

Planning Committee Meeting

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

Thursday, 05 September 2019 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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The Council audio records public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

Access

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

Facilities

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COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 05 September 2019 at 18:00

The Planning Committee Members are:

Councillor Cyril Liddy	Chairman
Councillor Andrea Luxford Vaughan	Deputy Chairman
Councillor Lyn Barton	
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	Helen Chuah	Nick Cope
Simon Crow	Robert Davidson	Paul Dundas	John Elliott
Andrew Ellis	Adam Fox	Dave Harris	Theresa Higgins
Mike Lilley	Sue Lissimore	Sam McCarthy	Patricia Moore
Beverley Oxford	Gerard Oxford	Chris Pearson	Lee Scordis
Lesley Scott-Boutell	Lorcan Whitehead	Dennis Willetts	Julie Young
Tim Young			

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

Please note that Agenda items 1 to 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 30 May 2019

7 - 26

The Councillors will be invited to confirm that the minutes are a correct record of the meeting held on 30 May 2019.

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 190699 Land at the rear of AGM House, 83A London Road, Copford, Colchester

27 - 52

Erection of Business Park, comprising 3,009 sqm of B1(a) Offices in Three Two-Storey Blocks with associated parking.

7.2 191676 60 Creffield Road, Colchester

53 - 74

Proposed refurbishment and replacement dwellings to provide six flats and two houses with associated parking and landscaping including demolition of ancillary buildings and change of use from C4 (large HMO) to C3 (dwelling houses). Resubmission of 190750.

Planning Committee Information Pages v2

75 - 86

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, 30 May 2019

Attendees: Councillor Lyn Barton, Councillor Pauline Hazell, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Andrea Luxford Vaughan, Councillor Jackie Maclean, Councillor Martyn Warnes
Substitutes: Councillor Christopher Arnold (for Councillor Andrew Ellis), Councillor Gerard Oxford (for Councillor Philip Oxford)
Also Present:

696 Site Visits

Councillors Arnold, Barton, Hazell Jarvis, Liddy, Luxford Vaughan and Maclean attended the site visits.

697 Minutes of 4 April 2019

The minutes of the meeting held on 4 April 2019 were confirmed as a correct record.

698 182220 Fiveways Fruit Farm, Heath Road, Stanway, Colchester

Councillor Liddy (by reason of his directorship of Colchester Archaeological Trust) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a part detailed/part outline planning application for up to 420 residential units, with associated access, parking, servicing, open space and amenity space, landscaping, and utilities (details for means of vehicular access to the site only) at Fiveways Fruit Farm, Heath Road, Stanway, Colchester. The application had been referred to the Committee because it constituted a major development, a Section 106 legal agreement was required and objections had been received.

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

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Sue Jackson, Planning Project Officer, presented the report and, together with Martin Mason, Essex County Council Strategic Development Engineer and Simon Cairns,

Development Manager, assisted the Committee in its deliberations.

Jeremy Hagon addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that he was a local Stanway worker and resident and objected to the application. He referred to the level of development in Stanway over recent years which had resulted in increases in traffic and pollution, lack of school places, delays for GP appointments and the inability of the A12 to cope and the need for improvements to road junctions, particularly at Warren Lane and A12 junction 26. He understood that Section 106 funding from the development was intended to be directed to the Warren Lane/ Maldon Road junction but precise sums had yet to be confirmed. He also referred to Highways England comments on impact on the strategic road network, proposed conditions on the application and the requirement for a scheme of improvements to the A12 junction 26 to be agreed prior to occupation / beneficial use of the development. He also referred to the comments of the NHS Clinical Commissioning Group in relation to the impact on services and GP practices in the vicinity. He was of the view additional GP practices were a necessity along with additional investment in public access defibrillators.

Kevin Coleman addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He responded to matters raised by objectors to the application and acknowledged concerns expressed about the extent of growth in Stanway generally. He pointed out that the site was allocated for housing in the Council's Adopted Local Plan and formed part of the Council's Strategy Housing Land Supply. He considered the site was not being over-developed, important hedgerows were being retained, it provided open space in excess of the Council's 10% policy and the proposed density was relatively low. Concerns regarding infrastructure were also acknowledged, he explained that the application would deliver community facilities, including a contribution towards the NHS, local schools, affordable housing, a community building contribution and highways improvements, in particular, the missing link for traffic to access the Stanway bypass as set out in the Stanway Southern Sites Access Brief and improvements to the roundabout capacity with safe walking and safe cycling facilities. The scheme was also open space policy compliant. He confirmed that no occupation of houses would be permitted until improvement works to the A12 junction 26 had been undertaken and measures to increase capacity on other local roundabouts had been identified which could be delivered or funding provided to Essex County Council, with an appropriate contribution also being made to the Warren Lane / Maldon Road junction.

The Chairman explained that the amendment sheet included the written submissions made by Councillors Scott-Boutell and Dundas, neither of whom were available to attend the meeting in person, he also read out an additional submission from Councillor Dundas.

The Planning Project Officer confirmed that the highway improvements to the A12

junction were required to be implemented prior to the occupation of the housing and the improvements to the London Road/Stanway Western Bypass junction and the contribution to the Warren Lane junction were to be agreed by the Highway Authority. In terms of the NHS contribution, the Health Authority had identified various health services which residents in the neighbourhood were able to access and the applicant had agreed to pay the required contribution.

The Strategic Development Engineer confirmed that lengthy negotiations had taken place with the applicant in relation to the design of the junction at Fiveways in order to simplify the layout, improve capacity and include pedestrian, cycling and crossing facilities.

Members of the Committee sought further clarification on the accident records for the junctions, the details of the proposals for the improvement and implementation of the London Road and Warren Lane junctions and, given the scale of development already in place in the Stanway area, details of the timeframe for implementing the improvements to the A12 junction. Assurances were sought regarding the junction designs from a safety perspective and, despite significant contributions already having been agreed, the lack of progress with the community facility was regretted. It was considered the residents of Stanway needed to see improvements delivered on the ground to match the scale of residential development already in place.

The Planning Project Officer explained that it was only possible to mitigate the issues which related to the development itself and, as such, it was not possible to mitigate existing problems. She was aware that proposals had been drawn up for Phase 1 of the community facility, with contributions from this development comprising Phase 2 of the building. She anticipated an application for the new school to serve the Lakelands development and the wider Stanway area would be submitted imminently and provision had also been made for a Country Park. Agreement of the contribution for the Warren Lane junction needed to be made by the Highway Authority to enable the Section 106 Agreement to be finalised, at which time the Planning Permission could be agreed and she explained that the payment of the highway contributions would be before the occupation of the 50th dwelling.

The Strategic Development Engineer explained that a substantial package of improvements had been planned for the A12 junction which were requirements of several planning applications in the area and the delivery of the improvements would be commenced prior to the occupation of the current application if not already delivered previously. He went on to explain that the Highway Authority had acknowledged capacity issues at the Warren Lane junction, together with an accident record and a feasibility study was being carried out to work out what improvements could be delivered, the outcome of which was likely to be ready in the forthcoming few weeks. This would enable an appropriate contribution to be negotiated in respect of the current application, although he confirmed that the mitigation required would not be substantial. He also

confirmed awareness of capacity issues at the London Road junction, together with complaints regarding lack of crossing facilities and he had therefore secured contributions from several developments towards the necessary improvement works.

The Development Manager confirmed that discussions were proceeding with a view to a planning application being submitted for a community centre and it was planned that community and councillor engagement would take place in the summer of 2019 to determine the exact form of facility is appropriate and he confirmed that funds were already available for the provision of this building, with additional funding from the current application to provide for a larger and more comprehensive facility. He therefore could see no reason why the facility would not be delivered.

Members of the Committee also questioned whether the traffic survey was sufficiently current to be valid and sought clarification in relation to the timescale for the signing of the Section 106 Agreement. In addition clarification was sought in relation to the Council's policy on the percentage of Affordable Housing to be delivered, the breakdown of tenures intended to be delivered within the current development and whether any need assessment had been made; whether the retention of the tree line boundary along Heath Road would be retained, given the Landscape Officer's recommendation against removal and the need for all future provision of bus stops to be in the form of lay-bys to improve traffic flow, to maximise the use of the road network and to reduce pollution.

The Planning Project Officer confirmed that the existing Affordable Housing requirement was for 20%, whilst in the emerging Local Plan this had been increased to 30%. She went on to explain that it would be at the time of the Reserved Matters application that it would be possible to clarify the precise Affordable Housing mix across the site, which would be in proportion to the private housing mix planned. Whilst confirming that there was flexibility for the Council to stipulate a certain size or type of Affordable Housing provision, she also confirmed that, across the board, the whole range of housing sizes was needed within the Borough. She confirmed that the proposal sought to retain the trees along the boundary of the properties on the west side of Heath Road and at the Reserved Matters stage it would be necessary to ensure that the privacy of existing residents was retained. She further confirmed that, whilst the majority of the protected hedgerow would be retained, certain openings could be made within it, including ones for the new access points. She confirmed that the spine road would be a bus route but she was not aware that lay-bys had been provided for.

The Strategic Development Engineer confirmed that appropriate growth rates had been applied to the 2016 traffic survey results to bring them up to date and that a period of six months was available for the signing of the Section 106 Agreement. He explained that the precise design of the spine road would come forward at the time of the Reserved Matters planning application and also indicated that the County Council policy did not favour lay-bys for bus stops on the grounds of difficulty for buses to return to the flow of traffic.

The Development Manager acknowledged the comments in relation to traffic flow and reduction to levels of pollution but explained that these details were not part of the current outline application.

RESOLVED (SIX voted FOR, TWO voted AGAINST and ONE ABSTAINED) that –

(i) The Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet and with authority to make changes to the wording of those conditions, as necessary, and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to provide for the following:

- Archaeology a contribution of £16,810 (£4000 for on-site interpretation £12,810 display any finds);
- Open Space Sport and Recreation off site contribution of £275,000, onsite provision of Padel Tennis facility (or other agreed facility), a LEAP and 2.83 hectares of Public Open Space (commuted sums if Colchester Borough Council manages the facilities/open space or alternatively an Open Space Management Plan to be submitted and approved);
- NHS Contribution of £152,352;
- Education contribution to be agreed by the Executive Director Policy and Corporate in consultation with Essex County Council;
- Community facilities contribution of £680,000 towards the extension phase 2 of the Western Approaches community building;
- Affordable Housing 20% to be provided in accordance with policy;
- A RAMS payment of £122.30 per dwelling
- A financial contribution, to be agreed by the Executive Director Policy and Corporate, sufficient to secure a scheme of improvements to A12 junction 26 (the Eight Ash Green junction), similar in form to that shown in outline on Cannon Consulting Engineers Drawing number F/171 rev C dated 24th May 2017, including both the elements labelled ‘committed’ and those labelled ‘proposed’. This contribution will not be required if these works have been commenced to the satisfaction of the Local Planning and Highway Authorities, in consultation with Highways England prior to the occupation of the first residential unit;
- A £25,000 index linked contribution (plus 2% of the contribution value or no more than £2,000 as a monitoring fee) towards a possible future improvement at the London Road/Stanway Western Bypass roundabout to be paid prior to the occupation of the 50th dwelling;
- An index linked contribution (plus 2% of the contribution value or no more than £2,000 as a monitoring fee) towards a possible future improvement at the B1022/Warren Lane junction (details shall be agreed with the Local Planning Authority prior to commencement of the development) to be paid prior to the occupation of the 50th dwelling.

(ii) In the event that the legal agreement is not signed within six months from the date of the Planning Committee, Assistant Director Policy and Corporate be authorised, at their discretion, to refuse the application or otherwise be authorised to complete the agreement.

