem had steadily increased. He also referred to the problem extending into Sundays and Bank Holidays and being sufficiently intense to penetrate indoors even when doors and windows were closed. He and other residents had been hopeful that the new odour elimination system specified in the previous planning permission would successfully resolve the problems for residents, however he considered the system chosen to be installed by the applicants did not work to the standard required. As such, he was of the view that the implementation of increased working hours would increase the odour nuisance and health risks for residents. He expressed disappointment about the threat of legal action by the applicant, should approval of the application not be granted, along with statements about heavy investment in the business and potential job losses. He confirmed he and many other residents were small business owners and, as such, were aware of the challenging economic environment whilst also investing heavily in their homes. He was of the view that, if the odours did not occur, there would be no problem with the location of the factory. He asked the Committee members to support the residents' view and to refuse the application.

Robert Strathern addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the family business employed 40 local people, who faced the possibility of redundancy should the application be refused. He explained that the application was not to allow an extension of operating hours but that permission had been granted in 2017 for the business to operate over 24 hours, six days a week, subject to the installation of an odour unit. He confirmed that an odour unit had been installed at a cost of £250,000. He explained that the current application had been requested by the Council as a result of Environmental Health Officers not discharging the conditions associated with the 2017 planning permission, on the grounds that the approved drawings required the erection of a wall which had yet to be complied with. He understood that the Environmental Health Officer's view was that the absence of the wall would reduce the effectiveness of the odour unit, however no evidence had been submitted to support that concern. He referred to a letter from Land Air Consultants (LAC), consultants appointed by him, explaining why an internal wall would not have an observable effect on odour impact and concluding that local amenity is not adversely affected by 24-hour production. He also referred to the review of the LAC results, commissioned by the Council and regretted that this had not been published until the day before the Committee meeting. He considered this review did not address the issue of the internal wall and was of the view it was not relevant and compared its desk-top nature to be inadequate, particularly given the presence on site of his own consultants on many occasions. He noted that the residents of the two properties located closest to his business had indicated their support for the application as well the view of the Environmental Health Officers who were unwilling to support the application whilst odour complaints continued. He considered this provided residents with an incentive to continue to complain and that the majority of objections had been made by a few residents living more than 1km from the site. He referred to the Environmental Health Officer's confirmation that none of the complaints had constituted a statutory nuisance whilst he had received confirmation that his own legal situation was robust. He considered his business was at severe commercial risk despite support for the business out-weighting objectors. He was hopeful that the Committee would approve the discharge of the condition associated with the planning permission granted in 2017.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He considered the applicant to be a very successful and innovative local employer but he was of the view that the production was causing considerable issues for residents locally and sometimes for others in the wider village. He explained that the prevailing westerly wind affected homes in a line, eastwards from the site. He had tried to be impartial but he acknowledged that complaints had escalated. He had assisted in facilitating liaison meetings between the applicant, residents and the Parish Council and regretted these had not continued due to the continuing level of complaints. He confirmed that many of the objectors were business owners who did not wish to become serial complainants. He considered the situation now needed to be resolved, he asked the Committee members to support the recommendation contained in the report and he

asked the applicant to be willing to work with the officers as well as his neighbours to resolve the issues.

Members of the Committee noted the substantial numbers of complaints recorded over a series of months, the number of occasions when the site was visited by the Environmental Health Officer together with the associated intensity of odour recorded and supported the view expressed by the ward Councillor for the applicant to be willing to work constructively with the residents. Comments were made regarding the odour reduction system which had been installed and the professional view of the Environmental Health Officer that the system was not operating at the optimal level that it was capable of delivering. Reference was made to the conditions and illustrations associated with a grant of planning permission and the need for those associated documents to be complied with. It was also noted that, on one visit by the Environmental Health Officer, the factory was in production but the extraction system had been switched off. Acknowledgement was made that complaints had not constituted a statutory nuisance but that there was a responsibility on any business owner to seek to address complaints, particularly when they were increasing in frequency and had occurred over a long period of time.

An observation was also made by those Committee members who had attended the site visit regarding the lack of separation between the frying and packing areas, the occasional escape of steam, its potential to spread across the factory area and to be extracted without any form of treatment from a high-level vent in the factory building. Reference was also made to the height of the chimney from the extractor unit and the potential for steam to travel beyond the closest neighbouring properties before descending.

