

# Planning Committee Meeting

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

**Thursday, 04 August 2016 at 18:00**

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

## Information for Members of the Public

### Access to information and meetings

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

### Have Your Say!

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

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### Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

### Facilities

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## Material Planning Considerations

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

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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

## **Planning Obligations**

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

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

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

## **Human Rights, Community Safety and Equality and Diversity Implications**

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

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

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

## Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



## **Colchester Borough Council Development Management**

### **Highway Safety Issues**

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

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

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

### **Parking Standards**

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

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

For residential schemes:

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

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



## **Colchester Borough Council Environmental Control**

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

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

#### **Best Practice for Construction Sites**

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

##### **Noise Control**

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

##### **Emission Control**

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

## **Best Practice for Demolition Sites**

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

### **Noise Control**

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

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

### **Emission Control**

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



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

## **Class A1. Shops**

Use for all or any of the following purposes—

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

## **Class A2. Financial and professional services**

Use for the provision of —

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

## **Class A3. Restaurants and cafes**

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

## **Class A4. Drinking establishments**

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

## **Class A5. Hot food takeaways**

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

## **Class B1. Business**

Use for all or any of the following purposes—

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

## **Class B2. General industrial**

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

## **Class B8. Storage or distribution**

Use for storage or as a distribution centre.

**Class C1. Hotels**

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

**Class C2. Residential institutions**

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

**Class C2A. Secure residential institutions**

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

**Class C3. Dwellinghouses**

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

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

**Class C4. Houses in multiple occupation**

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

**Class D1. Non-residential institutions**

Any use not including a residential use —

- (a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,
- (b) as a crèche, day nursery or day centre,
- (c) for the provision of education,
- (d) for the display of works of art (otherwise than for sale or hire),
- (e) as a museum,
- (f) as a public library or public reading room,
- (g) as a public hall or exhibition hall,
- (h) for, or in connection with, public worship or religious instruction, (i) as a law court.

**Class D2. Assembly and leisure**

Use as —

- (a) a cinema,
- (b) a concert hall, (c) a bingo hall or casino,
- (d) a dance hall,
- (e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

### **Sui Generis Uses**

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

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

### ***Interpretation of Class C3***

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

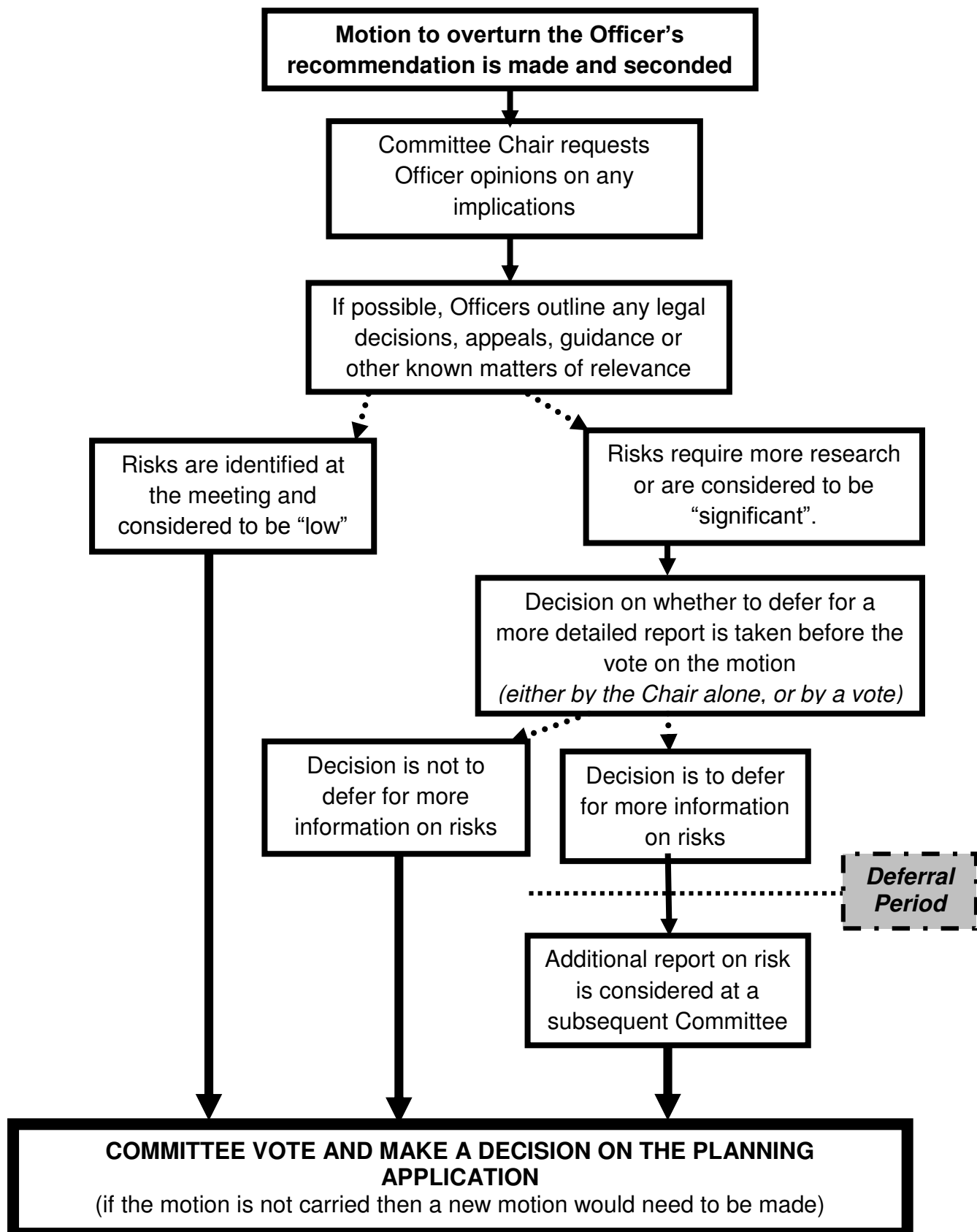
### ***Interpretation of Class C4***

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

## Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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



**COLCHESTER BOROUGH COUNCIL**  
**Planning Committee**  
**Thursday, 04 August 2016 at 18:00**

**Member:**

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

Chairman  
Deputy Chairman

**Substitues:**

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

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

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

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

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

**1 Welcome and Announcements**

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

- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

## **2 Have Your Say! (Planning)**

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

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

## **3 Substitutions**

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

## **4 Urgent Items**

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

## **5 Declarations of Interest**

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

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

the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

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

<b>6</b>	<b>Minutes of 14 July 2016</b>	<b>17 - 24</b>
	To confirm as a correct record the minutes of the meeting held on 14 July 2016.	
<b>7</b>	<b>Planning Applications</b>	
	In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.	
<b>7.1</b>	<b>152493 6-7 Hawkins Road, Colchester</b>	<b>25 - 46</b>
	Outline planning application for 37 apartments, two office units and associated layout, access and parking with all other matters reserved.	
<b>7.2</b>	<b>160147 Severalls Hospital, Boxted Road, Colchester</b>	<b>47 - 78</b>
	Refurbishment of retained buildings (Larch House, Administration Building, Water Tower and part of the Echelon Building) to provide 20 residential units, car parking, landscaping and private amenity space.	
<b>7.3</b>	<b>160148 Severalls Hospital, Boxted Road, Colchester</b>	
	Listed building application for the refurbishment of retained buildings (Larch House, Administration Building, Water Tower and part of the Echelon Building) to provide 20 residential units, car parking, landscaping and private amenity space (see report at 7.2 above).	
<b>7.4</b>	<b>160915 Cosways Holiday Park, Fen Lane, East Mersea</b>	<b>79 - 88</b>
	Planning application to amend location and provide full detail of children's playground approved by planning permission 151231.	
<b>7.5</b>	<b>161249 11 Wordsworth Road, Colchester</b>	<b>89 - 94</b>
	Interpretation panel mounted on a single post containing general historical information and logos, situated in Lexden Mount, a scheduled ancient monument.	
<b>7.6</b>	<b>161253 St Botolph's Priory, Priory Street, Colchester</b>	<b>95 - 100</b>
	Interpretation panel mounted on a single post containing general historical information and logos, situated in St Botolph's Priory, a scheduled ancient monument.	
<b>7.7</b>	<b>161256 62 Dugard Avenue, Colchester</b>	<b>101 - 106</b>
	Interpretation panel mounted on a single post containing general	

historical information and logos, situated in Gryme's Dyke, a scheduled ancient monument.