699 190424 Land at East Bay Mill, 19 East Bay, Colchester

Councillor Crow (by reason of him residing off East Street, near to the site) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a planning application and listed building consent for the construction of 20 residential units together with parking, landscaping and associated works, including refurbishment of the existing Grade II Listed Granary Barn at land at East Bay Mill, 19 East Bay, Colchester. The application had been referred to the Committee because it had been called in by Councillor Crow and because it constituted major development where a Section 106 legal agreement was required and also because objections had been received.

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

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

Alistair Day, Planning Specialists Manager, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Nick Hardaker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the planning application. He explained that he lived at East Bay and referred to a previous pre-application proposal which was similar to the current application but provided for 29 parking spaces. He referred to the parking standards and considered the proposal needed to provide 45 spaces in order to comply with this guidance, whilst the scheme proposed a total of 26 spaces. He also referred to the actual parking provision at other developments in the locality and asked why the parking proposals had been considered acceptable, given the considerable reduction in spaces on the grounds of the site's accessibility. He questioned the likelihood of prospective home owners making the necessary lifestyle change to limit car ownership to one per dwelling and considered it necessary to ensure the properties were marketed with this proviso and for a legal covenant to be put in place to regulate the car ownership numbers. He also referred to the access road safety audit which had acknowledged a lack of forward visibility and a narrowing of the access road to 3.2 metres in the vicinity of the listed buildings which he considered would be insufficient for a fire service appliance and compromised the safety of future residents.

John Burton, on behalf of the Colchester Civic Society addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application for listed building consent. He welcomed the work undertaken by the applicants to improve the scheme, however he considered the basic concept of the scheme was flawed. He referred to the planning officers view that the benefits of the scheme significantly outweighed the adverse impact. He acknowledged the current poor presentation of the site and that the listed building required restoration, however he was of the view the application should be refused and an alternative scheme be encouraged which would deliver more of a village character development. He did not consider the three storey houses proposed adequately reflected the character of the surrounding area and felt a mix of building heights would be more in keeping with the landscape and historic setting. He also expressed concern about the dominant nature of parked cars as proposed adjacent to a national cycle route and pedestrian pathway. He welcomed the use of the mill building so that its historic value could be appreciated and its potential as a tourist attraction could be enhanced. He referred to the need for owners of listed buildings to keep them in good repair and he did not consider the proposal would enhance the conservation area and was concerned that the restoration of mill building would become lost by the massing of the site.

Richard Quelch addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the site had been vacant for a significant period of time, it had suffered from anti-social problems, the derelict grade 2 listed granary building had suffered fire damage in 2005 and needed immediate restoration. He explained that the current proposal had been formulated to deliver a housing development, whilst restoring the granary building, retaining important trees, enhancing ecological value, providing an attractive frontage and improvements to the river wall, protecting surrounding residential amenity, improving the existing road through the site and creating an improved junction with East Street. Pre-application discussions had taken place and engagement with local residents had been undertaken in the form of a public exhibition as well as an engagement event for ward councillors. He explained that the proposal was for 20 dwellings whilst the site had been allocated in the emerging Local Plan for 22 dwellings. He acknowledged no objections had been raised by the Highway Authority, the Environment Agency and Historic England and welcomed the recommendation for approval from the planning officer. He explained that the parking provision had taken into account the site's proximity to Colchester town centre, the town railway station and access to local bus services. Given the site's location he considered prospective residents were more likely to use public transport or to walk whilst an assessment of current car ownership in Castle ward had been undertaken.

Councillor Crow attended and, with the consent of the Chairman, addressed the Committee. He explained that he was representing residents of East Street and East Bay who were objecting to the development. He explained that residents welcomed the

restoration of the granary barn but there were concerns about the proposed scheme in its current form. The key concern was in relation to parking which was considered to be inadequate. The proposal was for 1.3 spaces for each dwelling which were family homes and he compared this to the guidance set out in the relevant parking standards. He also referred to the Castle ward car ownership assessment which had indicated an average ownership of 0.85 cars per household. He observed that many dwellings in the ward comprised one bedroom only and the population was very often transient and non-car owning. He was of the view that the proposed three-bedroom family homes were likely to generate a more numerous car ownership pattern, particularly over time and he was concerned that this would lead to on-street parking in neighbouring unregulated roads. He also referred to concerns about design of the proposed dwellings, particularly given the unique character of several buildings in the vicinity of the site. Other recent developments had borrowed and replicated features from the mill and the nearby Tudor style cottages, whilst the proposed designs had made no concession to nearby architecture, being of a modern, contemporary design which could be found anywhere. Concerns had also been expressed about the tight bend to the access road and the potential for collisions on what was the designated Wivenhoe Trail cycle route. He explained that the principle of the development was not of concern but that residents' genuine concerns needed to be addressed. He also asked for former Councillor Laws' suggestion for the Section 106 Agreement associated with the development to include the provision of a floating jetty from the site be taken into consideration on the grounds that this would give local sailing groups access to the river beyond the weir.

Councillor Barlow attended and, with the consent of the Chairman, addressed the Committee. He explained that he did not object to the principle of the development of the site and welcomed the opportunity for the barn to be brought back into use. He agreed with a number of the concerns raised by Councillor Crow. He explained the importance of the access road on the site, being the main route for walkers, runners and cyclists from the town centre to the university and to Wivenhoe, as such it was a very busy route. He was concerned that the importance of the route had not been acknowledged in the proposals and how use of the route by people using a variety of modes of transport would be managed. He was also concerned about the increase in car use and the implications given poor visibility along the route. He questioned the validity of the current car ownership assessment for Castle ward on the basis that the conclusions had been based on average totals which would have included the town centre area where numerous one-bedroom flats were located, whilst the Riverside area of the ward had a very different mix of property types. He was also concerned about the practice of reducing parking space provision based on a site's accessibility to public transport links and other amenities as he did not consider that the current transport network was not adequate for this to deliver changes in people's attitude to their own car ownership. On this basis he considered the current application was flawed and needed to be looked at again.

The Chairman invited the Planning Specialists Manager to respond to the points raised.

He noted the acceptance of the need for the listed building to be restored and he referred to the considerable constraints attached to the site as a whole which had resulted in significant viability issues with the development of the site. He explained that the developer's anticipated profit on the site was likely to be as low as 10% as it was currently proposed and any suggestions to reduce the number of dwellings in order to increase the ratio of parking spaces would further reduce this return. The tranquil nature of the lane had been observed by speakers whilst requests had also been made for a greater number of parking spaces which he considered was a difficult balance to draw. He explained the parking standards requirements for this type of development which would deliver a total of 45 spaces, however, he emphasised that for sustainable and accessible locations it was acceptable to consider a lower number of spaces. He also referred to the emerging Local Plan which provided for assessments of existing car ownership levels and the concerns which had been raised in relation to the average totals which had been derived for the ward as a whole. He also explained, with the use of Census data, the 0.85 measure was an accurate indicative measure for the whole ward. He explained that the applicant had acknowledged that parking was a sensitive issue for residents and, in recognition of this, had offered contributions to assist with transport obligations identified, including the upgrading of the bus stop opposite the site, the establishment of a car club and improvements to the Wivenhoe Trail. It had also been proposed to introduce parking control measures and measures to prevent indiscriminate parking. He also explained that it had not been possible to widen the access route at the pinch point near the listed building but the scheme had provided for the realignment of the route where this was possible to improve visibility and widening to 6 metres where possible, together with traffic calming features. He explained that the negotiations had taken place with Highway Authority regarding potential conflict with cycle users and measures to make the route safe and no highway objections had been made about these proposals. In addition previous comments regarding a turning circle for fire appliances had now been addressed and it was also intended to widen the junction to East Hill. He confirmed that there was no statutory requirement to maintain a listed building in a good condition, although there were powers to enforce an owner to make a building weather tight which was why the scaffolding and sheeting had been erected by the developer. There was also an option for the Council to issue a Repairs Notice but, in this circumstance, there was also potential for the owner to serve a Compulsory Purchase Order on the Local Authority and the Council would then become liable for the repairs. The design proposals included traditional materials, such as brick work weather boarding and slate roofs whilst the heights proposed were lower than East Bay House were consistent in terms of architectural approach and materials to the surrounding Victorian housing, albeit they adopted a more contemporary style.

Members of the Committee generally welcomed the opportunity to secure the restoration of the mill, however the proposed three storey dwellings were considered inappropriate for the area and, by definition, would lead to a greater demand for car parking spaces. Considerable concern was expressed regarding number of parking spaces proposed which was significantly fewer than the standard parking space provision together with

the location and alignment of the parking spaces adjacent to an established national cycle route and the considerable potential for conflict. The concern was such that it was not considered that the control measures being proposed would adequately address the likely road safety compromises.

Additional comment was made in relation to the potential for the proposed dwellings with first flat roof areas to be converted to roof gardens and clarification was sought regarding the successful practical application of a car club.

The Planning Specialists Manager explained that a previous planning application had previously been approved for the site comprising a substantial development of three and four storey buildings, as such this constituted a material consideration. He explained the current proposals included the provision of both parking control and speed restriction measures along the access route to create a safe environment for all road users. He confirmed that permitted development rights in relation to extensions had been removed and the amendment sheet included a provision for the single storey element to Plot 20 to preclude its use as a roof terrace or garden. He acknowledged that the Committee members were mindful of the challenges associated with the development of the site, but he reminded them of the allocation for 22 dwellings in the emerging Local Plan, the discretion in the parking standards to accept a lower number of spaces in accessible locations, and the existence of a listed building at risk needing restoration. He considered the proposal satisfactorily struck the balance between the competing demands of the site and had recommended approval accordingly.

One member of the Committee acknowledged the potential for home owners living in close proximity to the town centre choosing to limit their car use and referred to the experience gained on the site visit whilst negotiating the road as it was currently. The need for improved signage on the site was suggested and the need for all users of the access road, whatever means of transport being used, to be respectful of others. Comment was also made, should the application gain approval, of the need for construction traffic to be very carefully managed.

Other members of the Committee continued to express considerable concern regarding the adequacy of the proposed parking provision for the site as a whole as well as concern about the overall design of the scheme which needed to be more in-keeping with the surrounding area, the height of the development and the difficulties which would present for visitors to the site, given the impracticalities of the proposed visitor parking provision. Clarification was also sought in relation to the percentage of Affordable Housing being provided within the development.

The Planning Specialists Manager referred to the Highway Authority's recommended conditions set out in the Amendment Sheet which included the provision of appropriate signage as well as improving the visibility, traffic calming measures and signage for parking. As such the Highway Authority were satisfied that a scheme could come

forward in a safe manner for all users of the access route. He again explained that the intention was to widen the route to six metres, where it was possible to do so, acknowledging there were pinch points around the site, such as near to the listed building where the width was about 3.2 metres and this width had been confirmed as acceptable for a fire appliance. It was also accepted that the pinch points would assist in slowing traffic down. He confirmed that the average parking provision across the site was 1.3 and he considered there was no reason the houses could not be allocated one space each with the remainder allocated as visitor parking, if this was considered preferable. He explained that it was proposed to provide a footpath at the site entrance for safe access for pedestrians with a parking bay for three vehicles. He noted the comments regarding the design of the buildings but he explained that the National Planning Policy Framework stated that the style of a building should generally not be used as grounds to refuse an application. He also advised the Committee to consider scale and mass issues in relation to previously approved schemes for the site and he confirmed the Council's Urban Design Officer was satisfied with the proposed design solution for the site and the statutory heritage consultees had not raised concerns in relation to design of the buildings. He acknowledged the need for construction vehicles to be controlled and he confirmed that a Construction Method Statement had been proposed which could be expanded to include the type of vehicles which would be suitable for the site. In clarifying the Affordable Housing contributions, he explained that the Council's Development Team had considered the proposals and had determined the contributions necessary to mitigate the development. Whilst the emerging Local Plan included an Affordable Housing threshold of 30%, the developer had indicated that the scheme was not a viable one, which had been accepted through independent assessment, and could not afford to provide Section 106 contributions. The developer had, nevertheless, accepted the need to make contributions totalling £167k to acknowledge the perceived deficiencies within the scheme. This meant that the usual anticipated Gross Development Value of between 15 and 20% would be reduced to 10%. It had been proposed that the contributions would remain available to the Education Authority for a period of five years, after which, if the sums remained unused, they would be transferred for use as Affordable Housing.