Clarification was sought from the Environmental Health Officer regarding the additional work being required of the applicant and the likelihood that it would successfully address the odour problems being experienced by residents. Advice was also sought regarding the continued operation of the site, should the current application be refused, as recommended by the officer; whether the odour problems were required to be reduced to an acceptable level or to be eradicated completely and the discrepancies between the extreme intensity of the odour problem described by residents in comparison to the Environmental Health Officer's assessment of the odour as generally being of very faint or faint intensity.

Belinda Silkstone, Environmental Health Manager, explained that Environmental Health Service had been unaware of a high level vent prior to the publication of the report by LAC when they learnt that they had been provided in 2014 to enhance the environment for the staff and explained that work was still required to determine what effect the closure of the vents would have on the negative pressure of the building. She also confirmed that the assessment of the application made in 2017 in the absence of knowledge of the high-level vents.

Guy Milham, Environmental Health Officer, clarified that high-level extraction vents were positioned on the apex, just under the roofline of the building which extracted air without any form of treatment and he explained that air was treated by means of the canopy directly above the frying unit which directed air for treatment to the air handling unit. He went on to explain that the objective was for the impact on the amenity of the residents to be reduced such that the odours were reduced to negligible levels. He confirmed that during the course of visits the recorded intensity had ranged from very faint to very noticeable, whilst predominantly being very faint or faint. However, he considered the odour was clearly having a detrimental effect on amenity, often over 1km away from the site, whilst, if the air handling unit was operating effectively, odours would not be present that frequently at that distance from the site.

The Development Manager explained that the Committee members were being asked to consider the acceptability of the odour system as it stood, in terms of its operation, extraction, installation and location in the factory building, together with the odour problems which had been reported. He acknowledged Committee Members own observations from the site visit regarding the high-level vent which was taking volumes of air from the building and dispersing it into the wider environment. He also referred to problems associated with the system itself which may be due to design or operational problems, yet to be determined.

The Chairman confirmed her understanding that, if the current application was refused, production at the site could continue but the implementation of an extended 24-hour, six day per week operation would be dependent on the installation and operation of an air handling unit considered to be satisfactory by the Council's Environmental Health Service.

The Planning Officer confirmed that the conclusion had been drawn that the air handling unit in place was considered by the applicant to be an efficient system but this meant that odours were escaping from elsewhere which weren't being directed through the unit. The negative pressure of the building should prevent leakages occurring and, accordingly, the reason why this was not the case needed to be determined by the applicant. He also confirmed that the Chairman's understanding was correct, such that the air handling unit needed to be shown to be fit for purpose for the extended operating hours to be permitted.

RESOLVED (EIGHT voted FOR and ONE ABSTAINED) that the application be refused for the reasons set out in the report.

782 192671 Garage Site, Hardings Close, Aldham, Colchester

Councillor Higgins (by reason of her membership of the Cabinet with Portfolio Holder responsibilities for Commercial Services) declared an interest in the

following item pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination.

Councillor Jarvis (by reason of his Directorship of Colchester Commercial Holdings Ltd) declared an interest in the following item pursuant to the provisions of Meetings General Procedure Rule 9(5) and left the meeting during its consideration and determination.

Councillor Pearson here took the Chair.

The Committee considered a planning application for the demolition of existing garages and the construction of new affordable housing to provide four two storey dwellings, two 3 bedroom and two 2 bedroom at the garage Site, Hardings Road, Aldham, Colchester. The application had been referred to the Committee because the applicant was Colchester Amphora Homes Limited on behalf of Colchester Borough Council with Colchester Borough Homes as the agent.

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, Senior Planning Officer, presented the report and assisted the Committee in its deliberations.

Jackie Daines addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained that Aldham was a small village comprising 500 residents, it did not benefit from a regular bus service on weekdays, there was no shop, post office or school, there was little street lighting and a lack of footpaths, as such many residents relied on their own vehicles or the generosity of others. She explained that the garage site was surrounded by elderly persons bungalows, the residents of which could not walk distances and relied on friends and family for supplies, socialising and medical appointments, as such parking facilities close-by was essential. She was concerned that the proposal would mean the removal of the parking facility, causing stress to the residents. She referred to the availability of parking elsewhere in the village but this would be some distance away and may lead to neighbour disputes. She disputed the reference in the report to Aldham Parish Council having been consulted on the proposals. She considered the proposals could have a detrimental impact on residents of Hardings Close; an established right to use the site as a parking facility would be discontinued and, as such, she objected to the proposal on the grounds that existing residents would lose parking spaces whilst the new occupants of the houses would benefit from dedicated parking facilities. She was concerned about the noise, inconvenience and disruption associated with the construction phase of the development and the impact of this on the elderly residents.