- |     |  |              |
|-----|--|--------------|
| 7.8 | <b>161259 GO4 Market Café, Holy Trinity Church, Trinity Street, Colchester</b>   | 107 -<br>112 |
|     | Interpretation panel mounted on churchyard railings containing general historical information and logos, tactile and braille elements also included, situated near Grade I Listed former church building.  |              |
| 7.9 | <b>161366 4 Spring Lane, Wivenhoe</b>  | 113 -<br>120 |
|     | Side extension to single storey dwelling.  |              |
| 8   | <b>Warren Lane / Dyers Road, Stanway - Archaeological Condition</b>  | 121 -<br>124 |
|     | See report by the Head of Commercial Services  |              |
| 9   | <b>Exclusion of the Public (not Scrutiny or Executive)</b>   |              |
|     | 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, 14 July 2016

- Attendees:** Councillor Lyn Barton (Member), Councillor Helen Chuah (Member), Councillor Pauline Hazell (Group Spokesperson), Councillor Theresa Higgins (Chairman), Councillor Brian Jarvis (Member), Councillor Cyril Liddy (Deputy Chairman), Councillor Derek Loveland (Member), Councillor Jackie Maclean (Member), Councillor Philip Oxford (Group Spokesperson), Councillor Rosalind Scott (Member)
- Substitutes:** No substitutes were recorded at the meeting

## 347 Site Visits

Councillors Barton, Chuah, Hazell, Higgins, Jarvis, Liddy, Loveland, J. Maclean and Scott attended the site visits.

## 348 Minutes

There were no minutes for confirmation at the meeting.

## 349 143715 B and Q Warehouse, Lightship Way, Colchester

**Councillor Higgins (in respect of her spouse's employment by the University of Essex) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the use of premises as a retail food store with external alterations, installation of a GOL facility, colleague area, two concessions and domestic area at ground level and a cafe at mezzanine level, the removal of the existing garden centre and builders' yard, provision of cycle parking, recycling facilities and reconfiguration of the customer car park at B and Q, Lightship Way, Colchester. The application had been deferred by the Committee at the meeting on 4 February 2016 when it was resolved to grant permission subject to an agreement under Section 106 of the Town and Country Planning Act. The Committee had before it a report and amendment sheet in which all the 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.

The report set out revisions to the heads of terms of the Section 106 agreement following

representations from the applicants entailing the removal of a proposed contribution towards upgrading the pedestrian rail bridge for shared cycle use at the south east end of Lightship Way which provided pedestrian access to the university. This contribution was not considered to comply with the relevant tests under the Community Infrastructure Levy Regulations ('the CIL tests'). The applicants had agreed to increase their contribution to extend the bus service from £50,000 to £91,000 and the costs of the highway improvements proposed to Greenstead roundabout under Section 278 of the Highways Act had increased to £863,000.

Vincent Pearce, Planning Projects Specialist, presented the report and, together with Paul Wilkinson, Transportation Policy Manager, assisted the Committee in its deliberations. The Planning Projects Specialist reported that a further representation had been received from Peter Kay on behalf of Colchester Bus Users Support Group (C-BUS) who considered that the financial contribution of £91,000 to improve the evening coverage of bus services should not be applied to that part of route 61 which served Highwoods but instead directed to that part of the route 61 linking the Town Centre and Wivenhoe, via the application site.

Sean McGrath of Indigo Planning addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the application had been referred back to the Committee because the proposed financial contribution to provide shared cycle access across the railway bridge had been determined by the Council's legal advisers to not meet the tests for when Section 106 Agreements could be applied to a development. He went on to confirm that the site was very accessible in any event as it was on a bus route, included a Green Travel Plan, CCTV coverage as well considerable highway mitigation measures. The application was strongly supported by local people and would bring 150 new jobs to the area. He also confirmed that the applicants were committed to recruiting local people.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. She was concerned that an opportunity to improve cycle access to the University would be missed and was also in agreement with the views reported by Peter Kay on behalf of C-BUS. She explained that the Greenstead community had the lowest level of car ownership in the Borough but was of the view that no attempts were being made to improve links from Greenstead to the application site. She supported the view that improvements were not required to bus routes serving Highwoods and reiterated the fact that changes had been made to the local bus services since the application had last been considered by the Committee. She strongly urged the Committee members to reconsider the recommendations set out in the report in order to provide financial support for enhancements to links with the Greenstead community thus enabling local Greenstead residents to benefit from future job opportunities.

The Transportation Policy Manager confirmed that legal advice had revealed that it was not possible to deliver cycle access over the railway bridge by means of the financial

contributions from this development. He further explained that although bus route 61 was a commercially viable route, the service did not run later than 7:30pm.

Members of the Committee voiced their regret that the University had not offered more tangible support for the shared access proposals for the railway bridge and were of the view that encouragement should be given to future discussions between the two parties on this issue. Support was expressed in relation to a more flexible approach to improvements in the 61 and 64 bus services in order to address accessibility issues to and from the application site and Greenstead and Wivenhoe. Reference was also made to that part of the draft new Local Plan regarding improvements to the railway bridge and the need for the proposed phrasing to be more definite.

The Planning Projects Specialist acknowledged the views expressed regarding the levels of deprivation in the local area and confirmed that it would be in order for the Council to seek the co-operation of the applicant to utilise the financial contributions more flexibly to address this particular matter more positively.

RESOLVED (NINE voted FOR and ONE ABSTAINED) that, subject to further discussions to satisfactorily secure a more flexible distribution of the financial contribution between bus routes 61 and 64, the Head of Commercial Services be authorised to seek the package of contributions in mitigation of the impacts of the scheme and to improve accessibility in accordance with paragraph 16.3 of the report and in the amendment sheet, and in the event that the applicants are uncooperative within a two month period thereafter the application referred back to the committee for further consideration and, if the package of contributions is agreed then the Head of Commercial Services be authorised to approve the planning application 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. In the event that the legal agreement is not signed within six months authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to complete the agreement to provide the following:

- (a) Provision of improvements to bus routes 61 and 64, as appropriate, including an expansion into the late evening of that part of route 61 linking the Town Centre and Wivenhoe, via the application site but not including that part of the route between the Town centre and Highwoods (to a total budget of £91,203);
- (b) Provision and maintenance of two operational CCTV cameras on Lightship Way frontage with connectivity to the Council's CCTV network, the developer to meet any associated connection charges;
- (c) Review and monitoring costs for Travel Plan (£3k fee to Essex County Council);
- (d) Implementation of recruitment and training initiative to improve opportunities for the local unemployed.

and on completion of the legal agreement, the Head of Commercial Services be

authorised to grant planning permission subject to the following conditions set out in the report.

**350 160920 248 Mill Road, Colchester**

**Councillor Liddy (in respect of his acquaintance with the objector to the application in a former professional capacity) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

**Councillor Chuah (in respect of her acquaintance with the objector to the application in a former professional capacity) declared a non-pecuniary interest pursuant to the provisions of Meetings General Procedure Rule 7(5).**

The Committee considered an application for the demolition of an existing house, garage and outbuilding, erection of two semi-detached and one detached two storey house at 248 Mill Road, Colchester. The application had been referred to the Committee because Councillor Goss had called it in. The Committee had before it a report in which all the 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.

Carl Allen, Planning Officer, presented the report and assisted the Committee in its deliberations. The Planning Officer reported that the Highway Authority had confirmed its acceptance of the reduced width of the proposed car ports subject to a condition providing for them to not be enclosed or have doors fitted thus preventing their use as parking spaces.

Louisa White addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She explained that she was a resident of Thomas Wakley Close and was concerned that recent developments were leading to the area becoming much more densely developed than had previously been the case. She considered the proposal to be contrary to the Council's policy on back land development and voiced her concerns regarding the demolition of the existing house which had historic significance as it had originally been the home of Thomas Wakley. She considered the proposals were not reasonable for existing residents in the area and was concerned about potential surface water and parking problems in the future.

Michael Edwards addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposed new dwellings would be in keeping with the existing dwellings in Mill Road and Thomas Wakley Close. The proposed gardens and parking provision each exceeded the Council's approved standards. The site had two existing accesses which would be re-used and/or slightly re-aligned. He considered the proposal to remove the existing boundary wall would be an improvement for existing neighbours. He confirmed that

negotiations had been conducted with the case officer prior to submission of the application which had also included agreement to the removal of permitted development rights.