The Development Manager confirmed that the scheme as it stood had no viability at all for the developer and there was no requirement in planning terms for any mitigation contributions to be made. The developer had, nevertheless, effectively offered to make an ex-gratia payment which had been apportioned by the Development Team in accordance with the Council's adopted priorities. This was an exceptional circumstance for the developer to offer to make contributions in this situation, however if further discussions took place seeking to reduce the number of units or increase the number of parking spaces the viability would be reduced even further. He was of the view that the Committee needed to consider the dangers of the site suffering further dereliction, given the cross subsidy that was available to bring forward the repair of the listed building was contingent upon there being a development-led solution for the site. He was of the view that, for town centre locations, it was not uncommon to have considerably reduced

parking provision, even to the extent where no parking was provided. He advised the Committee members to balance the planning merits of the scheme and its potential harm against the public benefits of bringing forward a derelict site which was giving rise to the loss of an historic building, accepting that the development had no viability and, although it would bring forward no Affordable Housing, this had been justified.

Another member of the Committee referred to the multiplicity of sites around the town which comprised three as well as four and five storey buildings and, as such, did not consider it possible to restrict this site to two storey development. Reference was also made to the site' being within comfortable walking distance of the town centre. He supported the proposal to provide a Traffic Regulation Order to prevent access by Heavy Goods Vehicles to the site as well as the proposed cycle route signage provision for the Wivenhoe Trail. He was also of the view that the car parking spaces should be for reversing into only in order to protect the safety of cyclist and pedestrians. He also welcomed the proposal as a positive example of the development of a brownfield site.

Reference was also made to the regrettable lack of contributions for Affordable Housing, given the acknowledged lack of viability in the scheme although the clause for the education contributions to revert to Affordable Housing after a period of five years was welcomed. The opportunity to develop a brownfield site was also welcomed. It was suggested that there may be potential for officers to explore the reconfiguration of the layout of the site, subject to the loss of some open space and the loss of trees not subject to Tree Preservation Orders, in order to increase the parking provision by one or two further spaces. The concerns expressed in relation to conflicts between vehicles and cyclist was acknowledged, together with the need for signage as mitigation to address this.

A proposal to approve the planning application and the listed building consent in accordance with the recommendation contained in the report, subject to further negotiations regarding the layout of the site and the loss of additional unprotected trees in order to maximise the number of parking spaces provided, together with additional signage on site to mitigate the potential for conflict between vehicles, cyclist and pedestrians was proposed and seconded. On being put to the vote, the proposal was lost (FOUR voted FOR and FIVE voted AGAINST).

The Development Manager indicated that the Committee might like to consider a deferral of the planning application and listed building consent for officers to seek an increase to the parking provision and a reduction in potential conflict between cyclists, pedestrians and car users on the site.

RESOLVED (EIGHT voted FOR and ONE voted AGAINST) that the determination of the planning application and listed building consent be deferred and officers be instructed to negotiate with the applicant with a view to amending the proposals to include increased parking provision and a reduction in potential conflict between car parking, cyclists and

pedestrians.

700 181783 Coopers Beach Holiday Park, Church Lane, East Mersea, Colchester

The Committee considered a planning application for the conversion of existing barns and stables to 18 self-catering holiday accommodation units and for the erection of 14 new holiday cottages at Coopers Beach Holiday Park, Church Lane, East Mersea, Colchester. The application had been referred to the Committee because it had been called in by Councillor Moore.

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

Eleanor Moss, Senior Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

David Sunnocks, on behalf of East Mersea Parish Council and various objectors to the proposal, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred the scale of the development, considering it to be a major increase in the number of units at Cooper's Beach which was serviced by a single lane, already susceptible to traffic difficulties. He also commented on the damage caused to verges by vehicles and the track having no footpath and the local bus service being limited to one day per week. He considered that increased vehicular traffic would negatively impact the Council's wish to encourage cycle travel as an option. He commented on the potential for permanent residency on the site and surveys conducted by local residents to provide evidence of this for the Council's information. The Parish Council also considered there was a lack of continuity in Council decisions, citing applications made by local residents which had been refused on the grounds of lack of local services and the protection of the Coastal Protection Belt. He was of the view that the application had ignored the East Mersea Village Plan and he highlighted a report by the recent Clinical Commissioning Group regarding the development at Brierley Paddocks, West Mersea which concluded that the current GP surgery was already at full capacity. He concluded that the current number and intensity of caravans and chalets at East Mersea were detrimental to the local community and that pedestrians and cyclists were being discouraged by the number of tourists to the island and local services were already at full capacity.

Councillor Moore attended and, with the consent of the Chairman, addressed the Committee. She objected to the application on the grounds of the car dependency of the proposed development and that the transport statement, submitted with the application, was misleading. She was of the view that East Road was too dangerous for cyclists and pedestrians to use due to the narrowness of the road, lack of footpaths and verges and the speed of the traffic. She also referred to the severe lack of public transport in East Mersea, with one bus service per week on a Tuesday afternoon, and that the application

site was three miles from the centre of West Mersea and two miles from the nearest bus stop. She therefore considered that the justification for the proposed development was false. She disputed the existence of a post office, general store, bistro and nursery on East Road, as referred to in the applicant's travel plan. She insisted that the only way to safely access the site was by car and referred to a current permanent resident population of 8,000 together with 2,000 occupants of caravans on the island, voicing concerns about the proposed increase in visitor numbers. She was also concerned about the design of the units, being concerned about the potential urbanisation of Mersea Island and the potential damage to the Coastal Protection Zone. She asked the Committee members to use their discretion to refuse the application on the grounds she and the Parish Council had identified. She was also concerned about the lack of objection from the Highway Authority.

The Senior Planning Officer explained that, in terms of scale, the proposal was for 32 new units, eight of which were the conversion of existing buildings and 14 new holiday cottages on land well screened from the public view. The existing holiday park comprised over 400 units and, as such, the current proposal was not considered to be excessive. In terms of the location, there was support for development in rural locations in the National Planning Policy Framework and the Highway Authority did not consider that the proposal would have a harmful impact on local roads with cycle provision being made and walking routes encouraged, giving opportunities to make the site more sustainable. The proposal was also considered to comply with the relevant local planning policies. The design of the cottages, in particular in relation to roofs and materials, were considered to be in-keeping with the rural location. She explained that she had been advised by the Council's licensing and enforcement teams that regular reviews were conducted at the site and no evidence had been forthcoming in relation to permanent occupation at the site. In addition, a planning condition had been proposed to ensure there was no permanent residential use in relation to the current proposal.

One member of the Committee welcomed the imposition of a planning condition to enforce the temporary residential occupation and was considered to be an improvement on the current situation, provided the enforcement was robust. The anticipated highways impact of the proposed development was not considered to be sufficiently severe to warrant a refusal of the application, given no objection had been raised by the Highway Authority.

Other members of the Committee voiced considerable concern in relation to traffic and parking problems on the existing road network and the potential for these matters to deteriorate given the proposed parking provision for the development. Reference was also made to the number of previous applications which had been submitted in relation to the site, whether it was possible to take into account the need for a development and the changing character of Mersea Island since the caravan site development was first developed. The advice provided by the Highway Authority was acknowledged, whilst clarification was sought in relation to the measures set out in the travel plan to

encourage the use of cars more efficiently and the encouragement of walking, cycling and public transport as alternative methods of transport.

The Senior Planning Officer explained that the travel plan document proposed measures including the appointment of a travel plan co-ordinator with responsibilities including the issuing of the travel plan document, encouragement of car sharing, provide information on alternative forms of transport for staff, provide travel packs for visitors, provision of cycle stands and the introduction of cycle hire facility on the site. Secure cycle parking would also be provided for each of the holiday units. She further explained that the proposed measures also included information on sustainable key locations on the site for walking and cycling routes, together with further detail within the travel plan document. She confirmed there was no standard for car parking provision for this type of development, although one space had been provided for each unit and this had been considered acceptable, given the previous planning permissions for the site in 2012 and 2017 had included this same amount of car parking provision. She also confirmed that proposed Condition 3 would provide for additional enforcement measures in relation to permanent residential use.

Members of the Committee voiced concerns regarding the robustness of the proposals to encourage the use of public transport given the current public transport provision comprised only one bus journey each week. Clarification was also sought regarding the Highways Authority assessment of a development and whether it was possible for cumulative impact of multiple developments to be taken into account.

The Development Manager confirmed there was very little public transport serving the site, however, at least two identical schemes had been approved previously and the National Planning Policy Framework had not changed substantially but, if anything, it provided added support for development in the countryside. He acknowledged the valid comments made in relation to sustainability but, given the planning history and that there was no objection from the Highway Authority in terms of any severe impact, he did not feel there were material planning considerations upon which the Committee could sustain a refusal of the application. He further confirmed his understanding that the Highway Authority was only permitted to take into account the impact on the highway network and the highway capacity of any one development and, in this instance, the development was considered to be modest with negligible impact on the highway network.

RESOLVED (FIVE voted FOR and TWO voted AGAINST and TWO ABSTAINED) that, authority be delegated to the Assistant Director Policy and Corporate to approve the planning application subject to the submission of a satisfactory bat and newt survey and subject to the conditions set out in the report and the amendment sheet.

The Committee considered a planning application for the removal of condition 3 of planning permission 101276 (dated 24 Aug 2010) stating 'The building hereby permitted shall only be occupied by dependent relatives of the residents of the main dwelling on this site known as Stirling Lodge and the planning unit shall not be subdivided, separated or altered so as to create two or more dwelling units'. (Retrospective Application) at New Barns, Church Lane, Stanway, Colchester. The application had been referred to the Committee because the site was outside the adopted settlement boundary for Colchester in an area shown as countryside and related to the creation of an independent dwelling in lieu of an existing annexe, as such, the proposal was a Departure to Policy.

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

The Committee made a site visit in order to assess the impact of the proposals upon the locality and the suitability of the proposals for the site.

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

702 172873 West House Farm, Bakers Lane, Colchester

Councillor Jarvis (by reason of his home being located in Bakers Lane, some distance from the application site) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Liddy (by reason of his directorship of Colchester Archaeological Trust) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a planning application for the change of use of land from agriculture and erection of six holiday lets at West House Farm, Bakers Lane, Colchester. The application had been referred to the Committee because it had been called in by Councillor Barber. 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.

Benjy Firth, Planning Officer, presented the report and, together with Simon Cairns, Development Manager, assisted the Committee in its deliberations.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the

applicant had sought planning permission for the site previously but the current application had changed significantly since the most recent proposal had been submitted and withdrawn. Detailed discussions with officers had influenced the current proposal in order to eradicate concerns from the planning authority and statutory consultees in terms of flood risk, landscape, highway safety and impact on the nearby listed building. In particular the Environment Agency and Highway Authority had not raised objections in relation to the access points and visibility splays. Both the existing and emerging Local Plans supported tourism accommodation in the countryside provided it was of appropriate scale with minimal impact on surrounding area. He was satisfied that the current proposal met these criteria and other environmental requirements and no objections had been received from statutory consultees. He acknowledged the concerns of the objectors to the proposal but only three of the eight residents adjoining the site had submitted objections. He was of the view that the proposal was entirely compliant with relevant policies. He also referred to footpath routes from the site connecting to the town centre within 20 minutes and there was a bus stop on Spring Lane.