She understood Colchester Borough Homes had issued notices to quit the garages to tenants and was concerned this was taking place prior to the determination of the application. She considered the site to be inappropriate for the development and, as such, should be refused by the Committee members.

Andrew Tyrrell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He confirmed that meetings had taken place involving Aldham Parish Council on three occasions. He explained that the site was a garage court with no licences to park. He explained that three of the garages were occupied by residents of Aldham; 50 on-street parking spaces were available within 100 metres of the site; policy compliant parking was being provided for the development and, although the applicant was not required to mitigate other sites, it would be possible, if required, to provide another six parking spaces close-by on open space that the Council owned. He referred to demand for the homes in terms of 3,000 people currently on the housing needs register; the last affordable house which had become available in Aldham had attracted 117 applicants and the last housing needs survey had identified a need for two-bedroom properties in Aldham. He also referred to the 17 properties which were owned by Colchester Borough Homes in the area, the successful integration of the tenants in the local community and he explained that the provision of these houses was a Council priority, a Council-led scheme being delivered with the assistance of the Council's housing management company, providing Council-owned properties for local people.

The Senior Planning Officer explained that the Local Plan had a defined development boundary for Aldham and the application was within that boundary which meant that the development was considered sustainable in policy terms. She confirmed that there was no established right to park on the site, it being Council-owned land, although she acknowledged that the availability of parking on the site had been a bonus for residents. She acknowledged that noise and disruption was a potential consequence of development but she had recommended conditions providing for a construction management plan and statement to keep disruption to a minimum.

Members of the Committee expressed sympathy for residents who would no longer be able to take advantage of the parking availability from the site but acknowledged the responsibility of the Council to provide homes for those on the housing register. In addition, the loss of open space for use as parking facilities was considered to be regrettable, unless it was deemed preferable by the residents located around the open space area itself, particularly given the generous availability of on-street parking facilities in the general locality. A question was also posed in relation to the design of the scheme.

Clarification was sought regarding the potential for the development to comprise four three-bedroom houses rather than two two-bedroom and two three-bedroom houses as well as the contention that notices to quit the garages had been issued.

The Senior Planning Officer explained that a number of factors had dictated the design of the properties, with semi-detached tending to be a pattern in the locality; the introduction of a gable in order to accommodate a third bedroom and the addition of a hip so that the views from the front of the houses, towards the church, would be less imposing. She reported that there was significant demand for two-bedroom properties and, accordingly, the proposed mix was recommended for approval. She also reported she and representatives for Colchester Borough Homes had no knowledge of notices to quit the garages had been issued.