Councillor Goss attended and, with the consent of the Chairman, addressed the Committee. He explained that the proposal was the resubmission of an application which had previously been withdrawn. He had concerns about the existing levels of congestion in Mill Road and was of the view that the proposals were likely to make this situation worse. He was aware of proposals which Essex County Council were due to publish to bring traffic calming measures to Mill Road which would involve a reduction in the width of the highway. He also referred to problems likely to be caused by vehicles during the construction phase of the development and the contravention of the Council's back land development policy.

Councillor Graham attended and, with the consent of the Chairman, addressed the Committee. He confirmed his support for the views expressed by Councillor Goss.

The Planning Officer explained that he was aware of the traffic calming measures proposed for the future. He confirmed that the Highway Authority had accepted the proposed parking provision, subject to an amended condition in relation to the enclosure of car ports and that the proposed gardens met the required standard. He referred to the site's corner location which did not create a negative impact in terms of back land development. He also confirmed that, although the existing house may have some historical significance, it did not have Listed Building status and was not located in a Conservation area and, as such, there were no grounds to seek retention of the dwelling.

Members of the Committee generally considered the site to be adequate to accommodate three houses and were of the view that there would be no significant impact on traffic congestion issues.

RESOLVED (SEVEN voted FOR, ONE ABSTAINED and TWO voted AGAINST) that the application be approved subject to the conditions set out in the report, as amended by the deletion of Condition 8 and its replacement with a condition requiring no car port to be gated, have doors installed or be otherwise enclosed such that its permanent availability to park a car was maintained.

### **351 161291 Sheepen Road, Colchester**

The Committee considered an application for a printed site hoarding at Sheepen Road, Colchester. The application had been referred to the Committee because the applicant was Colchester Borough Council. The Committee had before it a report in which all the information was set out.

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

**352      160969 78 Villa Road, Stanway, CO3 0RN**

The Committee considered an application for the demolition of an existing bungalow and its replacement with a three bedroom dwelling at 78 Villa Road, Stanway. The application had been referred to the Committee because it had been called in by Councillor L. Scott-Boutell. The Committee had before it a report and amendment sheet in which all the 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.

Jane Seeley, Planning Officer, presented the report and, together with Vincent Pearce, Planning Projects Specialist, and James Ryan, Principal Planning Officer, assisted the Committee in its deliberations.

Paul Mendes addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained he was the owner of the neighbouring property at No 80 Villa Road and that the application was the third to be submitted for this site since 2014. He accepted the principle of the development of the site but had considerable concerns about the proximity of the single storey building to the boundary of his property. He was concerned about his ability to maintain his property and considered that any guttering should not be allowed to extend over the boundary. He was also of the view that any construction should be undertaken from within the curtilage of the application site and that improvements to the design of the proposal should be sought to overcome issues which he considered to be unreasonable.

Joseph Greenhow addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that, as a result of comments expressed by neighbours the scale of the proposal had been considerably reduced. As such the bulk of the proposed dwelling now closely reflected other houses along Villa Road. He was also of the view that the appearance of the garage would not be harmful as it was set back from the main dwelling. He considered the proposal to comply fully with accepted standards and the Essex Design Guide and that there would be no overlooking issues.

Councillor L. Scott-Boutell attended and, with the consent of the Chairman, addressed the Committee. She referred to the large footprint of the proposed dwelling, together with its excessive width. Although the single storey element would be set back, she considered that the proposed retention of the wooden gates would create an unbroken structural line across the entire site. She referred to the very close proximity of the single storey element to the boundary of No 80 Villa Road and questioned whether, as a result,

the design of the proposal was considered to be satisfactory. She also questioned why the applicant had not been agreeable to any further modification to the proposals to accommodate suggestions made by the case officer.

The Planning Officer explained that Party Wall legislation was the appropriate way to resolve disputes regarding developments close to property boundaries and she confirmed that, notwithstanding the width of the garage, parking provision for the development was met by means of the area available to the front of the dwelling.

Members of the Committee voiced their concerns regarding the close proximity of the development to the neighbouring boundary. They considered the proposals were excessively bulky, had an overbearing impact on the neighbouring property as well as an adverse impact on the outlook of the neighbouring property.

RESOLVED (UNANIMOUSLY) that the application be refused on the grounds of the application's overbearing impact on No 80 Villa Road, the application's adverse impact on the outlook to No 80 Villa Road and the excessive bulk of the proposal.

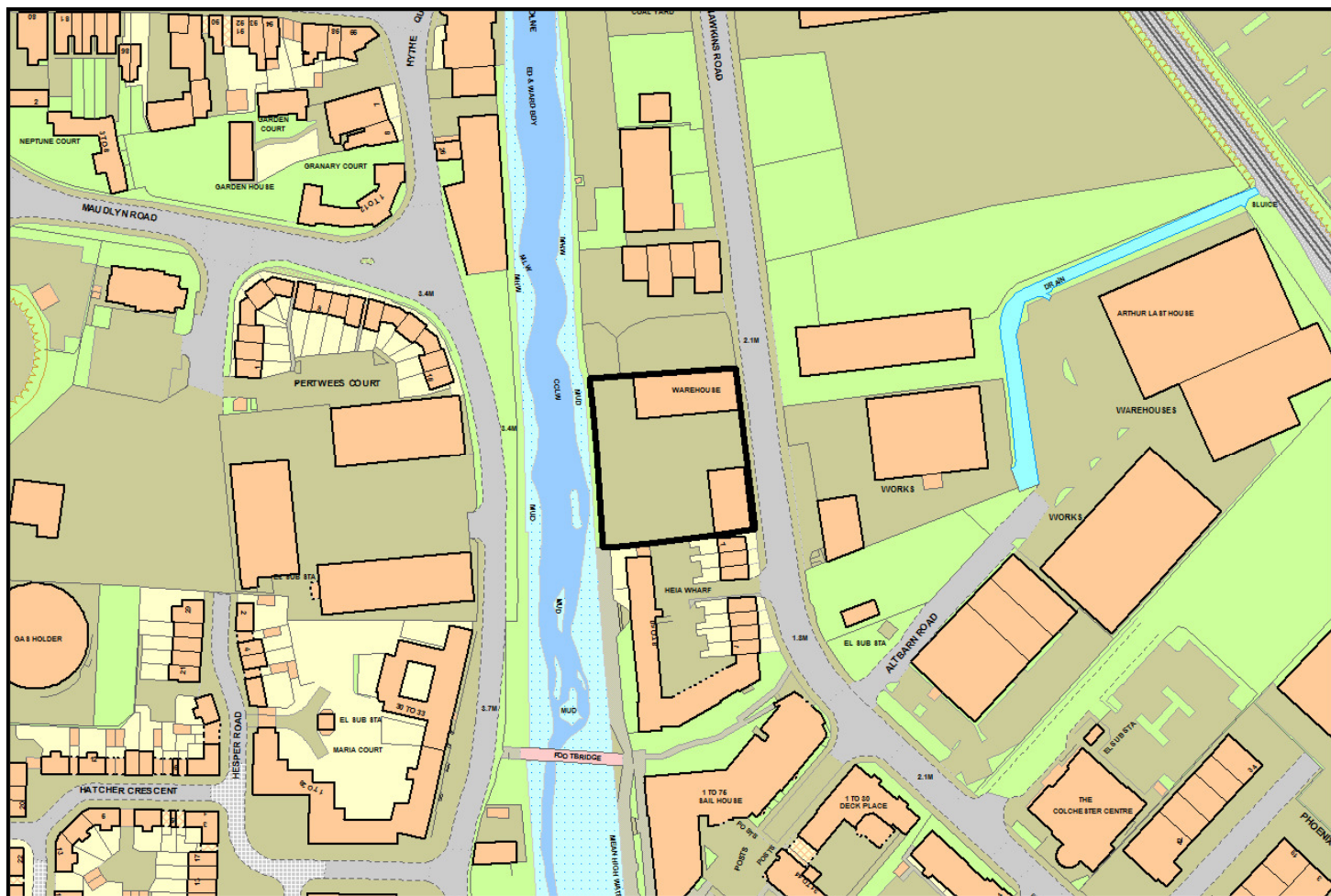
**353     161159 12 Hobbs Drive, Boxted, Colchester**

The Committee considered an application for a single storey front extension at 12 Hobbs Drive, Boxted, Colchester. The application had been referred to the Committee because the agent was employed by the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

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







**Application No:** 152493

**Location:** 6-7, Hawkins Road, Colchester, Essex, CO2 8JX

**Scale (approx):** 1:1250

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# Committee Report

Agenda item

7

To the meeting of **Planning Committee**  
on: **4<sup>th</sup> August 2016**  
Report of: **Head of Professional/Commercial Services**  
Title: **Planning Applications**

## 7.1 Case Officer: **Bradly Heffer**

## **MAJOR**

**Site:** 6-7, Hawkins Road, Colchester, Essex, CO2 8JX

**Application No:** 152493

**Date Received:** 11 November 2015

**Applicant:** Ms Natalie Winspear, Robinson & Hall LLP

**Development:** Outline planning application for 37 apartments, 2 office units and associated layout, access and parking with all other matters reserved

**Ward:** Greenstead

**Summary of Application:** Conditional approval subject to signing of Section 106 Agreement

## 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 generated objections and is recommended for approval, subject to the imposition of conditions. Additionally an approval of planning permission would also require the completion of a S.106 agreement and Members' authorisation is required to enable the Council as Local Planning Authority to enter into such an agreement with a developer.