Councillor Willetts attended and, with the consent of the Chairman, addressed the Committee. He explained that he did not object to holiday homes for let in principle but he was aware that the Local Plan restricted development outside the Settlement Area, whilst allowing leisure and tourism applications in the countryside where they were appropriate and in scale. He considered the key issue in relation to the proposal to be in terms of sustainability, considering it was not on a bus route, there were no footpaths along Baker's Lane, Baker's Lane was not safe for use by cyclists and the development would be car-centric. As such he considered the proposal to be unsustainable and therefore not compliant with the National Planning Policy Framework. He was also concerned about the potential for the site to be extended in the future through subsequent applications. He also referred to a better model for this type of development which was situated on the other side of the Spring Lane roundabout at Colchester Camping on Cymbeline Way, being in 200 metres of a frequent bus service to the town centre. This aspect was not a feature of the proposal under consideration. He acknowledged that the east side of the proposal would be screened by the golf course, whilst this would not be true of the west side which would be visible across the flood plain and the slip roads of the A12. He referred to comments made by the Highway Authority that Baker's Lane was a busier road than its design benefitted and he was further of the view that the road was sub-standard with collapsing verges and generally unmaintained. He was of the view that anything which would generate more traffic should be avoided and, as such he implored the Committee members to refuse the application.

Members of the Committee referred to the unsafe nature of Baker's Lane, the site was outside the Settlement Area and, as such, was not allocated for development and policy stated that such proposals should be refused unless material considerations dictated otherwise. Concern was expressed about the negative impact of the proposal on the road and the nearby residents and reference was made to a recent appeal decision and

the substantial weight given by the Inspector to the harm to the character and appearance of the area. It was also considered that the proposal would have a very detrimental impact on the local community which had successfully campaigned for acknowledgement of the need for measures to reduce the speed of vehicles and improve safety, due to the lack of a footpath along the road, poor sight lines due to the height of hedging and the meandering alignment of the road. Comments made previously about the likelihood of subsequent applications and the better location along Cymbeline Way were supported, whilst the need for the special nature of the site to be preserved was stressed. Clarification was sought regarding the adequacy of the screening proposals for the west side of the development, whether it would be possible to remove permitted development rights to prevent subsequent further development of the site and, given safety concerns expressed regarding the use of the road by pedestrians, whether any measures would be possible to restrict the speed limit along Baker's Lane.

The Planning Officer confirmed there was a footpath at the southern end of Baker's Lane, the route of which extended to North Station and the town centre but he acknowledged that Baker's Lane was not well equipped for pedestrians or cyclists as there was no footway along the road. He confirmed that the proposal did comply with policy in that it had poor accessibility but was appropriate in terms of its small scale. He confirmed that it was proposed to introduce a full band of native hedging and young trees along the river bank to the western side of the development which would obscure the views of the development. He also confirmed that the units were one storey only and would be painted in recessive colours, using black weatherboarding and roof slates. He confirmed that the Highways Authority were satisfied that sight splays could be created up to standard for the development. He also confirmed that it was only possible to consider the number of units proposed within the scheme before the Committee and any proposals to extend the development further would have to be the subject of a separate planning application. He explained that the traffic impact from the development was considered to be minimal and he was of the view that existing safety concerns were a matter which needed to be raised with the Highway Authority separately.

Another member of the Committee commented on the location of the footpaths along Baker's Lane as indicated on the definitive Map of Public Rights of Way, one to the north of the site and one at the southern end of the road. It was further acknowledged that neither of these routes extended to the site of the current proposal and it was considered that any pedestrians attempting to walk from the development site to either of the two footpaths would be in considerable danger due to the high volume and frequency of vehicular traffic travelling along the road. Comment was made about the ability of the Committee to require the Highway Authority to erect signage to warn motorists that there may be pedestrians using the road. As a consequence very considerable concern was therefore expressed regarding the proposal on the grounds that there was no footpath along Baker's Lane and the site did not give direct access to the public rights of way off road.

The Development Manager acknowledged the arguments made in relation to the proposal being harmful to the character and appearance of the area and its rural amenities and that it was poorly served by sustainable means of transport. He was of the view that these grounds could form the basis for reasons for refusal of the applications should the Committee members be so minded, with authority delegated to officers to formulate the appropriate detailed wording.

A proposal to approve the planning application subject to the conditions set out in the report was proposed and seconded. On being put to the vote, the proposal was lost (FOUR voted FOR and FIVE voted AGAINST).

RESOLVED (FIVE voted FOR and THREE voted AGAINST and ONE ABSTAINED) that the planning application be refused on the grounds of harm to the special qualities and character and appearance of the countryside in this important rural edge of the town, the unsustainability of the location that was poorly served by sustainable modes of transport and the lack of footways prejudicing the safety of pedestrians and the substandard width and alignment of Baker's Lane with the detailed wording of the reasons for refusal being delegated to the Assistant Director Policy and Corporate.

703 190649 Jacks, 5 St Nicholas Street, Colchester

The Committee considered a planning application for an increase in roof height to enable installation of roof insulation, while permitting internal exposure of some existing roof structure and new double doors to the shopfront at Jacks, 5 St Nicholas Street, Colchester. The application had been referred to the Committee because the application has been made on behalf of Colchester Borough Council.

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

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

704 Request for Deed of Variation to the Hill Farm, Carters Hill, Boxted Section 106 Agreement in respect of mortgagee exclusion

The Committee considered a report by the Assistant Director Policy and Corporate concerning a request for a Deed of Variation to the Hill Farm, Boxted Section 106 agreement in respect of the mortgagee exclusion clauses. It was explained that the existing agreement was restricting the ability of the affordable housing registered provider to borrow finance at the Market Value Subject to Tenancy and the proposed amendment would allow the registered provider to raise additional finance. The number of affordable housing units to be provided would not be affected.

RESOLVED (UNANIMOUSLY) that the requested Deed of Variation to the Section 106 agreement dated 7 August 2017, in respect of changes to the mortgage exclusion clauses, be endorsed.

705 Application to discharge or revoke an existing Section 106 Agreement, Planning Application No 190821

The Committee considered a report by the Assistant Director Policy and Corporate concerning a planning application to discharge or revoke the existing Section 106 Agreement at the Peldon Rose Public House and Rose Barn, Peldon. It was explained that two of the four clauses in the Section 106 agreement were no longer relevant whilst the remaining two clauses concerned the removal of permitted development rights. It was considered that these remaining clauses were no longer reasonable or necessary due to the Listed Building status of the Public House and because Rose Barn was detached, set in a sizeable curtilage and separated from the nearest dwelling by substantial landscaping.

RESOLVED (UNANIMOUSLY) that the existing Section 106 agreement for the Peldon Rose and Rose Barn be revoked.



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Item No: 7.1

Application: 190699

Applicant: Mr Taylor

Agent: Mr Robert Pomery

Proposal: Erection of Business Park, comprising 3,009 sqm of B1(a) Offices in Three Two-Storey Blocks with associated Parking.

Location: Land rear of AGM House, 83A London Road, Copford, Colchester, CO6 1GT

Ward: Marks Tey and Layer

Officer: Benjy Firth

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major application that has attracted material planning objections and the Officer recommendation constitutes a departure from adopted Local Plan policy.

2.0 Synopsis

- 2.1 The key issues for consideration are whether the economic benefits of this commercial scheme outweigh any material harm that can be identified resulting from the scheme.
- 2.2 The application is subsequently recommended for approval, subject to the signing of an appropriate legal agreement.

3.0 Site Description and Context

- 3.1 The application site measures approximately 1.1 hectares and comprises of an area of undeveloped meadowland to the rear of an existing industrial site. The site is access from London Road and access is provided by the existing access the adjacent industrial site. The site is surrounded by open countryside to the south and east, residential properties to the west and existing industrial uses to the north. The access sits partially within the settlement boundary, whilst the remainder and majority of the site sits beyond it.
- 3.2 The application site forms part of the wider land ownership, which includes the two industrial buildings to its north. Said buildings host a collection of commercial activities that have historically evolved to the rear of the ribbon of residential development along the south side of London Road.

4.0 Description of the Proposal

- 4.1 The application seeks permission for the erection of a business park at the site, comprising of three two-storey blocks, accommodating 3009sqm of B1(a) office space, with associated parking and landscaping.

5.0 Land Use Allocation

- 5.1 With the exception of the access, which sits partially within the defined settlement, the site benefits from no designation or land use allocation within either the adopted or emerging local plans. The majority of the site is therefore open countryside.

6.0 Relevant Planning History

- 6.1 Planning applications 120856 and 131471 each gave permission for the expansion of the existing industrial use at the site, including the construction of additional buildings resulting in just under 2500sqm of additional floorspace.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE3 - Employment Zones
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
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
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP9 Employment Uses in the Countryside
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

7.4 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.

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

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

The Emerging Local Plan is 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 a full and final examination, it is not considered to outweigh the material

considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

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

8.0 Consultations

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

8.2 The Council's Archaeological Officer made the following comments:

This proposal is located close to the line of an important Roman road defined in the Colchester Historic Environment Record (HER Monument no. MCC7518, Stane Street). Find spots close to this site include two Roman coins (HER Monument nos. MCC6700 and MCC6701). There is there high potential for encountering archaeological remains at this location. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any below-ground heritage assets (i.e. archaeological deposits) that exist.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

8.3 The Council's Landscape Officer made the following comments:

Regarding the landscape content/aspect of the strategic proposals lodged on 23/03/19:

To accord with the Council's [Landscape strategy for development sites](#) the landscape element of the proposal needs to be cross-checked against the Council's standard generic requirements under Landscape Guidance Note LIS/A (this is available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link); and where applicable amended accordingly to fully accord with them. In particular it is recommended the clause(s) of LIS/A noted in the Appendix to this document be cross-checked against the current submission.

The site lies just outside and abutting the settlement boundary of Copford south of London Road, set within the wedge of rural landscape between the settlement's edge and Hall Road. The site is fairly level and broadly rectangular in shape, it measures just under 1 hectare and has no buildings on it. It is surfaced with areas of unmanaged open scrub to all but the western third which is laid out and managed as a loose stone surfaced overflow car park. The enclosure to the southern and western boundaries of the site comprise low/medium height bunding covered in a band of scrub, remnant hedging and small/medium size trees. The rural landscape beyond this enclosure is under agricultural management (grade 2 agricultural land). The northern boundary of the site is enclosed by existing commercial development units and an associated access road, the western boundary lies alongside existing residential development. PRoW 128_2 traverses north south across the adjacent field 160m to the east of the site.

In support and addition to this/these LIS/A clause(s) and accordance with policy/policies detailed in 3.1 below, the following point(s) should be taken into consideration as part of any revised proposals:

- The site lies outside the settlement boundary and is therefore subject to Core Policy ENV1. ENV1 requires that *'unallocated green-field land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough'*.
- The site lies within Colchester Borough Landscape Character Assessment Area B2a (CBLCA B2a), this describes the character of the landscape in detail and identifies key characteristic(s) of the Area shared by the site as *'Linear settlement corridor extending from the western edge of Colchester Urban Area, including the western edges of Stanway, Copford village and Marks Tey in the west'*. It goes on to identify planning issue(s) as *'Potential pressure for further expansion of and improvements to the linear communications and settlement corridor (sub character area B2a) into the surrounding farmland plateau landscape'* and sets landscape strategy objective(s) to *'conserve and enhance'* the landscape character of the Area. Finally, it gives landscape planning guideline(s) to *'Conserve the mostly rural character of the area'*, *'Ensure that any appropriate new development responds to historic and pattern and uses materials, which are appropriate to landscape character (refer to the Essex Design Guide for Residential and Mixed-Use Areas, Essex Planning Officer Association, 1997, for further information). Such development should be well integrated into the landscape'*, and *'Ensure that any development on the edges of Marks Tey and Copford responds to traditional settlement patterns and uses design and materials, which are appropriate to local landscape character'*.
- Given the proposed developments potential adverse landscape and visual impact, through the introduction of an urban development into a rural landscape fairly typical of CBLCA B2a, that may be visually intrusive and contrary to the landscape character of the Area, it is recommended a Landscape Appraisal be submitted. This to evidence

how the proposals meet the requirements of CBLCA B2a, to guide design proposals to ensure the development sits comfortably within the landscape and to identify any landscape proposals required as mitigation. Any such Appraisal should fully comply with part 9 of LIS/A.