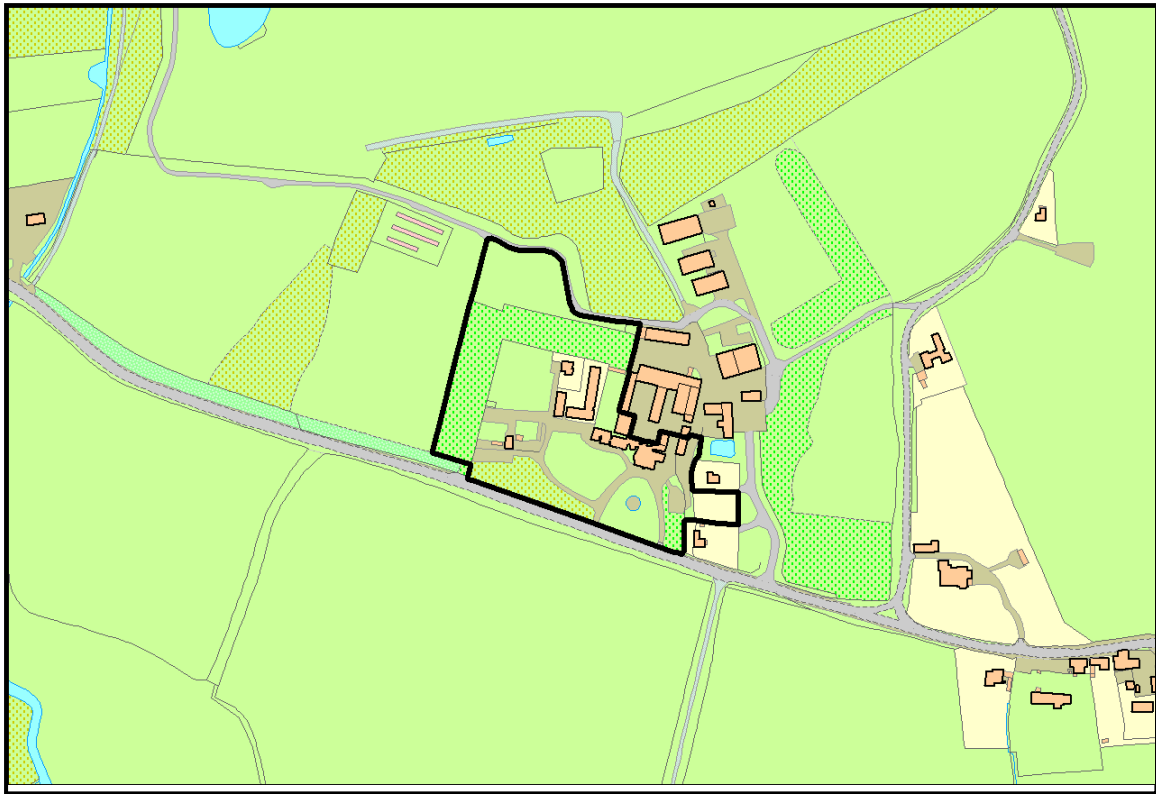
RESOLVED (UNANIMOUSLY) that the application be approved subject to the conditions set out in the report.

783 192893 329 Straight Road, Colchester

The Committee considered a planning application to extend and remodel storage facilities at 329 Straight Road, Colchester. The application had been referred to the Committee because the applicant was a Councillor at Colchester Borough Council.

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

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



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Item No: 7.1/7.2

Application: 192219

Applicant: Mr N Percival

Agent: Mr Phillip McIntosh

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

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

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

Ward: Rural North

Officer: Lucy Mondon

Recommendation: Approval subject to conditions and Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

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

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

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

3.0 Site Description and Context

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

Wakes Hall - Listed 1982

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

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

Wakes Hall Cartlodge and Granary Listed 1982

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

Wakes Hall Lodge - Listed 1982

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

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

4.0 Description of the Proposal

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

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

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

5.0 Land Use Allocation

- 5.1 None; countryside.

6.0 Relevant Planning History

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

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

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

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

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

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

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

7.0 Principal Policies

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

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

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

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

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

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

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

- External Materials Guide for New Development
- Essex Design Guide

7.5 Submission Colchester Borough Local Plan 2017-2033

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

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

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

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

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

8.0 Consultations

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

8.2 Ancient Monuments Society:

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

8.3 Anglian Water:

No comments received.

8.4 Arboricultural Officer:

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

8.5 Archaeological Adviser:

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

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

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

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

9.0 Parish Council Response

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

10.0 Representations from Notified Parties

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

No representations were received.

11.0 Parking Provision

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

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

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

12.0 Accessibility

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

13.0 Open Space Provisions

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

14.0 Air Quality

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

15.0 Environmental and Carbon Implications

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

16.0 Planning Obligations

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

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

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

17.0 Report

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

Principle of the Development

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

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

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

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

Heritage matters

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

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

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

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

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

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

Design and impact on the character of the area

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

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

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

Amenity

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

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

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

Amenity space and public open space

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

Highway safety and parking provisions (including cycling)