## 2.0 Synopsis

- 2.1 The key issues explored below are the principle of the development taking place on the identified site, bearing in mind the land use allocation in the Local Plan, the various impacts that would arise from the development and how these could be mitigated.

- 2.2 With regard to the first of these issues it is noted that the application site is located in a predominantly residential area as allocated in the adopted Local Plan and therefore the principle of the development taking place is considered to be acceptable. Secondly it is considered that the various impacts of, and on, the proposed development can be appropriately controlled by way of condition and the completion of a S.106 agreement.

### **3.0 Site Description and Context**

- 3.1 The site for this proposal (which has a given area of 0.26 hectares) is a rectangular-shaped area of land that is located on the western side of Hawkins Road – between the road and the River Colne. This site is currently used as a storage/distribution and sales base for Silverton Aggregates Ltd. The majority of the site is given over to open aggregate storage areas, with ancillary vehicular manoeuvring and parking facilities. Two single storey buildings are located on site – one on the northern boundary which contains a sales area and ancillary storage and a second located in the south-eastern corner which is also used for storage.
- 3.2 The site has a noticeable rise from east to west – levelling where it meets the river wall. To the north and west of the site are established commercial sites while to the south is a relatively new residential development that forms part of a larger overall development located on the former Jewson site. The wider area consists of a mix of residential, commercial and industrial uses.
- 3.3 Within the adopted Local Plan the site is located within a predominantly residential area. It is also located within the East Colchester Special Policy Area. The Council's mapping system also shows the site within a flood zone (Flood Zone 3), and adjacent to the route of a riverside walk. It is also noted that the edge of a defined conservation area is shown as running through the centre of the river course to the west of the site.

### **4.0 Description of the Proposal**

- 4.1 This is an outline planning application with all matters reserved for approval *with the exception of* the means of vehicular access to the site and also the proposed layout of the development. Plans submitted with the application show the proposed access to the site, off Hawkins Road, leading to an area of open and under-croft parking courts that would serve the proposed residential development and the offices. In total 52 spaces are shown.
- 4.2 The arrangement of the blocks is such that the bulk of residential development would be located in an apartment block (identified on plan as Block A) adjacent to the river to the west of the site. Two smaller blocks would be located on the Hawkins Road frontage of the site, either side of the proposed access point. The block to the north of the access would contain two offices whereas the southern block would contain residential development. In total it is proposed that 37 no. apartments are developed on the site. It should be noted that 20% of the units (which equates to 7 no. units) would be affordable tenure. The main building is shown as being up to 6 storeys high (including the parking spaces at ground level). The office building to the north of the access would be three storeys high (including ground level parking) and the smaller apartment building to the south would be four storeys high, including the ground level parking).

- 4.3 The planning application submission is accompanied by a Planning, Design and Access Statement in support of the scheme. The following extracts are included for Members' information:

'...The surrounding area is in a state of considerable change. Immediately to the south is the Weston Homes 'Hawkins Wharf' development on the former Jewson site...It is proposed to erect 37 residential apartments and 2 office units complete with associated access, parking and landscaping, on the 0.26 ha site...The site is currently occupied by Silverton Aggregates as a commercial premises. However, Silverton Aggregates are now relocating to alternative premises within Colchester Borough better suited to their business needs... The proposed mixed use development comprises three separate 'blocks' of development, two located either side of the existing access on the site's eastern boundary and one bordering the site to the west and facing on to the Colne River. This arrangement creates an internal 'courtyard' at ground floor level, to be used for parking...This layout reflects a similar design used in the neighbouring development on the former Jewson's site and allows for parking areas to be largely screened from public view behind buildings as required by policy TA5...Block A, the largest block facing west onto the River Colne, is proposed to comprise 24 two bedroom apartments over 4 storeys (above the ground floor parking level) with a further 2 three bedroom penthouse apartments on the sixth floor...The building has been designed...to accord with the neighbouring development (on the former Jewson's site) which steps down to three floors at its northern boundary (with the application site). However, this development also reaches six floors towards its centre. The proposed development therefore intends to echo this rise and fall in height and scale already demonstrated by similar development fronting the Colne...'

The full document is available to view on the Council's website.

## **5.0 Land Use Allocation**

- 5.1 The site for this proposal is located in a predominantly residential area, within the East Colchester Special Policy area, as allocated in the adopted Local Development Framework.

## **6.0 Relevant Planning History**

- 6.1 Prior to the submission of this application there have been no planning applications submitted on the identified site that are considered to be of relevance to the consideration of this proposal.

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- CE1 - Centres and Employment Classification and Hierarchy
- CE2a - Town Centre
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA4 - Roads and Traffic
- TA5 - Parking
- ER1 - Energy, Resources, Waste, Water and Recycling

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP12 Dwelling Standards
- 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 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

- SA CE1 Mixed Use Sites
- SA H1 Housing Allocations
- SA EC1 Residential development in East Colchester
- SA EC2 Development in East Colchester
- SA EC6 Area 4: Hawkins Road
- SA EC8 Transportation in East Colchester

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Vehicle Parking Standards  
Sustainable Construction  
Open Space, Sport and Recreation  
The Essex Design Guide  
External Materials in New Developments  
Affordable Housing  
Cycling Delivery Strategy  
Colne Harbour Masterplan

## **8.0 Consultations**

- 8.1 The Highway Authority's original consultation response advised that it had no objection to the proposal, subject to the imposition of conditions and inclusion of informatives on a grant of planning permission. However, this recommendation was made on the basis that the submitted plans were provided for illustrative purposes only. Although this submission is an outline proposal, the applicant has asked that the means of access and the layout are considered at this stage. In order to address this issue, the applicant's agent has amended the submitted plans, to achieve the Highway Authority's conditional requirements in relation to an appropriate visibility splay being achieved at the site access and sufficient space being shown for a required footway and cycleway extension along the site's frontage with the river. The Highway Authority has advised that the revised plans are acceptable.
- 8.2 The Contaminated Land Officer has commented as follows, on the basis of land contamination information submitted with the application:
- 'I note the [information that] has been submitted in support of this application. This is satisfactory for Environmental Protection purposes and has identified some potential sources of contamination which will require further characterisation and risk assessment and, where necessary, remediation and validation. However, based on the information provided, it would appear that the site could be made suitable for the proposed use.'
- It is also recommended that the 'suite' of land decontamination conditions is imposed on a grant of planning permission.
- 8.3 The Environmental Control Officer recommends that conditions be attached to a grant of planning permission to control inter alia construction methods, hours of work during the demolition and construction period and also noise mitigation measures – bearing in mind the location of the development in relation to established commercial uses.
- 8.4 The Council's Archaeological Adviser has advised that a condition could be imposed to require a desk top evaluation of the site prior to development taking place.
- 8.5 The Environment Agency originally objected to the development proposal on the basis that the Flood Risk Assessment (FRA) that was submitted with the application did not include sufficient information, specifically in relation to fluvial flood risk. Since that time additional information has been submitted in order to address the Agency's concerns.