- In the absence of any Landscape Appraisal it should be noted that the development would appear to potentially fail to comply with core Policy ENV1 as detailed above as:
 - It would expand the '*settlement corridor (sub character area B2a) into the surrounding farmland plateau landscape*', both physically, being outside the settlement boundary, and visually as it would appear to be potentially visible from PRoW 128_2 and Hall Road.
 - The proposed development fails to use '*design and materials, which are appropriate to local landscape character*'.

In conclusion, taking into account all relevant considerations and for the reasons set out above, this application cannot currently be supported on landscape grounds. In order to fully consider the proposals, the above point(s) will need to be satisfactorily addressed.

8.4 The Council's Planning Policy Team made the following comments:

The current proposal follows two unimplemented proposals for industrial development on the site. The first application (120856) involved the part-demolition of an existing industrial building, while the subsequent application (131471) entailed its total demolition and a larger new building. Planning policy concluded that the original proposal satisfied the criteria for an 'exceptional case' justifying the approval of new rural employment buildings in accordance with adopted policy DP9 (Employment Uses in the Countryside), and considered that the second proposal did not raise any further considerations to change that view. The wording of DP9 has been carried forward to the new policy DM6 in the emerging Local Plan.

The current proposal differs from the previous ones in that it now includes a majority of development for new offices, whereas the previous proposals were to accommodate expansion of the existing businesses on site for industrial development. The applicants have addressed the need to provide justification for the speculative element of the proposal by submitting a report from Fenn Wright. The Planning Statement notes "the report emphasises the impact of Permitted Development Rights to convert Office Space to Residential use on the local office stock. Much of the available office accommodation is older stock in unpopular locations. These changes in the use of the office space has driven greater demand."

The adopted Local Plan favours location of offices in Town Centres, but does accept an element of offices in Employment Zones. The emerging Local Plan is less specific about the location of office uses, which reflects the NPPF emphasis on the provision of flexible work spaces to support economic growth in paragraphs 80 and 81.

On the basis that the principle of development was accepted on the site for previous proposals and that the current proposal can also meet the criteria

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of DP9/DM6 no planning policy objections are raised to the principle of development for B1 office development, notwithstanding other design and access considerations which affect the planning balance.

8.5 The Council's Heritage Officer made the following comments:

The application site is not situated within a Conservation Area. There is number of listed buildings in the vicinity : the most closely located is Windmill Hotel (List UID 1239075), about 150m to the NW, while Brewers Cottage (1239137) , Old Mill House (1273846) and Shrub House (1239076) are situated at further distance , at about 500m to the NE. Existing development already separates Windmill Hotel and the application, so it can hardly be argued that the proposed scheme will visually affect its immediate setting. As for the other three heritage assets, they are located at considerable distance to be directly affected by the proposed development.

At the same time, no structures pre-dating 1900 have been identified within or at close distance to the site through map regression. The wider area and the site were developed in the 20th c. so apparently there are no buildings that could be of historic interest as non-designated heritage assets.

Therefore, since the application site does not appear to have any heritage interest and the proposals will not affect directly any heritage assets and their setting, no further comments can be offered on heritage grounds.

8.6 The Council's Urban Design Officer made the following comments:

I object to the application for the following reasons and particularly as many of the points undermine the applications need to provide an exceptional case for overcoming the lack of local plan allocation support:

- The location is neither allocated or sustainably located - not attached to a retail and service centre (e.g. town and neighbourhood) and is generally reliant on car access as demonstrated by the extent of surface car parking;
- The immediate and wider area already suffers from traffic related issues;
- Loss of (/ potentially) valued greenfield land;
- Car parking needed to access the location results in a low density inefficient use of land, i.e. sprawl;
- The availability of more sustainably located sites for such use including those which are allocated specifically for employment use;
- The insular, inward-looking and presumably gated nature of proposals which would not positively integrate with and contribute to village life, e.g. (i) a cul-de-sac accessed via a 225m long drive through an employment site, (ii) not future proofing potential links to the West, East and South in case further growth occurs, and (iii) there being no sense of public realm and active frontage onto public realm contributing to village place-making – the site is instead dominated by car parking throughout; and
- Building design proposals have some good elements such as crisp contemporary (New London/Cambridge Vernacular) architecture using

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brick, brick detailing, feature entrances and full height windows (albeit good materials and details as implied lack clarity and therefore would need to be carefully conditioned). More generally, the repeated approach, lack of rear interest and lack of roof line modelling means the overall impression would appear a bit monolithic and bland.

8.7 The Council's Contaminated Land Officer made the following comments:

Re: Richard Jackson, 'Phase One Desk Study Report, London Rd, Copford, Ref 44179', Final, Dated 15/4/19

This report is acceptable for Environmental Protection's purposes. I note that some potential sources of contamination have been identified, both on and off site, and an intrusive investigation has been recommended to better assess the risks noted in the initial conceptual site model. However, based on the information provided, it would appear that this site could be made suitable for the proposed use, with the remaining contamination matters dealt with by way of planning condition.

8.8 The Council's Environmental Protection Team requested the following conditions be applied to any approval:

- Construction Method Statement
- Limits to Hours of Work
- Restriction of Hours of Operation
- Restricted Hours of Delivery
- Site Boundary Noise Levels (for external plant, equipment, machinery)
- Light Pollution for Minor Development

The following recommendations were also made:

We recommend fast electric vehicle charging points shall be provided at a rate of 10% of the total parking provision.

We recommend that a 2m high close-boarded fence is erected along any boundary with residential premises, including the access road.

8.9 The Essex SUDS Team made the following comments:

Having reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application, we do not object to the granting of planning permission, subject to recommended conditions.

8.10 The Highway Authority made the following comments:

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

8.11 The North East Essex Badger Group made the following comments:

Having scanned the Application and in particular the Ecology Report, we can confirm that there are badger setts quite locally placed to the location area, and badgers do forage occasionally on that land. Should this Application be approved, we would ask that, in the first instance, care should be taken when clearing the whole of the area before building work commences and secondly, would suggest that once work begins, any open excavations are covered at night to avoid badgers falling in and becoming trapped.

8.12 Anglian Water, NHS North East Essex CCG and Natural England have also been consulted and raised no objections to the proposal.

9.0 Parish Council Response

9.1 The Parish Council have stated that

Members have discussed this application in detail and with the applicant. Council's main concerns are:

1) A significant increase in parking congestion and traffic along London Road both during the construction phase and after completion. Has the applications transport assessment fully considered providing adequate off road amenities to ensure local roads and residents aren't negatively impacted by this development?

2) Heavy plant and machinery use during the construction period adding to the weight of traffic and congestion issues already occurring. Has the application allowed for on-site parking facilities for the duration of the construction period?

3) Adequate drainage for both surface and foul water from the site. Given the local sewage plant is already over capacity what is being proposed to ensure there is no further strain out on this facility and with the expanse of the proposed plan how will surface water run off and properly drain?

Members wish to ensure Planners have taken into consideration all aspects of short term and long term disruption to residents living close by to this

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application site and balanced it out against the need for a large scale commercial development of this type in a residential area.

10.0 Representations from Notified Parties

10.1 The application resulted in number of letters of objection. The full text of all the representations received is available to view on the Council's website. However, a summary of the material considerations is given below:

- Increased traffic generation
- Highway safety
- Poor access arrangements
- Unsuitable location
- No demand for offices
- Lack of parking
- Proposal not policy compliant
- Not in keeping with the area
- Proposal not comprehensive
- Detriment to residential amenity
- Increased pollution
- Impact on wildlife
- Intrusion into the countryside
- Scale of development
- Light pollution

11.0 Parking Provision

11.1 The proposal includes the provision of 137 standard parking spaces, 16 parking spaces with electrical charging facilities, 6 disabled spaces, 6 spaces for powered two-wheelers and bike parking that can accommodate 40 bicycles. In addition, 19 spaces are proposed in relation to the existing industrial use on the adjacent site.

11.2 This provision exceeds maximum standards required by the adopted parking standards by over 50 car parking spaces. However, the proposal falls short of minimum adopted standards in regard of cycle parking (5 spaces short), powered two-wheeler parking (1 space short) and disabled parking (3 spaces short).

11.3 The majority of the proposed spaces meet the minimum dimensions and layout requirements set out within the adopted parking standard.

12.0 Accessibility

12.1 The proposed ground floor offices are relatively accessible and could accommodate adaptation to increase their accessibility were this to be required by future users.

13.0 Open Space Provisions

13.1 The proposal does not include, nor is it required by policy to make any open space provisions.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 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:

- Alterations to existing bus stops in proximity to the site, which will be secured by appropriate conditions attached to any approval.
- A contribution towards the display, promotion and management of any archaeological discoveries found as a result of the proposal, which would be secured by and appropriate legal agreement.

16.0 Report

The Principle of Development

16.1 The most relevant adopted Local Plan policy is DP9: Employment Uses in the Countryside, which states:

“Employment development proposals within the countryside, outside of designated local employment zones, must contribute to the local rural economy and help sustain rural communities. The proposed use should be of a small scale that does not harm the rural character of the area either by the nature and level of activity (including the amount of additional traffic generation on rural roads) or, any other detrimental effects such as noise and pollution.”

The proposal would aid the growth of an existing locally based business and provide accommodation for new businesses at the site. In turn the proposal would facilitate employment and generate economic activity within the locality, thus contributing to the local economy. The site is bound by existing development on two sides and the proposal includes a significant landscape buffer on its boundaries. It is therefore considered that the proposal achieves an acceptable scale, that minimizes and mitigates any intrusion into the countryside. The proposed B1 office use is a relatively low-key use in terms of activity levels, noise and pollution.

- 16.2 Policy DP9 goes on to state that where new rural employment buildings are proposed they *“will only be supported in exceptional cases where there are no appropriate existing buildings and the need has been adequately demonstrated”*. Additionally, stating that where the expansion of an existing business in to the countryside is proposed they *“will only be supported in exceptional cases where there is no space for the required use on the existing site, the need has been adequately demonstrated, and the proposals are essential to the operation of an established business on the site”*.

Whilst it is proposed that some of the proposed office space will be utilised as part of the existing use of the adjacent site, it has not been demonstrated that the expansion is essential for its operation. However, it is considered that controlling the tenure of the site would not be particularly appropriate in this instance. In light of this, the proposal should be considered as a stand-alone development and is required to evidence that there is a need for the development proposed and there are no appropriate existing buildings. Within this application this justification is provided by way of a report from Fenn Wrights. The report identifies that there is demand for office premises locally, particularly in light of recent national policy allowing the change of use of offices under permitted development rights. The adequacy of this justification is a matter of judgement. However, it is considered that the flexibility of unit size that the proposal can accommodate would allow the proposed development to fulfill a variety of demands.

- 16.3 Lastly, policy DP9 states that *“consideration must be given to the relocation of the business to available land within strategic or local employment zones”*. Given the size of the existing operation at adjacent site it is unlikely it could be accommodated within an existing employment zone. The loss of the existing use on the site would also result in a loss of economic activity in the locality and potentially the site falling redundant.

- 16.4 Within the emerging Local Plan the most relevant policy is DM6: Economic Development in Rural Areas and the Countryside. This is consistent in its content with adopted Local Plan policy DP9, with the exception that it states *“any new development will be expected to have adequate landscape mitigation to compensate for any additional impact upon the surrounding countryside”*. This will be discussed further as part of landscape considerations, however it is considered that the proposal complies with this requirement.