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

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

Flood risk and drainage

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

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

Ecology

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

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

Other matters

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

18.0 Planning Balance and Conclusion

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

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

19.0 Recommendation to the Committee

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

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

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

7. 1 192219: Planning Permission

1. **Time Limit**

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

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

2. **Approved Documents**

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

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

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

3. Tree Matters

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

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

4. Construction Method Statement

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

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

5. Surface Water Management Plan (during construction)

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

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

6. Surface Water Drainage Scheme

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

Reason: To ensure appropriate maintenance arrangements are put in place

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

7. Cladding

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

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

8. Surface Treatment

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

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

9. Gates

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

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

10. Brickwork

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

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

11. Rooflights

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

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

12. Joinery

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

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

13. No Floodlighting

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

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

14. PD Rights Removal

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

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

15. PD Rights Removal

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

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

16. Diocletian window design

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

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

17. Archaeological Investigation

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

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

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

18. EV Charging

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

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

19. Bricks (Phase 2)

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

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

20. Windows, Doors, and Architectural Detailing

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

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

21. Landscape

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

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

22. Foul Water Drainage

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

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

23. Junction

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

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

24. Vehicular Turning

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

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

25. Recycling/Bin/Refuse Collection Points

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

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

26. Car Parking and Turning Area

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

vehicles related to the use of the development thereafter.

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

27. Bicycle Storage

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

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

28. Residential Travel Information Packs

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

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

29. Bus Stops

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

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

30. Footways

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

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

31. Details of Management Company

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

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

32. Visibility Splays

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

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

33. Unexpected Contamination

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

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

Informatives

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

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

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

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

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

(9) Highway Informatives

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

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

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

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

7.2 192220: Listed Building Consent

1. Time Limit

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

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

2. Approved Documents

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

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

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

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

3. Underpinning

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

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

4. Brickwork to Match

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

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

5. Rooflights

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

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

6. Slimlite Glazing

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

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

7. Protection of Features

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

otherwise agreed in writing by the Local Planning Authority.

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

8. Details of Stair Guard

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

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

9. Removal/Alteration of Internal Walls

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

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

10. Making Good

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

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

11. Discovery of Unknown Historic Character

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

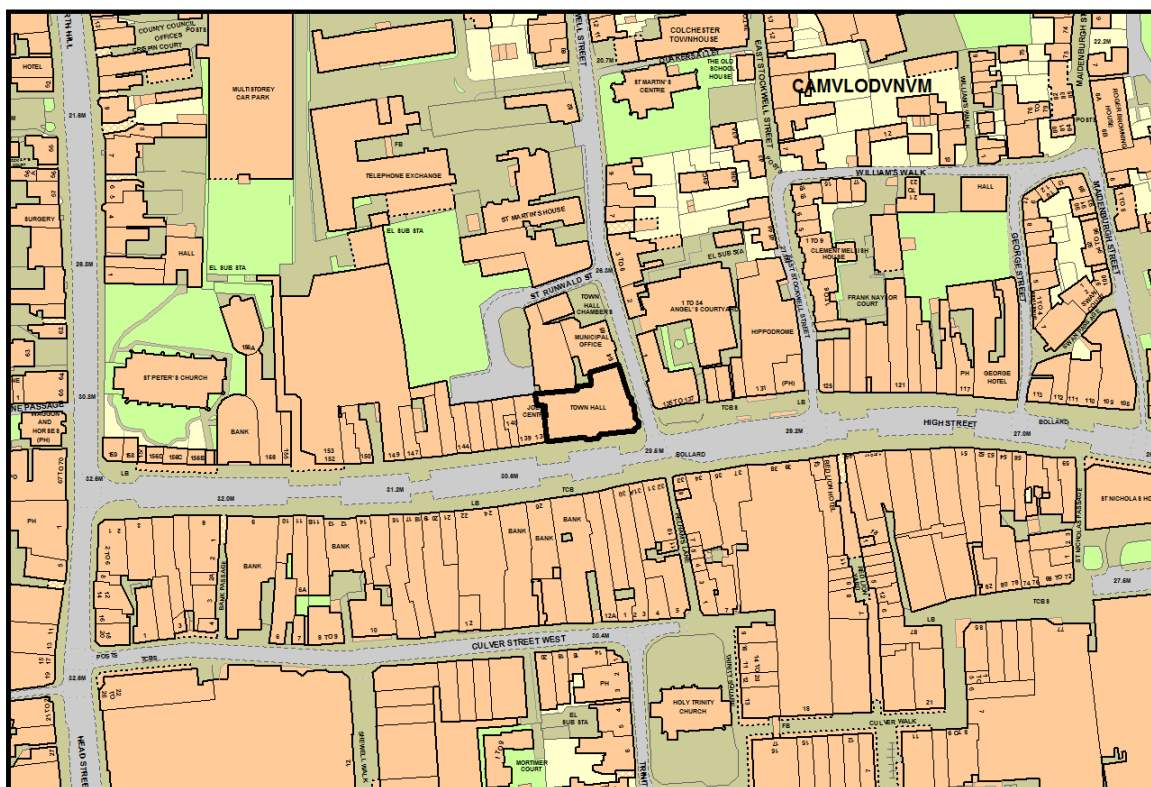
Reason: To secure the proper recording of the listed building.