The Environment Agency has subsequently confirmed that it does not have an objection to the proposal. The following comment has also been made:

‘We received additional information in support of the application on 29 February 2016. We are satisfied that the Flood Risk Assessment (AMA472, May 2015) – Addendum Rev A 2015 alongside the FRA AMA380 Rev 0 and dated 22 May 2015 provides you with the information necessary to make an informed decision. We are therefore able to remove our objection to the application, providing you are satisfied that the development would be safe for its lifetime and you assess the acceptability of the issues within your remit...’

- 8.6 Essex SUDS team originally objected to the proposal on the grounds of insufficient information being available to determine whether the surface water impacts of the development had been properly considered. Following on from this further ongoing consultation has taken place between the SUDS team and the applicant, brokered by your Officer. It has now been confirmed that ECC SUDS has no objection to the proposal, subject to the imposition of conditions that are included in the relevant section at the end of this report.
- 8.7 Natural England has advised that it has no comment to make on the application but advises inter alia that it is for the local planning authority to determine whether or not the application is consistent with national and local policies on the natural environment.

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

## **9.0 Parish Council Response**

- 9.1 Not applicable as the application site is located in a Town Ward – St. Andrews.

## **10.0 Representations**

- 10.1 As a result of local notification six representations have been received (two from the same address) in which the following comments are made:

1. The lack of footpaths and street lighting along this part of Hawkins Road is identified. These issues, along with flooding problems, should be addressed.  
*Officer comment: Hawkins Road does benefit from footpaths and street lighting for its length, albeit that the path is of varying width. Any flooding issues within the highway would be within the remit of the highway authority to address. The location of the site within a defined flood zone is a matter of fact and the development would not include vulnerable uses on the ground floor.*
2. The development should not be approved unless a good-quality development has been secured, of heritage-style, which fits in with the area in accordance with the requirements of the NPPF. Unfortunately much of the development that has taken place thus far fails to accord with this requirement.  
*Officer comment: the design and detailed appearance of the development would be a matter for consideration at reserved matters stage, should outline planning permission be granted.*

3. The development site is within a zoned employment area and the proposed development would be contrary to the relevant policies and adopted SPD for this area. It is noted that although the SPD dates from 2008 it has recently been reviewed and priorities confirmed by the board of Hythe Forward. In any event appropriate mitigation and design quality should be secured.  
*Officer comment: this site is within an area identified as having a predominantly residential use within the adopted Local Development Framework – Submission Proposals Maps document. The status of the SPD is noted but this document in itself does not serve to establish land uses as such. That said, the SPD is a material consideration.*
4. The Ramblers Association has advised that it is pleased to see a further section of Public Footpath 234 Colchester (the riverside walkway) being renovated.
5. Any development should take into account that there are students living nearby and noisy development should not take place during exam times.  
*Officer comment: this point is noted and appropriate control over noise and disturbance resulting from construction work can be exercised by the Council through its statutory Environmental Protection function.*
6. The established commercial uses in the vicinity of the application site could give rise to disturbance for occupiers of the proposed residential development. This in turn could impact detrimentally on the businesses themselves as the Council could seek to impose limitations on operations that aren't currently in place through its Environmental Control function.  
*Officer comment: this point is fully acknowledged and appreciated. The land use allocation for this part of the town means that a defined predominantly residential area abuts a commercial location along Hawkins Road and therefore the potential for amenity conflicts exist. As noted it this report predominantly residential development has taken place on other former commercial sites to the south of the current application site.*
7. The proposal does not provide sufficient parking spaces and this will impact detrimentally on the road which is always used for overspill parking.  
*Officer comment: the issue of parking provision is dealt with elsewhere in this report.*

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

- 11.1 The submitted plan shows that 50 no. parking spaces would be provided to serve the development which consists of 35 no. 2-bed units and 2 no. 3-bed units. Each space would have dimensions of 2.9 metres width and 5.5 metres width.
- 11.2 The adopted parking standards for residential development are as follows:
  - For a 2 or more bedroom unit a minimum provision of 2 spaces per dwelling
  - For B1 offices a maximum provision of 1 space per 30 square metres



On the basis of the above a residential development of 37 no. 2 and 3-bed units would normally generate a minimum provision of 74 no. parking spaces.

- 11.3 In addition if the full, maximum parking provision standard was applied to the proposed office element of the development this would generate a need for 9 no. spaces (based on a given gross internal floor space measurement of 276 square metres).
- 11.4 Further comment on the overall parking provision for the proposed development can be found in the main report section below.

## **12.0 Open Space Provisions**

- 12.1 With regard to open space provision to serve the new residential development proposed, the Planning, Design and Access statement advises as follows:

‘...Policy DP16 requires the provision of 25 square metres of amenity space per proposed flat, which can include space provided on balconies. The proposed development, with its 37 apartments, is therefore required to provide 925 square metres of amenity space. Each apartment has been designed with its own balcony; which in total provide a total of provide 495 square metres of private amenity space. A further 178 square metres of communal amenity space is provided at ground floor level; these areas also serve as areas of landscaping integral to the scheme. However, in addition, it is proposed to provide communal roof gardens for each of the three blocks, providing an additional 490 square metres outside amenity space. In total, the proposed development therefore incorporates 1 163 square metres of both private and communal amenity space, well in excess of the space required by policy DP16...’

## **13.0 Air Quality**

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

## **14.0 Development Team and Planning Obligations**

- 14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. It was considered that Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990. The Obligations that would be agreed as part of any planning permission would be:

- £73 032 to provide primary school places to serve the development
- 20% affordable housing provision

- 14.2 As part of the Development Team considerations the Highway Authority identified that the required extension to the riverside walk would be secured by a s.278/s.38 agreement. As an adjunct to this an agreement to undertake the repair and ongoing maintenance of the section of the river wall that runs contiguous with the western boundary of the site would need to be established. Infact a ‘River Wall Agreement’ was secured as part of the permission for the residential development immediately to the south of the application site and, in equity, a similar agreement would need to be in place for this adjacent site.

- 14.3 Essex County Council did also request the provision of travel packs. Members are advised that the riverside walk extension and the travel packs requirement can be dealt with by way of condition.
- 14.4 Members are advised that the applicant's agent has advised their client's agreement in principle to enter into an agreement as described above.

## **15.0 Report**

- 15.1 As stated previously in this report, this planning application is submitted in outline, with all matters reserved, except for the proposed access to the site and the layout of the buildings. With regard to the first of these issues it is noted that the Highway Authority does not object to the proposal, subject to conditions, including inter alia one to secure the required vision splay for the access.

### Principle of the Development

- 15.2 The site for this proposal is located within a predominantly residential area as allocated in the adopted Local Plan, and on this basis it is considered that the principle of the development taking place is acceptable (including the ancillary office development). Furthermore specific site allocations policies for the East Colchester area identify the acceptability of residential development taking place. For example, policy SA EC1 identifies land in Hawkins Road as one of 15 no. locations that would deliver residential development. Additionally, policy SA EC6 Area 4: Hawkins Road states inter alia that 'To the west of Hawkins Road housing areas will be extended and consolidated and other small-scale uses will be encouraged provided they are compatible with the overall housing and regeneration proposals...New development should incorporate public realm enhancements focused on improved pedestrian and cycle routes.'
- 15.3 Leading on from this the extant SPD for the Hythe area titled the 'Colne Harbour East Colchester Master Plan' January 2008 includes a section that specifically relates to Hawkins Road. This section advises inter alia as follows:

'Hawkins Road is a key route in Colne Harbour...Opportunities for redevelopment in this area, including the introduction of new housing along the River Colne...may extend times during which the area is populated...'

### Design, Layout and Amenity Provision

- 15.4 The outline nature of the development proposal means that the detailed design of the development is not proposed at this stage and therefore the overall impact of the development cannot be judged. That said, the supporting information does identify the appearance of the adjacent and nearby residential development to the south of the site. The proposed development would follow the principles of development established by this earlier development, in terms of storey heights, arrangement of built form to relate to the river and Hawkins Road, and the intention to utilise an architectural approach similar to that found in the area. As such it is felt that the layout as shown on the submitted plans would be compatible with other residential developments in the area. In any event, the detailed design of the development would be adequately addressed during the reserved matters submission stage.