- 16.5 The National Planning Policy Framework (NPPF) is broadly supportive of economic development, stating at paragraph 80 that *“planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development”*.

Further adding at paragraph 83 that *“planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”*.

Lastly, at paragraph 84 stating that “*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist*”.

- 16.6 The sites location is considered relatively sustainable, on a main arterial road that accommodates a regular bus service, and with good links to the A12 and Marks Tey Train station.
- 16.7 It is considered that the proposed development is broadly compliant with the NPPF, particularly considering its reference to sites that are adjacent to settlement boundaries and are physically well-related.
- 16.8 In summary, the proposal is compliant with elements of adopted and emerging Local Plan policy, though a judgement is required as to the adequacy of the evidential justification provided with the application. In this vein, it is acknowledged that a reasonable justification of need has been proved, however brief. In light of this, the fact that the proposal is broadly in line with nationally policy and the fact that the notion of developing the land for commercial purposes has already been established as acceptable via historic permissions, it is considered that on balance the proposed development is acceptable in principle.

Design

- 16.9 The proposal includes three buildings that accommodate the propose floorspace, each of which are similar in appearance and proportions. The buildings measure approximately 7m in height and adopt a crisp contemporary architectural approach including a flat roof. They are proposed to be constructed of brick, with brick detailing, feature entrances and full height windows in places. As a result, the buildings appear well scaled and articulated. The fenestration and detailing proposed contribute to breaking down the visual mass of the buildings, whilst providing some visual interest and character.
- 16.10 The proposed site layout see's the three proposed buildings located towards the centre of the site, surrounding a hard and soft landscaped parking courtyard. Further parking provision is accommodated surrounding the buildings, interspersed with landscaping and buffered to the sites boundaries by further landscaping. The allows the proposed structures to be accommodated within the site whilst minimizing and mitigating their impact on the wider landscape setting and neighbouring residential land uses.
- 16.11 The proposed layout could be considered overly parking dominated, however attempts to reduce the visual impact of parking through layout and landscaping. Likewise, the design of the buildings could be considered out

of keeping with their setting, however any impact of this would be minimized by a lack of public vantage points, particularly considering the proposed landscaping. On face value, the design and layout of the proposal are fit for purpose, allow for appropriate mitigation of the proposals impacts and result in minimal harm, if any, to public amenity. As a result, the proposed design and layout are considered acceptable on balance.

Residential Amenity

- 16.12 The proposed buildings sit approximately 30m from the residential properties to the west of the application site. As a result, it is not considered they will cause any significant detrimental impact in terms of loss of light, outlook or privacy. Views of the proposed buildings from said residences will be filtered by the proposed landscaping. Additionally, both parking and the B1 office use are considered to be low impact in terms of noise generation, which will again be buffered by the landscaping.
- 16.13 The only other direct impact the proposal may have on residential amenity would be through the increased usage of the access road. However, as part of the proposal this will also see improvements, including landscaping. The proposed development is therefore considered acceptable in terms of its impact on existing residential amenity.

Highway Matters

- 16.14 A Transport Assessment was submitted as part of this application and identifies that the proposal would attract an insignificant level of traffic at peak hours. The report evidences that both the site and the wider Highway Network are capable of accommodating the increased traffic potentially generated by the proposed development.
- 16.15 The Highways Authority are satisfied with the content of the proposal subject to appropriate conditions, which are included within the relevant schedule and include improvement works to bus stops within proximity of the site.
- 16.16 Comments made within consultation responses regarding existing traffic levels and on street parking are noted. However, these are existing issues with the wider Highways network, which it would not be appropriate to attempt to address via this application.
- 16.17 It is therefore considered that the proposed development would not result in an unacceptable impact on highway safety or in severe residual cumulative impacts on the road network, and is thus acceptable in this regard.

Flooding & Drainage

- 16.18 An appropriate Flood Risk Assessment was submitted as part of the application, which outlines the proposed drainage methods and evidences that the site is at a low risk of flooding.
- 16.19 Anglian Water have made no objection to the proposal and have stated that they would take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission. Likewise, the Local Lead Flood Authority have raised no objection to the proposal, subject to conditions which are included within the relevant schedule. The proposal is thus considered acceptable in this regard.

Trees and Landscaping

- 16.20 The application does not include a detailed landscaping plan or an appropriate tree report. The submitted plans are also vague regard to both existing and proposed features. On this basis, the absence of any comments of support from the Council's Arboricultural Planner or Landscape Officer are justified.
- 16.21 The Landscape Officer raises the issue that the application does not include any form of landscape appraisal or visual impact assessment. However, these assessments were submitted as part of the previous applications at the site and the subsequent approvals evidence the acceptability of this element of the proposed development. As a result, it is not considered that the lack of this assessment within the current application would in itself warrant refusal of the application, particularly considering the weight of historical evidence suggesting the impacts would be acceptable. On this basis, it is not considered that the proposal would significantly compromise the surrounding landscape or affect the visual amenities of local residents and the landscape element of this application is considered acceptable subject to appropriate conditions requiring a detailed landscaping scheme.
- 16.22 Likewise, the historic applications at the site suggest that arboricultural matters at the site are likely to be acceptable and as such up to date and detailed specifications will be acquired by appropriate conditions attached to any approval.

Ecology

- 16.23 A Preliminary Ecological Appraisal and Reptile Survey were submitted as part of this application. The findings and recommendations outlined within the reports are considered acceptable given the current site circumstances. A condition requiring the development to be conducted in accordance with the recommendations made within these reports will be attached to any approval.

Other Matters

- 16.24 The comments of the Council's Archaeological Officer and Contaminated Land Officer are noted and appropriate conditions are included within the schedule. It is noted that the Fire Service are also satisfied with the content of this proposal.

17.0 Conclusion

- 17.1 To summarise, the notion of developing the site has previously been established as acceptable via historic permissions and the principle of the proposed development is largely acceptable based upon the general acceptance of the justification provided. In all other regards the proposal is considered acceptable and would not result in any significant harm, subject to the appropriate conditions.
- 17.2 In broader terms, the proposed development would facilitate additional economic activity, thus generating economic and social benefits for the area. Whilst it has also been demonstrated that the environmental impact of the proposed development would be relatively neutral and no other demonstrable harm has been identified. As such the proposal complies with the three strands of sustainable development and is therefore held to comply with the NPPF. As a result, it is considered the planning balance weighs in favour of the proposal.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, 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:

1. Time Limit for Full Permissions

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

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

2. Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 6501-1111-P1, 6501-1113-P1, 6501-1211-P1, 6501-1212-P1, 6501-1311-P1, 6501-1312-P1, 6501-1313-P1 and 6501-1411-P1.

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

3. Non Standard Condition - Materials To Be Agreed

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

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

4. Non Standard Condition - Archaeology

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

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

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

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

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

5. Non Standard Condition - Arboriculture

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

6. Non Standard Condition - Flood Risk & Drainage

The development hereby approved shall be conducted in accordance with the submitted Flood Risk Assessment.

Reason: To minimise the potential for flooding within and in proximity to the site.

7. Non Standard Condition - SUDS

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and certified as technically acceptable in writing by suitably qualified person(s) or the Lead Local Flood Authority (ECC) the statutory consultee in relation to SuDS. The certificate shall thereafter be submitted by the developer to the Local Planning Authority as part of the developer's application to discharge the condition. No development shall commence until the detailed scheme has been approved in writing by the lpa. The approved scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Demonstrate that half drain times are less than 24 hours for all storage devices
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

Reason: The National Planning Policy Framework paragraph 103 states that local planning authorities should ensure flood risk is not increased elsewhere by development. Construction may lead to excess water being discharged from the site. If dewatering takes place to allow for construction to take place below groundwater level, this will cause additional water to be discharged. Furthermore, the removal of topsoils during construction may limit the ability of the site to intercept rainfall and may lead to increased runoff rates. To mitigate increased flood risk to the surrounding area during construction there needs to be satisfactory storage of/disposal of surface water and groundwater which needs to be agreed before commencement of the development.

8. Non Standard Condition - Drainage During Construction

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: The National Planning Policy Framework paragraph 163 and paragraph 170 state that local planning authorities should ensure development does not increase flood risk elsewhere and does not contribute to water pollution.

9. Non Standard Condition - Drainage Maintenance

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water

drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

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.

10. Non Standard Condition - Drainage Maintenance Log

The applicant or any successor in title must maintain yearly logs of maintenance which should be carried out in accordance with any approved Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

Reason: To ensure the SuDS are maintained for the lifetime of the development as outlined in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

11. Non Standard Condition - Car Parking

The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been hard surfaced, sealed and marked out. The car parking 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.

12. Non Standard Condition - Bicycle Storage

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

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management

13. Non Standard Condition - Wheel Washing Facilities

Prior to the commencement of the proposed development, details of a wheel and underbody cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority and that facility shall be maintained during the periods of construction.

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

14. Non Standard Condition - Business Travel Plan

Prior to the first occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Business Travel Plan and coordinator, including the initial commitments; and amended and supplemented under the provisions of a yearly report. The Business Travel Plan shall include a commitment to provide a Travel Plan co-ordinator within the development site to give advice to the new occupiers of the development.

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

15. Non Standard Condition - Bus Stop Improvements

Prior to the occupation of any of the proposed development the east bound bus stop currently outside number 60 and 62 London Road shall be relocated to outside number 72 London Road Copford and being provided with level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing 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 and the west bound bus stop outside number 69 London Road Copford also being provided with level entry kerbing, new post and flag, timetables, any adjustments in levels, surfacing 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.

16. Non Standard Condition - Ecology

The development hereby approved shall be conducted in accordance with the submitted Preliminary Ecological Appraisal and Reptile Survey.

Reason: To ensure that any harm to ecological assets at the site is minimised.

17. Non Standard Condition - Construction Method Statement

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

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

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

18. Non Standard Condition - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

19. Non Standard Condition - Restriction of Hours of Operation

The use hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 07:00-19:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: No operation.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

20. Non Standard Condition - Restricted Hours of Delivery

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 07:00-19:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: No deliveries.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

21. Non Standard Condition - Site Boundary Noise Levels (for external plant, equipment, machinery)

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

22. Non Standard Condition - Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone E22 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

23. Non Standard Condition - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
 - ☐ human health,
 - ☐ property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - ☐ adjoining land,
 - ☐ groundwaters and surface waters,
 - ☐ ecological systems,
 - ☐ archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

24. Non Standard Condition - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as

contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

25. Non Standard Condition - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

26. Non Standard Condition - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 23, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 24, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 25.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

27. Non Standard Condition - Validation Certificate

Prior to the first OCCUPATION/USE of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 24.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

28. Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

29. Non Standard Condition - Landscaping

No groundworks shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Proposed finished levels or contours.
- Means of enclosure.
- Car parking layouts.
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.).
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

19.1 Informatives

19.1 The following informatives are also recommended:

1. Advisory Note on Construction & Demolition

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

2. Informative on Conditions Stating Prior to Commencement/Occupation

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

3. Highway Informative

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.

4. Archaeology Informative

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

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



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Item No: 7.2

Application: 191676

Applicant: Colchester Amphora Trading Limited

Agent: Mr Kevin Whyte, Barefoot & Gillies Ltd

Proposal: Proposed refurbishment and replacement dwellings to provide 6no. flats and 2no. houses with associated parking and landscaping including demolition of ancillary buildings and change of use from C4 (large HMO) to C3 (dwelling houses). Resubmission of 190750

Location: 60 Creffield Road, Colchester, CO3 3HY

Ward: New Town and Christ Church

Officer: Eleanor Moss

Recommendation: **Conditional Approval**

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is employed by Colchester Amphora, a company owned by Colchester Borough Council which has been established to provide high quality new homes for market sale and rent, with a focus on exemplar design and place making in support of Colchester's regeneration.
- 1.2 The proposal has also been called in by Cllr Cope for the following reasons:

"Called in on the grounds that it still overcrowding on a small site and the design inappropriate being totally out of keeping and far too high and overbearing for the resident in 27 Inglis Road. Other new building designs in the area that have been passed have all shown at least a nod to the architecture in Creffield and Inglis Roads. The proposed design does not fit in with the surrounding street character."