Informatives

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

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

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



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Item No: 7.3

Application: 200040
Applicant: Colchester Borough Council
Agent: Mr Martin Leek
Proposal: Removal of the existing wooden shelving from the Court Library
Location: Town Hall, High Street, Colchester, CO1 1PJ
Ward: Castle
Officer: Eirini Dimerouki

Recommendation: Approve listed building consent subject to conditions

1.0 Reason for Referral to the Planning Committee

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

2.0 Synopsis

- 2.1 The key issue for consideration is the impact of the proposed works on the heritage significance of the Town Hall, a Grade I listed building.

3.0 Site Description and Context

- 3.1 The application relates to the Town Hall in High Street. The building is listed at Grade I and its list description is as follows:

“1898, by John Belcher. Exceptionally rich design in free classical style: red brick and Portland stone. 3 storeys, lowest one stone-faced with central entrance, carved brackets to porch support balcony above. 3 pairs of engaged Corinthian columns rise through 1st and 2nd storeys to support 2 segmental and one triangular pediment. Large coat of arms above latter, breaking balustrade to roof. Statues in high relief between 2nd storey windows. Victoria tower, on return, rises above pair of bay windows. 162 ft high topped by statue of St Helena. Lower stage of brick, upper part of stone: very elaborate with 4 bronze ravens and 4 stone figures - Fishery, Engineering, Military Defence, Agriculture. One of the bells is from the Old Town Hall. Circa 1400 (RCHM).”

- 3.2 The Town Hall is located in Colchester Conservation Area No. 1 and is one of Colchester's landmarks. The impressive building is a key focal point in the views along High Street, while the tower dominates the skyline and is a significant element of the townscape.
- 3.3 The proposal concerns the former Court's Law Library which is located on the Ground Floor of the Town Hall and currently serves as meeting room for the Liberal Democrat Group. The proposed work aims to enable the room's refurbishment and conversion into Member's Room which will be used by all Political Groups.

4.0 Description of the Proposal

- 4.1. The Former Court Law Library Room is situated to the west of the Town Hall's Entrance Hall. The room measures approximately 7.5 X 4.5 m. The door is located on the north wall, while the west wall is configured with three internal windows. The three remaining walls are covered by the bookshelves which are the subject of this application. The bookshelves are arranged in eight rows that reach from floor level up to approximately 30cm beneath ceiling level. The top of the bookcase's frame has decorative moulding but other than this feature, the shelving's appearance is unadorned and simple in character. The shelves on the wall opposite the door and to the left must have been installed when the room was originally furnished as there is no skirting along these walls and the furniture is fixed directly to the wall.

These sections of the shelving retain the letter tabs on top of the frame that served the alphabetical filing of the books. The section over the door wall appears to be a later addition in the same style as the original, since there is skirting along the length of the wall and the base of the bookcase was modified to fit over that feature. On the south wall that faces the door, there is a decorative plaque between the top shelf and the ceiling cornice that reads “The Recorder’s Law Library”.

- 4.2 The application seeks consent to the removal of the bookcase which will enable the installation of new fixtures and fittings to the room. The proposal is to retain the frame in order to preserve in-situ the features of the shelving that have certain interest (the moulded top and the letter tabs), as well as avoid any impact to the plaque with the room’s name and the ceiling moulded cornice. A new moulded timber skirting of size and profile to match existing would be installed to the walls where there is no skirting at present. The removal of the shelving will make room for the following:
- installation of a set of new locker-type individual post boxes within the room for each Councillor’s internal post;
 - installation of a small kitchenette, with sink & drainer, worktops, cupboard base units, drawer base unit, under-counter fridge space and wall units, as well as the installation of a new counter-top hot water dispenser to enable them to make hot drinks;
 - relocation of existing hot drinks vending machine and the existing water cooler in this room as well;
 - installation of a new wall mounted TV to enable the room’s use for meetings and presentations.