- 15.5 As layout is a matter to be considered at this outline planning application stage, the provision of amenity space to serve the occupiers of the proposed residential element of the development can be considered at this point. To this end it is noted that the information submitted in support of the application advises that each of the flats would be served by a balcony, in addition to areas of shared amenity space at ground floor level and also at roof level. The Council's adopted spatial standards for communal space provision for flatted development is a minimum of 25 square metres per flat. Balconies can count towards that provision, for units above ground level, as long as the dimensions of the balcony afford a minimum of 5 square metres of useable space. It is noted that the proposal would not include any residential accommodation at ground floor level. Furthermore the submission advises that the combined area of balcony provision to serve the development would equate to 495 square metres – which gives an average balcony area, per flat, of approximately 13 square metres. This size is comfortably in excess of the Council's minimum size standard. Given that the detailed design of the development would be a reserved matter, the minimum size of balcony could be secured by way of a condition attached at this outline application stage. The submission also advises of the availability of a landscaped area at ground level that could also be utilised for communal amenity space, together with the provision of communal roof gardens for each of the three proposed blocks. In the case of space shown at ground floor level its location and design would mean that its practical purpose would be for landscaping, as opposed to useable private amenity space for the occupiers of the flats. However, the use of roof areas to provide amenity space would make a further contribution. Again the design of the roof garden areas would be addressed at reserved matters stage.

#### Scale, Height and Massing

- 15.6 The scale of recent residential development to the south of and adjacent to the application site is substantial, consisting in the main of flatted blocks of several storeys in height. For example, the flatted block that runs parallel to the river on the former Jewson site to the south of the application site reaches 6 storeys at its highest point. The indicative plans that accompany this outline application show the main proposed block, facing the river, as having an equivalent height, albeit that the sixth storey penthouse level of the development would not extend across the entire floor. The proposed blocks that would front Hawkins Road would be a maximum of four storeys high (including the ground floor parking level). In each case it is considered that the scale, height and mass of the development would be similar to that found in residential developments elsewhere in the vicinity. This density and form of development i.e. blocks of flats is identified in the Colne Harbour SPD as being appropriate for the regenerated East Colchester area.

#### Impact on the Surrounding Area

- 15.7 On the basis that the overall proposed scale of the development is considered to be appropriate in this location it is felt that its impact on the surrounding area is not fundamentally unacceptable. That said, much of the impact will be derived from the detailed design of the proposed buildings – an issue to be addressed at the reserved matters stage.

## Impacts on Neighbouring Properties

- 15.8 The location of the application site is immediately adjacent to a relatively recent residential development located to the south. It is important therefore that the proposed redevelopment does not have an adverse impact on the amenity of the occupiers of the adjacent dwellings. The proposed layout of the development would mean that the main accommodation block would be positioned adjacent to the proposed riverside walk area. As such it would be located in a similar position to the corresponding block on the adjacent site. A similar situation exists with the proposed blocks that would face on to Hawkins Road. As the development would be due north of the existing residential development it is the case that the proposal is not anticipated to give rise to unacceptable levels of overshadowing etc. Additionally as the scale of development is similar to that existing on the adjacent site it is considered that it would not appear overbearing in relation to that development. Clearly at the reserved matters stage issues such as positions of openings etc. can be fully considered in order that private amenity areas of adjacent properties is not unacceptably overlooked.
- 15.9 As noted previously, the application site is bounded to the north and east (on the opposite side of Hawkins Road) by commercial uses. On this basis, it is considered that the proposed development would not unacceptably impinge on the amenity of these sites. That said, it is noted that a concern has been raised by the operator of one of these sites that his use could, potentially, give rise to complaints from the future occupiers of the proposed development – primarily from noise nuisance generated by lorry movements at unsociable hours of the day.
- 15.10 It is fair to say that occupiers of the proposed dwellings will be aware of the proximity of commercial and industrial uses and therefore the potential for disturbance that could arise. That said, Members will note that, in order to address this issue, the recommended conditions include a requirement to establish background noise levels and designing the proposed residential units to incorporate appropriate mitigation measures. Furthermore a specific condition would require that, as far as is practicable, only non-habitable rooms (i.e. bathrooms, toilets, corridors, landing areas, cupboards etc.) of the proposed dwellings should face on to Hawkins Road. Further comment has been received from the applicant's agent on this particular issue as follows:

'The concerns raised by Hamblion are understood and acknowledged, however we would point out that at this stage it is pure speculation that the proposed development would give rise to complaints resulting in the limitation of operating hour for Hamblion Transport. In particular it is noted that this business has continued to operate under its current licencing arrangement despite the redevelopment of the former Jewson's site for residential. In fact, part of the Hamblion site is located directly opposite a row of residential townhouses fronting Hawkins Road.

Furthermore the proposed development has been arranged to locate proposed business units fronting onto Hawkins Road with only a few of the proposed residential units facing this direction. The vast majority of the proposed residential units are located to the rear of the site facing the river. This layout has been deliberately designed to limit the impact of any potential conflict between existing commercial uses along Hawkins Road and the regeneration of sites fronting the river.

We would also point out once again that this site is within the Council's identified regeneration area and redevelopment of the site for both office and residential use will meet these regeneration objectives. It is acknowledged that during the process of

regeneration it is inevitable that some proximity between commercial and residential uses will occur. This has been the case across the Hythe area as land has come available for redevelopment.

I trust these comments will be given due consideration.'

- 15.11 Additional comment has also been sought from the Environmental Control officer following a meeting on site with the operator of the commercial use opposite the application site (also attended by the planning officer), and subsequent receipt of their letter of objection. The following comments have been received:

'In response to this, I would like to assure Hamblion Transport that with the conditions Environmental Protection have outlined on the planning application 152493 I am satisfied that the proposed residential will not be adversely affected by any noise emanating from their operational site- trusting that the developer complies with the conditions in place. If however Colchester Borough Council was to receive a noise complaint from the proposed site, Environmental Protection has a statutory duty to investigate the complaint further. The team would work closely with Hamblion in resolving this issue informally, with enforcement action being a last resort.'

- 15.12 Environmental Control has also advised that in a two year period from January 2013 to the time that this report was written 6 noise complaints have been received from Hawkins Road, all of which relate to noise generated from a residential use and which have impacted on another residential use.

As a planning judgement it is considered that the imposition of controls to mitigate the impacts of noise generated by commercial uses would address the concerns that were raised regarding this point.

#### Highway and Parking Issues

- 15.13 Members will note that the Highway Authority does not object to the proposal subject to the imposition of conditions. One of its recommended conditions relates to the provision of a sight splay at the proposed entrance to the application site. In order that the sight splay is protected it would be necessary for double yellow lines to be provided in the carriageway (secured through a Traffic Regulation Order) to stop parked vehicles from blocking visibility. This has occurred elsewhere along Hawkins Road where residential developments have taken place. As a result the amount of on-street parking in Hawkins Road has reduced.
- 15.14 With regard to the proposed parking provision for the site it is considered that the number of spaces that would be provided is acceptable, given the location of the development which benefits from established public transportation links, as well as expanding cycling and walking networks, including proximity to a pedestrian bridge across the River Colne. Additionally, the site is within comfortable walking distance to Hythe railway station and also the bus routes that run along Hythe Station Road. Indeed the development of this site would add to the local cycling and walking network through the provision of an additional area of riverside walk. This improvement in the 'usability' of the riverside frontage for residents and visitors is an ongoing regeneration aim in East Colchester.

15.15 Members will also be aware that the Council's adopted parking standards do recognise that a lesser number of spaces may be acceptable in appropriate locations as follows:

'...For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment...' (para. 2.5.1 – Parking Standards Design and Good Practice September 2009 *Essex Planning Officers Association*).

15.16 In the view of your officers this planning application site is within such a location. As well as access to alternative transportation modes the area is, for example, served by food shopping facilities such as the Tesco superstore to the northeast in Greenstead Road. Additionally, the established residential developments to the south of this planning application site have been approved with similar levels of parking provision to that proposed under this planning application. For example, the development immediately adjacent to the site (on the former Jewson site) has a total of 237 no. spaces to serve 221 no. apartments. This equates to a 107% parking provision. In comparison, this current proposal has a parking provision that would equate to 135% (recognising that the proposed development does also include a commercial element).

## **16.0 Conclusion**

16.1 In conclusion it is considered that the proposed redevelopment of the identified site for a mixed residential and commercial development accords with the relevant local plan policies in terms of land use and is therefore acceptable in principle. The application is an outline proposal so issues such as detailed appearance and design of the development can be determined at the reserved matters stage. However the application seeks full planning permission at this stage for the means of access to the site and the layout of the development. In the case of the access this element of the scheme has not given rise to an objection from the Highway Authority. As regards the proposed layout of development, it is considered that this is an appropriate response to the characteristics of the area and follows the general form of development found elsewhere in the vicinity with built form addressing both the river and the road, to provide appropriate enclosure.