2.0 Synopsis

- 2.1 key issues explored below are land-use, design, traffic and highway implications, flood risk, impact on ecology and built heritage. The impact on neighbouring amenity and the surrounding area are also discussed in the report. The report concludes that subject to appropriate mitigation measures (conditions), the development is acceptable and is consequently recommended approval.

3.0 Site Description and Context

- 3.1 The application site comprises a relatively large corner plot hosting a Victorian three-storey house with single-storey annexe to rear. 60 Creffield Road is a locally listed building. The existing use is HMO.
- 3.2 The site is located in Colchester Town. Creffield Road is located to the north of the application site with Inglis Road located to the west. The site is located in a residential area with residential properties surrounding the site.
- 3.3 The site lies within the Conservation Area. The area is mainly characterised by wide streets serving large houses set back from the road. In many places significant boundary planting behind and alongside boundary walls takes up much of the street scene.
- 3.4 The application site area is approximately 0.1 hectares in total and is bounded to the west and north by brick walls of varying heights, and to the east and south by 1.8m high close boarded fencing generally.

4.0 Description of the Proposal

- 4.1 Proposed refurbishment and replacement dwellings to provide 6no. flats and 2no. semi-detached houses with associated parking and landscaping including demolition of ancillary buildings and change of use from C4 (large HMO) to C3 (dwelling houses). Resubmission of 190750.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

- 6.1 190750 - Proposed refurbishment and replacement extension to provide 12no. flats with associated parking and landscaping including demolition of ancillary buildings and change of use from Sui Generis (HMO) to C3 (dwelling houses). Withdrawn on 22 May 2019.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
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
DP25 Renewable Energy

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

SA H1 Housing Allocations

- 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.

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

1. The stage of preparation of the emerging plan;
1. The extent to which there are unresolved objections to relevant policies in the emerging plan; and
2. 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 a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Backland and Infill
Affordable Housing
Sustainable Construction
Planning for Broadband 2016
Managing Archaeology in Development

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 **Archaeological Advisor** – no objections to the scheme subject to condition
- 8.3 **Arboricultural Officer** – no objection to the scheme
- 8.4 **Landscape Advisor** – no objection subject to conditions

8.5 **Highway Authority** – no objection subject to conditions

8.6 **Urban Designer** – no comments to the revised scheme

8.7 **Heritage Officer** – no comments

8.8 **North East Essex Clinical Commissioning Group state:**

“We will not be seeking a healthcare contribution in respect of this development due to the low number of dwellings proposed which will form a minor impact on primary care within the vicinity of the site.”

8.9 **SuDS** – Holding objection

Officer comment in relation to SuDs comment: The application site is not a major and therefore SuDs are not a statutory consultee for minor applications which as this and therefore is not a legal requirement to consult with SuDs. Flood risk is adequately considered in the body of the report.

9.0 Parish Council Response

9.1 Non-Parished

10.0 Representations from Notified Parties

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

- No need for additional housing in the area
- Increased traffic, noise and pollution
- Harmful impact upon parking
- Overbearing impact
- Harmful impact upon neighbouring amenity
- Harmful impact upon character of the area
- Overdevelopment
- Poorly designed and out of keeping
- Detrimental for local flora and fauna
- Harmful impact upon Conservation Area
- Will destroy the history and beauty of the house

11.0 Parking Provision

11.1 8 off road car parking spaces are proposed.

12.0 Accessibility

- 12.1 Please refer to Design & Access Statement regarding duties under the Equalities Act, this confirms the new dwellings will comply with building regulation part M 'Access to and use of Buildings', with sanitary conveniences compliant with part M4(1) 'Visitable Dwellings'.

13.0 Open Space Provisions

- 13.1 Not applicable.

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

Proposal

- 16.1 The application seeks planning permission for the conversion of 60 Creffield Road from a HMO into six flats, two of these are proposed to be affordable units. The proposal also seeks permission for the demolition of the annexe on site (60A Creffield Road) and the erection of two semi-detached dwellings.

Principle of Development

- 16.2 In accordance with Core Strategy policies SD1, H1 and ENV1 development within the Borough is directed to sites within existing settlement development boundaries. The application site is identified within the defined settlement boundary of Colchester Town and is identified in the Site Allocation Plan as predominately residential use. Given this, the proposal is considered to be acceptable in principle.

Heritage and Design

- 16.3 Core Strategy policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment. Core Strategy policy UR2 seeks to promote and secure high quality design. Development Policies DP1 and DP12 set out design criteria that new development must meet. These require new development to be of a high quality and respect the character of the site and its context.
- 16.4 Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires development, as a whole, to preserve or enhance the appearance or character of Conservation Areas.

- 16.5 Core Strategy policy UR2 seeks to enhance Colchester's unique historic character and protects features which contribute positively to the character of the built environment from demolition or inappropriate development, these features include buildings and Conservation Areas. Development Policy DP14 seeks to protect the Council's Conservation Areas from inappropriate development.
- 16.6 In the exercise of Planning functions, the statutory test in relation to Conservation Areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The objectives of Development Policy DP14 are consistent with this test.
- 16.7 Paragraph 184 of the NPPF identifies that heritage assets are irreplaceable resources. Paragraph 193 advises that, when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, great weight should be given to the asset's conservation.
- 16.8 Paragraph 189 of the National Planning Policy Framework (NPPF) says that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their settings. When considering proposals which affect non-designated heritage assets, paragraph 197 of the NPPF requires a balanced judgment having regard to the scale of any harm or loss and the significance of the heritage asset.
- 16.9 The proposed demolition works relate to an aspect of the scheme which are later additions to 60 Creffield Road, the annexe and garage, and these do not hold any architectural merit. Demolition works also relate to the partial removal of the existing boundary wall along Inglis Road in order to provide access to the proposed semi-detached dwellings. In this instance, there are other examples of the boundary walls being removed in order to facilitate development. As there will be a partial loss of wall, the harm caused is considered to be less than substantial and, as such, the public benefits need to be weighed against the harm caused which is discussed further below.
- 16.10 The proposed conversion of 60 Creffield Road is considered to be acceptable given there are no proposed external extensions are proposed. The current building requires a number of repairs and this proposal will be able to visually improve 60 Creffield Road by facilitating these repairs. It is therefore considered the proposed conversion of 60 Creffield Road into flats is acceptable and will not harm the character of the Conservation Area.

- 16.11 The proposed pair of semi-detached dwellings are located to the rear of 60 Creffield Road. The host building is locally listed and is considered to be a non-designated heritage asset and is a significant building which contributes to the setting of the Conservation Area. The submitted information confirms, when formulating the design strategy, particular attention has been paid to the preservation and enhancement of the characteristic features of 60 Creffield Road, site and setting, to the extent appropriate to the level of significance of each.
- 16.12 It is accepted that the proposed new development will affect (change) the setting of nearby the host dwelling. Whilst the proposed new housing is taller than the existing annexe, the proposed height of the semi-detached dwellings are not considered to be so great so as to dominate (and therefore significantly detract) from the setting of the locally listed building or Conservation Area. The harm caused is therefore considered to be less than substantial and, as such, the public benefits need to be weighed against the harm caused which is discussed further below.
- 16.13 Objections have been received which raise concerns with overdevelopment of the site. The spatial setting of buildings is an important characteristic of the area and regard should be given to this. However, given that the context (setting) of 60 Creffield Road has fundamentally changed with the introduction of the annexe (60A Creffield Road), there is not an objection in principle to the erection of a new residential development to the south of the host dwelling. Whilst this is the case, it is still considered important that the proposed scheme is seen as being subordinate to 60 Creffield Road.
- 16.14 The main house of 60 Creffield Road would retain an adequate curtilage and would still reflect the curtilage proportions of a Victorian dwelling, retaining the spatial character of the area. The proposed development would be sited to the south of the main dwelling and is designed in a style that is sympathetic. The form, detailing and materials proposed have been selected and composed to present a historically informed, yet distinctly 21st century, addition. It is considered the revised proposal would result in a marginal impact upon the locally listed building and Conservation Area and the public benefits of additional housing in a sustainable location outweighs this harm. It is therefore considered the proposed semi-detached dwellings are acceptable and will not harm the character of the Conservation Area.
- 16.15 The design and layout of the proposed development is considered to be consistent with relevant adopted and emerging policies and the guidance set out in the NPPF in so far as they promote high quality design and the conservation of heritage assets. Any harm that will be caused by this development will be less than substantial. In this instance, the public benefits (which include the redevelopment of locally listed building in disrepair and additional housing) weigh in favour of the scheme. Given this, the proposed development is considered to be consistent with the aforementioned relevant adopted local plan policies and national planning policy guidance in relation to the historic environment.

Impact upon Neighbouring Amenity

- 16.16 Development Policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.
- 16.17 In this instance, there are no amendments to the windows serving 60 Creffield Road. Given this is the existing arrangement, it is not considered the proposal will create a harmful impact upon neighbouring amenity. Although there are rear facing windows facing towards to the proposed semi-detached dwellings, these are not considered to harmfully overlook the new dwellings. The rear facing windows look towards the flank elevation, which is mostly blank, rather than any private sitting out areas. In addition, there is an intervening bike store, bin store and boundary fencing which limits overlooking.
- 16.18 In terms of the proposed semi-detached dwellings, first floor (and above) side facing windows are limited. The proposed side facing windows serve bathrooms and en-suites and are proposed to be obscure glazed as per the revised plans. Given this, these are not considered to create a harmful impact upon amenity. There are first floor rear facing windows which look towards the east (towards no. 56 Creffield Road). The Agent has confirmed these are obscured up to 1.7m above finished floor level. This is considered to limit any overlooking leaving only clear glass above with views to sky, trees and rooftops. There is also an intervening tree which helps to screen the new development. It is noted concerns have been raised in relation to overbearing impact to the neighbouring property along Inglis Road. In this instance, the tests set out by the Essex Design Guide are not considered to be breached. Further to this, the new dwellings are located directly to the north of properties along Inglis Road and therefore will not have an adverse impact upon loss of light. Not significant impact from noise and disturbance from vehicles close to boundary.
- 16.19 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighbouring properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 and DP12 or the NPPF insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

Trees and Landscape

- 16.20 Core Strategy policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline, and this is also echoed within the NPPF. Development Policy DP1 provides that all development must demonstrate environmental sustainability and respect its landscape setting and contribute to the surrounding area.
- 16.21 There are a number of mature trees within and adjacent to the application site, which make an important contribution to the character of the area. An Arboricultural Impact Assessment (AIA) has been prepared in support of this application. The Council's Tree Officer confirmed that he is in agreement with

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submitted report and that the tree proposed for removal is low value (a Category C tree).

- 16.22 In terms of landscaping, the scheme provides an extension of the existing boundary wall (at the front of 60 Creffield Road), and the introduction of a strong new tree line adjacent. This is considered to reinforce the existing character of trees and shrubs emerging from, and softening, walled street boundaries. The Council's Landscape Officer has not however raised an objection to these elements and it is considered the concerns raised can be adequately controlled through the detailed landscape scheme (condition).
- 16.23 In terms of the tree protection and the landscaping proposals, the planning application is considered to accord with CS Policy ENV1 and policies DPD DP1 and DP21 that require development schemes to respect and enhance the landscape and assimilate it into new development.