5.0 Land Use Allocation

5.1 DP6 Town Centre Uses

6.0 Relevant Planning History

- 6.1 C/COL/03/1846 - Change of use from Civic Hall and Council Offices to Civic Hall and Council Offices and commercial functions/business meeting rooms - Town Hall, High Street, Colchester – Approved 12/12/2003.
- 6.2 090383 - Creation of new gated entrance and flight of steps with landings to form accessible route to building together with new stepped access to churchyard. Installation of stair lift with support guide rail and new external lighting – Town Hall Chambers Churchyard, St Runwalds Street, Colchester – Approved 08/07/2009.
- 6.3 090735 - Creation of new gated entrance and flight of steps with landings to form accessible route to building together with new stepped access to churchyard. Installation of stair lift with support guide rail and new external lighting - Town Hall Chambers Churchyard, St Runwalds Street, Colchester – Approved 27/08/2009

- 6.4 091425 - Internal decorations to the moot hall area, rewire works to moot hall and council chamber, external fabric repairs and decorations and the insulating of the roof void above the moot hall – Town Hall, High Street, Colchester – Approved 21/01/2010.
- 6.5 111289 - Listed building application to install an additional handrail to the main internal staircase – Approved 18/11/2011.
- 6.6 120371- Proposed installation of four micro antennas below the cupola of the Town Hall Tower to provide a wide area Next Generation Access broadband service to residents and businesses of Colchester Borough – Approved 10/05/2012.
- 6.7 120349-Listed building application for new extractor hood installed in Kitchen – Approved 22/08/2012
- 6.8 132801- Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct – Approved 04/02/2014.
- 6.9 132802- Alterations to lower ground floor to relocate CBC CCTV monitoring centre. Installation of relocated emergency generator into external courtyard at basement floor. Installation of new exhaust flue from generator and air con air duct – Approved 21/02/2014
- 6.10 120301-Upgrade of existing emergency lighting system– Approved 24/05/2012.
- 6.11 160415- Proposed removal of 1x plasterboard stud work, non-load bearing wall to reinstate original room size – Approved 01/04/2016.
- 6.12 160502- Installation of a new bench on raised platform in front of the existing bench in the council chamber, including new access ramp to provide wheelchair access and associated repositioning of adjacent fixed seating and benches. The works are desired to be fully reversible so that the chamber can be returned to its existing configuration – Approved 31/05/2016.
- 6.13 161058- Restoration of clock face, including removal of opal glass, and replacing glass with opal Perspex – Approved 05/07/2016.
- 6.14 190551-Face bed new ashlar in Portland Whit Bed Stone to re-establish inscription to Foundation Stone- Approved 26/04/2019.

7.0 Principal Policies

- 7.1 Planning law requires that applications for Listed Building Consent must be determined in accordance with Section 16(2) of the Planning (Listed Buildings & Conservation Areas) Act 1990 which requires that “In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.” .
- 7.2 The National planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. NPPF’s Section 16 “Conserving and enhancing the historic environment” provides the guidelines for the protection and conservation of heritage assets, including listed buildings. Paragraph 193 determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 195 and 196 identify and deal with two levels of harm respectively: substantial and less than substantial harm linking their justification to the public benefits that can potentially outweigh them.
- 7.3 Moreover, planning applications must be decided in accordance with the development plan, unless material considerations indicate otherwise. Continuing the themes of the NPPF, Colchester Local Plan 2001-2021 includes the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) which adds detail through local strategic policies. Particular to this application, the following policies are most relevant:
- ENV1 – Environment
- 7.4 In addition, also relevant are the adopted Colchester Borough Development Policies (adopted 2010, amended 2014):
- DP14 Historic Environment Assets
- 7.5 Further to the above, the Historic England Good Practice Advice Notes 1-3 (March 2015) should also be taken into account in the decision-making process for applications affecting listed buildings or the historic environment generally.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below.

8.2 Historic England

“Thank you for your letter of 13 January 2020 regarding the above application for listed building consent. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation adviser.”

8.3 In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 Not Parished.

10.0 Representations from Notified Parties

10.1 None received at the time of the report drafting.

11.0 Parking Provision

11.1 N/A

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

13.1 N/A

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. This application is for listed building consent only.

15.0 Report

15.1 The main issue raised by this application is the effect that the proposed works would have on the special interest of this Grade I listed building.

15.2 Historic England's Conservation Principles, Policies and Guidance (2008) identify four main heritage values that are associated to historic assets: evidential value; historical value; aesthetic value; and communal value. The Town Hall's exceptional interest is the sum of these values can be ascribed to the Grade I listed status of the building.