## **17.0 Recommendation**

17.1 APPROVE 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 Environmental and Protective Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- A contribution of £73 032 to be used towards provision of additional primary school places to serve the needs of the development
- 20% affordable housing provision
- Repair and ongoing maintenance of that part of the river wall contiguous with the site's frontage on to the Colne.

17.2 On completion of the legal agreement, the Head of Service be authorised to grant planning permission subject to the following conditions:

## **18.0 Conditions**

### **1 - \*Time Limit for Outline Permissions Part 1 of 3**

No development shall be commenced until plans and particulars of the reserved matters referred to in the below conditions relating to the APPEARANCE, LANDSCAPING AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

### **2 - Time Limit for Outline Permissions Part 2 of 3**

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### **3 - Time Limit for Outline Permissions Part 3 of 3**

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

### **4 - Non-Standard Condition/Reason**

With regard to the aspects of the planning application for which full planning permission is sought at this stage, namely the ACCESS and LAYOUT, the development shall be carried out in full accordance with the details shown on submitted drawings no.s 1113-01 Rev A, 1113-03 Rev A, 1113-04, 1113-05, 1113-06, 1113-07, 1113-08 and 1113-10.

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

### **5 - Non-Standard Condition/Reason**

The reserved matters submission(s) to be made in relation to the outline planning permission hereby granted shall include the following design details:

- Provision of a balcony to serve each residential unit having a minimum area of 13 square metres.
- Provision of communally-accessible roof gardens to serve the occupiers of the development.

Reason: In order to ensure that the future occupiers of the development hereby approved are served by an appropriate level of amenity space, in accordance with the requirements of Core Strategy Policy PR1 and Development Policy DP15, in order to ensure a satisfactory form of development.

### **6 – Removal of PD – Part 3 of Article 3, Schedule 2 Changes of Use**

Notwithstanding the provisions of Article 3, Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the office development hereby approved shall be used as B1 (a) purposes and for no other purpose.

Reason: This is the basis on which the application was submitted and subsequently considered and the Local Planning Authority would need to give further consideration to the impacts of a different use at this site at such a time as any future change of use were to be proposed.

#### 7 – 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, ground waters 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.

#### 8 - 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.



#### 9 - 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.

#### 10 - 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

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.

#### 11 – 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 7. 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.

#### 12 - Non-Standard Condition/Reason

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

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

### 13 - Non-Standard Condition/Reason

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for the parking of vehicles of site operatives and visitors; hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

### 14 - Non-Standard Condition/Reason

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.

### 15 - Non-Standard Condition/Reason

The residential units shall be designed so that, as far as practicable, only non-habitable rooms are located on the facades of buildings facing Hawkins Road.

Reason: To ensure the development hereby permitted is not affected by the noise arising from the commercial units on Hawkins Road.

### 16 – External Noise

Prior to the commencement of development, a noise survey for proposed residential properties that are in the vicinity of the commercial development adjacent to and opposite (east) the application site shall have been submitted to and approved, in writing, by the Local Planning Authority. The survey shall have been undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. All residential units shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq, 16 hours
- Outdoor living area in day time: 55 dB LAeq, 16 hours
- Inside bedrooms at night-time: 30 dB LAeq, 8 hours (45 dB LAmax).

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of the relevant residential units on the site and shall be maintained as agreed thereafter. Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise.

#### 17 - Non-Standard Condition/Reason

Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Local Planning Authority (in consultation with Environmental Protection). 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.

Reason: In order to protect the amenity of nearby residential properties from potential nuisances that may arise from necessary piling works

#### 18 – 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.

#### 19 - Non-Standard Condition/Reason

Prior to commencement of the development a construction management plan, to include but shall not be limited to details of wheel cleaning facilities within the site and adjacent to the egress onto the highway, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed plan.

Reason: To protect highway efficiency of movement and safety in accordance with policy DM1 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### 20 - Non-Standard Condition/Reason

No occupation of the development shall take place until the following have been provided or completed:

- a) A bell mouth access off Hawkins Road to provide access to the proposal site to include but not limited to a 70 x 2.4 x 70 metre clear to ground visibility splay
- b) A continuation (minimum 4 metres wide) of the riverside footpath/cyclepath provided by the adjacent former Jewson and Ballantyne Centre sites
- c) Residential Travel Information Packs

Reason: To protect highway efficiency of movement and safety and to ensure the proposal site is accessible by more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM1, DM9 and DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

#### 21 - Non-Standard Condition/Reason

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 approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation and should include but not be limited to:

- Limiting discharge to 50% of current brownfield rates for the 1 in 1, 1 in 30 and 1 in 100 year events plus climate change.
- Providing sufficient storage to manage water falling on site. This should be based on whichever of the following options provides the greatest storage capacity discharge at the rates required above or 270m<sup>3</sup> as stated in the applicant's latest response.
- Provide sufficient treatment for the site based on guidance in the CIRIA SuDS manual C753 and demonstrate that it will be sufficiently maintained.
- Provide means of capturing overland flows from the site in order to minimise run off onto Hawkins Road during the design events.

Reason:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To ensure the effective operation of SuDS features over the lifetime of the development.
- To provide mitigation of any environmental harm which may be caused to the local water environment.

## 22 - Non-Standard Condition/Reason

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.

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.

## 23 - Non-Standard Condition/Reason

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 outline in any approved Maintenance Plan so that they continue to function as intended to ensure mitigation against flood risk.

## 19.0 Informatives

### (1) **ZT0 – Advisory Note on Construction & Demolition**

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

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

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

(3) Non standard informative

All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(4) Non standard informative

All residential developments in Essex which would result in the creation of a new street (more than five dwelling units communally served by a single all-purpose access) will be subject to the Advance Payments Code, Highways Act 1980. The developer will be served with an appropriate notice within 6 weeks of building regulations approval being granted and prior to commencement of the development must provide guaranteed deposits, which will ensure the new street is constructed in accordance with a specification sufficient to ensure future maintenance as highway by the Highway Authority.

(5) Non Standard Informative

Prior to any works taking place in the highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works. Furthermore the applicant is advised that a s.278 (Highways Act 1980) agreement will be required to be secured with the Highway Authority.

(6) Non Standard Informative

All or some of the above conditional requirements may attract the need for a commuted sum towards their future maintenance (details should be agreed with the Highway Authority as soon as possible).

(7) Non Standard Informative

The proposal should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009.

(8) Non Standard Informative

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If the applicant believes they need to apply for consent, further information and the required application forms can be found at [www.essex.gov.uk/flooding](http://www.essex.gov.uk/flooding). Alternatively they can email any queries to Essex County Council via [watercourse.regulation@essex.gov.uk](mailto:watercourse.regulation@essex.gov.uk) Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

(9) Non Standard Informative

The Council's Archaeological Adviser will, on request of the applicant, provide a brief for each stage of the archaeological investigation. In this case, a trial-trenched archaeological evaluation, incorporating palaeo-assessment, will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation. Pre-determination archaeological evaluation is not required for this proposal. However, it is recommended that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

(10) Non Standard Informative

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.

(11) Non Standard Informative

Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).