Ecology and Biodiversity

- 16.24 Section 40 of the Natural Environment and Rural Communities (NERC) 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. DPD 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. Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Conserving and enhancing the natural environment is also a core principle of the NPPF.
- 16.25 In this instance, the proposal has been considered in line with Natural England's Standing Advice. The application site is not considered to be a suitable habitat for protected species given the urban location and the site already being composed of hardstanding and built form, and as such is considered to be acceptable in this regard. The application site does sit within a zone of influence of a European designated site and to comply with the Habitats and Species Regulations 2017 (as amended), mitigation of any recreational impact will be required in accordance with the draft Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). This will equate to a financial contribution that can be secured via a Unilateral Undertaking or via an online payment. The Agent has confirmed payment will be forthcoming.
- 16.26 The ecological potential of the site has been carefully considered and the potential for European Protected Species to use the habitats on site assessed. The fauna protected by the Wildlife and Countryside Act 1981 and species listed as of principal importance in Section 41 of the Natural Environment and Rural Communities Act 2006 are material considerations for local planning authorities. Subject to RAMS financial payment, it is considered that the proposed development accords with the relevant statutory provisions, the adopted policy

ENV1 and the requirements of the NPPF which seek to minimise impacts on biodiversity and, where possible, to provide net gains in biodiversity.

Parking and Highways Safety

- 16.27 Core Strategy policy TA1 seeks to improve accessibility and change travel behaviour and encourages development within highly accessible locations to reduce the need to travel. Core Strategy Policy TA2 promotes walking and cycling as an integral part of sustainable means of transport. Policy TA4 seeks to manage the demand for car use. Development Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access.
- 16.28 Given that proposal will provide for the required visibility splays, the proposed scheme is not considered to have a severe impact on the local highway either in terms of highway safety or capacity and accords with planning policies which seek to improve accessibility and changes in travel behaviour. The Highway Authority does not raise any concerns in relation to the proposal, and as such is considered to be acceptable in terms of highways safety.
- 16.29 CS Policy TA5 refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. DPD Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009. Emerging Policy DM22 states that parking should be provided in accordance with the most up to date parking guidance taking into account the following factors:
- i. Levels of local accessibility;
 - ii. Historic and forecast car ownership levels;
 - iii. The size, type, tenure and location of the dwellings; and
 - iv. The appropriate mix of parking types including opportunities for car-sharing (e.g. unallocated, on-street, visitor, car club etc).
- 16.30 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this, provision for visitor parking at a ratio of 0.25 spaces per unit is required. The guidance does however state that in accessible location, such as town centres, a reduction in car parking can be considered.

- 16.31 A selection of parking arrangements are proposed which would provide parking for up to 8 cars; this represents a parking provision of 1 space per unit. Parking is provided for 8 bikes on a 2-tier indoor rack, together with parking for powered two-wheeled.
- 16.32 Objection has been made to this application on the grounds that this scheme will exacerbate parking problems in the area. The application site is located in an accessible location, due to close proximity to the town centre and public transport facilities. Given this, the site is considered to have good accessibility and sustainability credentials and is therefore a site where a reduced level of parking can be accepted. Although not a planning matter, the Agent has also confirmed that on road car parking adjacent to the proposed access will be modified subject to the Highway Authority and North Essex Parking Partnership (NEPP) specifications and agreement.
- 16.33 The sensitivities surrounding parking are fully appreciated however in this instance, given the site's sustainable location and the unique constraints of the site, the proposed parking provision is considered to be acceptable.

Flood risk

- 16.34 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DP20 seeks to promote flood mitigation and defence measures as well as the use of appropriate sustainable drainage. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all development located within a flood zone and/or sites that are greater than 1 hectare. The application site is outside an identified flood zone and measures 0.10 hectares and as such a FRA is not required to support the application. Given that the proposal is outside of any flood zone, the proposal is not considered to have a harmful impact upon surface water drainage within the locality.

Archaeology

- 16.35 The proposed development is located within an area of archaeological interest recorded in the Colchester Historic Environment Record. Roman burials have been discovered within and close to this site (HER Monument nos. MCC1357 and MCC3072) and the site is also on the projected line of a Roman road (HER Monument no. MCC2529). There is high potential for locating further burials and other archaeological remains at this location. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist. There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. The Agent has confirmed agreement with the proposed condition and therefore the proposal is considered to be acceptable in this regard and thus in compliance with Policy DP14.

Private Amenity Space

16.36 DPD Policy DP16 sets out standards for private amenity space and public open space as part of new housing developments. With regard to private amenity space, Policy DP16 sets out a range of garden sizes which are as follows for houses:

- One or two bedroom houses – a minimum of 50m²
- 3 bedroom houses – a minimum of 60m²
- 4 bedroom houses – a minimum of 100m²

For flats; a minimum of 25m² per flat provided communally.

16.37 The proposed development provides Plots 1 and 2 and Flats 1 and 2 with amenity space which is considered to be in compliance with the aforementioned policy. Flats 3 – 6 are not provided with amenity space however due to constraints of the site, it would not be appropriate to fit these flats with balconies. It is noted the proposal is not entirely policy compliant, although given the constraints of the site and the close proximity to public areas of open space (Hilly Fields is located an approximately 10 minute walk from the application), the proposal is considered to be acceptable.

17.0 Conclusion

17.1 To summarise, the revised application will deliver 8 residential units in a sustainable and accessible location. The development will contribute positively towards the Borough's supply of housing. There would be economic benefits as a result of construction activity, the regeneration of 60 Creffield Road and the possible creation of additional jobs. There is sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of local residents, ecology, flood risk or would not have a severe impact upon the highway network in terms of capacity.

17.2 The NPPF has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials. A core planning principle of the NPPF is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The proposal would secure the repair and reuse of a non-designated heritage asset and will serve to preserve and enhance the character and appearance of this part of the Conservation Area. It is considered that the scheme would acceptably fulfil the environmental dimension of sustainable development by preserving and enhancing the identified heritage assets and by promoting new development of a high quality design.

- 17.3 In conclusion, it is considered that the benefits of the scheme significantly outweigh any adverse impacts and, as such, Members are asked to endorse the officer recommendation that planning approval should be granted subject to the suggested conditions provided below.

18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAX - *Development to Accord With Approved Plans (qualified)*

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:

2030 DE 10-302 Revision A,
2030 DE 10-303 Revision A,
2030 DE 20-302 Revision A,
2030 DE 20-303 Revision A,
2030 DE 30-301 Revision C,
2030 DE 30-302 Revision C.

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

3. Z00 - Non standard condition – Materials

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

Reason: In order to ensure that the brickwork can be satisfactorily considered on site with regard to preserving the character of the Conservation Area.

4. Z00 - Non Standard Condition – Materials

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

Reason: There is insufficient detail with regard to this to protect the special character, architectural interest and integrity of the Conservation Area.

5. Z00 - Non Standard Condition – Detailing

Notwithstanding the details submitted, no works shall start (except for underground enabling works) until additional drawings that show details of any proposed new windows (including the depth of reveals), doors, eaves, verges, cills, arches, plinths, porches, brickwork / stonework detailing, roof features and rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, are submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: In order to ensure that the architectural detailing of the development is appropriate and to safeguard the character and appearance of the heritage assets and their setting.

6. Z00 - Non Standard Condition – Boundary walls

All boundary walls that front onto a public or semi public space shall be enclosed by a brick wall unless otherwise agreed in writing by the Local Planning Authority. Brick walls shall be finished with a brick on edge coping and terminated at each end by either a pier or return. Where changes in the height of walls occur, the higher wall shall be raked smoothly downwards to the level of the lower wall. Prior to the construction of any new boundary walls, details of boundary walls shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

7. ZDC - Removal of PD for All Residential Extensions & Outbuildings

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

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

8. Z00 - Non Standard Condition – Obscure glazing and limited opening

Prior to first occupation of Plots 1 and 2, the first floor side facing window shall be glazed in obscure glass to a minimum of level four on the Pilkington scale and shall be restricted in opening to no more than 200mm. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To protect residential amenity.

9. Z00 - Non Standard Condition – Obscure glazing and limited opening

Prior to first occupation of Plots 1 and 2, the first floor rear facing window shall be glazed in obscure glass to a minimum of level four on the Pilkington scale and shall be restricted in opening to no more than 200mm up to 1.7m above finished floor levels. The window shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.

Reason: To protect residential amenity.

10. Z00 - Non Standard Condition - Highways

Both of the proposed vehicular accesses shall be provided in complete accord with the details shown in Drawing Numbered 2030.DE.10-303 REV A.

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

11. Z00 - Non Standard Condition – Highways

The existing access or any part of an access (dropped kerb) rendered redundant or unnecessary by this development shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the highway verge/footway/kerbing to the specifications of the Highway Authority, immediately the proposed new accesses are brought into use.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

12. Z00 - Non Standard Condition – Highways

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.

13. Z00 - Non Standard Condition – Car parking

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 Drawing Numbered 2030.DE.10-303 Revision A. The car parking 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.

14. Z00 - Non Standard Condition – Cycle Parking

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

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

15. Z00 - Non Standard Condition – Construction Method Statement

No development shall take place, including any ground works or works of demolition, until a Construction Management Plan (CMP) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

16. Z00 - Non Standard Condition - Highways

Prior to first 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, 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.

17. ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

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

18. ZGB - *Restricted Hours of Delivery*

No deliveries shall be received at, or despatched from, the site outside of the following times:

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Public Holidays: No deliveries

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

19. ZCG - Communal Storage Areas

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas and for their maintenance of such areas, shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: The application contains insufficient information to ensure that the communal storage areas will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment.

20. Z00 - Non Standard Condition - EV Charging points

Residential development should provide EV charging point infrastructure to encourage the use of ultra-low emission vehicles at the rate of 1 charging point per unit (for a dwelling with dedicated off road parking) and/or 1 charging point per 10 spaces (where off road parking is unallocated).

Reason: In the interests of low emissions.

21. ZCE - Refuse and Recycling Facilities

Prior to the first occupation of the development hereby permitted, refuse and recycling storage facilities shall be provided in accordance with a scheme which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: The application contains insufficient information to ensure that adequate facilities are provided for refuse and recycling storage and collection.

22. Z00 - Non Standard Condition – Archaeology

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

- a. The programme and methodology of site investigation and recording.
 - b. The programme for post investigation assessment.
 - c. Provision to be made for analysis of the site investigation and recording.
 - d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - e. Provision to be made for archive deposition of the analysis and records of the site investigation.
 - f. Nomination of a competent person or persons/organisation to undertake the works.
- The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

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

23. ZFE - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic

gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

24. Z00 - Non Standard Condition – Landscaping

No groundworks shall take place until a scheme of hard and soft landscape works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing trees, shrubs and hedgerows on the site, proposed planting, details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species.

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

25. ZFS - Tree and Hedgerow Protection: General

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

19.1 Informatives

19.1 The following informatives are also recommended:

ZT0 – Advisory Note on Construction & Demolition

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

ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

INS – Non Standard Informative - 3dB

The first floor bedroom is directly beneath the 2nd floor living room. It would be advisable to reconfigure the layout to prevent this where possible or Environmental Protection would recommend an increase in sound insulation of 3dB above building regulation. Environmental Protection wish to protect bedrooms from living noises from adjacent dwellings.

INS – Non Standard Informative - Acoustic fencing

The 1.8 metre high close boarded fence surrounding the property is required to be kept and for it to extend along the boundaries with existing residential properties to reduce disturbance from vehicles entering and leaving the site.

INS – Non Standard Informative - Highways

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

INS – Non Standard Informative - Drawing

Please note, the northing provided on 2030 DE 10-303 Revision A appears to be inaccurate. This inaccuracy has been addressed by the Local Planning Authority and consideration has been given to geographical north and the officers appraisal still stands.

INS – Non Standard Informative - Archaeology

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

ZTB - Informative on Any Application With a Site Notice

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

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.