15.3 The contribution of the shelving at the Former Court Law Library Room to these heritage values is assessed as follows:

- Evidential value (derives from the potential of a place to yield evidence about past human activity): the shelving provides evidence for the past use of the room but the proposal to retain the frame of the bookcase and the wall plaque with the room name will preserve the record of the room's original function;
- Historical value (derives by the ways in which past people, events and aspects of life can be connected through a place to the present - it tends to be illustrative or associative): the shelving has some historical value as an original fixture of the Town Hall, but its intrinsic value is quite low as it is a utilitarian feature which doesn't have any associations to the public functions of the Town Hall, any important civic events of Colchester's history or notable personalities.
- Aesthetic value (derives from the ways in which people draw sensory and intellectual stimulation from a place): the shelving has a utilitarian appearance without particular aesthetic qualities. The only feature which aspired to add some decorative effect – the moulded cornice on top of the frame- will be preserved in situ, along with the plaque with the room name that contributes to the character of the room
- Communal value (derives the meanings of a place for the people who relate to it, or for whom it figures in their collective experience or memory- it can be commemorative and symbolic, social and spiritual): no such value can be associated to the shelving that is located to a room of the Town Hall that hasn't been accessible to the public and has never served public functions.

15.4 The proposed removal of the shelving which is a period fixture that dates from the construction of the building will result to some loss of historic fabric, albeit of low significance and not integral to the building. Taking into account the assessment of the shelving's contribution to the special interest of the listed Town Hall as discussed in Par.15.3, as well as the proposal to retain the features that attribute certain evidential, historical and aesthetic value to the bookcase, the impact of the shelving's loss will result to a low level of less-than- substantial harm to the special interest of the Grade I listed building.

15.5 The removal of the shelving will enable the installation of new fixture and fittings to the room which will improve its functionality, increase its potential to accommodate a variety of activities and make it available to a wider group of users. The NPPF's Par.196 determines that when development proposals will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Bearing in mind the expected benefits from the refurbishment for the room and consequently for the Town Hall, the proposal is considered to involve sufficient public benefit that outweigh the less-than-substantial harm associated with the loss of the shelving.

16.0 Conclusion

- 16.1 To summarise, the proposal for the removal of the shelving of the Former Court Library will result to some loss of historic fabric but careful consideration has been given to the preservation of the features that contribute to the character of the room and provide evidence of its past use. Since the intrinsic value of the shelving is low and its contribution to the heritage values of the listed Town Hall is limited, the harm from its removal is classified to be in the lower spectrum of less-than substantial harm to the special interest of the listed building. The removal of the shelving will enable the refurbishment of the room that will generate sufficient benefits for the use of the Town Hall to outweigh the expected harm. Therefore, the proposal is considered to comply with the statute and national/local policies for the protection of designated heritage assets and consequently there are no objections to its approval.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of Listed Building Consent subject to the following conditions:

1. ZAB: Time Limits for LBCs

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

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

2. ZLA: Only Works Shown Within Application

This approval is limited to the works shown on the approved drawing:

- COR 4011856 -02: Ground Floor-Former Law Library,
and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved, in writing, by the Local Planning Authority prior to any works commencing.

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

3. ZLR: Making good

Within one month of the works being carried out, all adjoining surfaces which have been disturbed by the works (including brickwork, plaster and floor tiles) shall be made good with materials and finishes to match those of existing undisturbed areas.

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

18.0 Informative

18.1 The following informative are also recommended:

1. ZUA: Informative on All Listed Building Consents

PLEASE NOTE: This listed building consent relates solely to the plans, drawings, notes and written details submitted with the application or as subsequently amended in writing and referred to in this notice. Any variation of the works or additional works found necessary before work starts or while work is in progress or required under the Building Regulations, or by the County Fire Services or environmental health legislation may only be carried out after approval by the Local Planning Authority. Unauthorised modifications, alterations or works not covered by this consent may constitute an offence under Section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and may render the applicant, owner(s), agent and /or contractors liable to enforcement action and/or prosecution.

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 withstand challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

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

Parking Standards

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

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

For residential schemes:

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office)

which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

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

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

Interpretation of Class C4

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

Supreme Court Decision 16 October 2017

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

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

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

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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