(12) Non Standard Informative

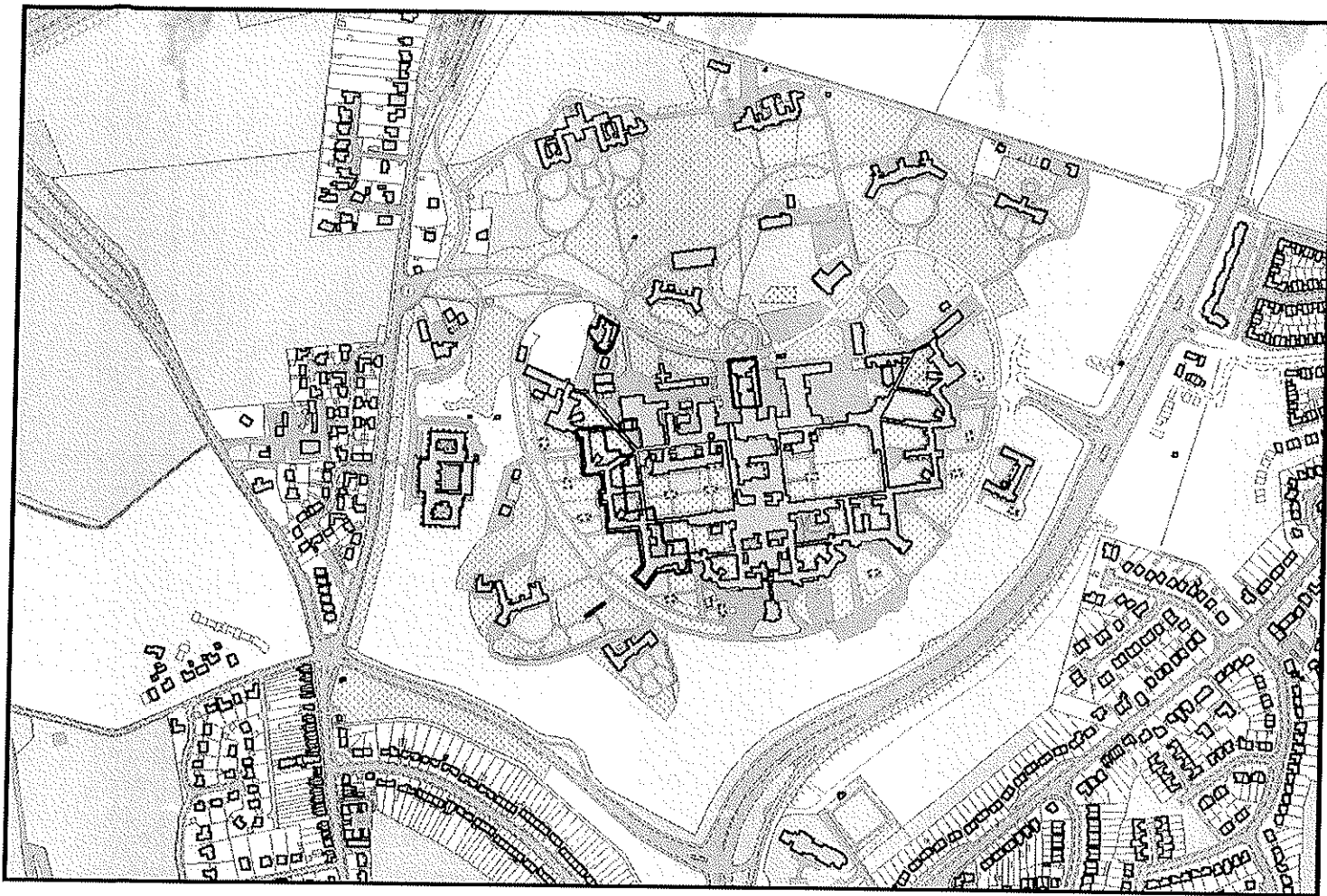
An application to discharge trade effluent to a public sewer must be made to Anglian Water and must be obtained before any discharge of trade effluent can be made to the public sewer.

(13) Non Standard Informative

The applicant is advised that petrol/oil interceptors should be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of such facilities could result in pollution of the local watercourse and may constitute an offence.

## **20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**Application No:** 160147/160148

**Location:** Former Severalls Hospital Site, Severalls Hospital, Boxted Road, Colchester, CO. 5HG

**Scale (approx):** 1:1250

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**Case Officer:** Alistair Day

## **MAJOR**

**Site:** Severalls Hospital, Boxted Road, Colchester, CO4 5HG

**Application No:** 160147

**Date Received:** 22 January 2016

**Agent:** Mrs Lauren Dooley, Barton Willmore

**Applicant:** Mr Steve Read, Severalls Hospital Consortium

**Development:** Refurbishment of retained buildings (Larch House, Administration Building, Water Tower and part of the Echelon Building) to provide 20 residential units, car parking, landscaping and private amenity space.

**Ward:** Mile End

**Summary of Recommendation:** Conditional Approval subject to signing of Section 106 Agreement

**Case Officer:** Alistair Day

## **LISTED BUILDING CONSENT**

**Site:** Severalls Hospital, Boxted Road, Colchester, CO4 5HG

**Application No:** 160148

**Date Received:** 22 January 2016

**Agent:** Mrs Lauren Dooley, Barton Willmore

**Applicant:** Mr Steve Read, Severalls Hospital Consortium

**Development:** Listed building application for the refurbishment of retained buildings (Larch House, Administration Building, Water Tower and part of the Echelon Building) to provide 20 residential units, car parking, landscaping and private amenity space.

**Ward:** Mile End

**Summary of Recommendation:** Conditional Approval subject to signing of Section 106 Agreement

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

- 1.1 This application is referred to the Planning Committee because a legal agreement is proposed to link this application to the outline planning approval for the redevelopment of the former Severalls Hospital site (ref 151401) and its associated legal agreement.



## **2.0 Synopsis**

- 2.1 The key issues explored below are land-use, the effect of the proposed development on the character and appearance of the surroundings (including the Registered Park and Garden), the impact on the special interest of the listed and locally listed buildings and whether the proposal represents sustainable development in terms of the National Planning Policy Framework (NPPF).

## **3.0 Site Description and Context**

- 3.1 The application site is located within the grounds of the former of Severalls Hospital which is characterised by the following key features:
- A central complex of vacant hospital buildings built to a broadly symmetrical echelon plan and surrounded by a kidney-shaped service path;
  - a series of detached villas scattered in the outer grounds, each of which is surrounded by mature trees; and
  - large areas of informal parkland and woodland;
- 3.2 The current application relates to the alteration and conversion of the buildings identified for retention on the Master Plan approved under outline planning application. The buildings identified for retention are:
- The Administration Building
  - The Water Tower;
  - Larch House;
  - Part of the western section of the main Echelon Building
- 3.3 The Administration Building is listed Grade II for its special architectural or historic interest. The water tower, Larch House and the echelon building constitute non-designated heritage assets – i.e. they are buildings of local significance but not statutorily listed. The grounds of the former hospital are designated as a Registered Park and Garden and a large proportion of the trees are protected by a tree preservation order.
- 3.4 The original access to the former hospital was from Boxted Road. A new access on the east side of the site has recently been constructed and will provide the new housing, the primary school (which is currently under construction) and the sites of the proposed community centre and mixed use area with direct access onto the A1341 Via Urbis Romanae (VUR). Tower Lane, which runs along the northern boundary of the site, is a PRow.
- 3.5 To the north of the Severalls Hospital site, between Tower Lane and United Way, is the site of the recently approved David Lloyd Centre (now under construction). To the south of the hospital site is the Northern Approach, which connects the VUR and Boxted Road. The VUR bisects the southern part of the former hospital parkland and now creates the eastern boundary of the main undeveloped part of the former Severalls Hospital site; Boxted Road forms the west boundary of the former hospital site.

## **4.0 Description of the Proposal**

4.1 The submitted application seeks planning permission for the conversion of the retained former Severalls Hospital buildings to residential use with car parking, landscaping and private amenity space. The following units of residential accommodation are proposed:

- Larch House: 2 x three bedroom units
- Water Tower: 1 x three bedroom unit
- Administration Building: 1 x 5 bedroom unit
- Echelon Building: 16 x 3 bedroom units

4.2 A concurrent listed building application has been submitted in respect of the alteration works to the Administration Building.

## **5.0 Land Use Allocation**

5.1 The site is allocated for residential development reflecting the longstanding planning permission on the site.

## **6.0 Relevant Planning History**

6.1 The relevant planning history for the former Severalls Hospital site is set out below:

- O/COL/01/1624 – outline planning permission approved for up to 1500 dwellings (including conversion of some retained hospital buildings), mixed uses including community and education facilities, retail, and public open space and associated highway infrastructure.
- 100035 (approved March 2011): Variations to amend the pre-occupation triggers for the delivery of the Northern Approach Road.
- 100502 Reserved Matters for the delivery of 248 homes on Phase 1 was granted by the Council on 4 August 2011. Phase 1 is being developed by Crest Nicholson and construction has commenced.
- 112401 (approved March 2012): This approved an updated Masterplan
- 131221 (approved November 2013): Variation to condition 8a to increase the number of dwellings which can be occupied prior to completion of the Northern Approach Road from 75 to 125 dwellings.
- 151401 (approved November 2015): This sought to regularise a number of conditions and was supported by a deed of variation to the original agreement to allow inclusion of a financial contribution of £2m for the Busway.
- 1520733 – (approved April 2016) Reserved matters application for Phase 2 of the former Severalls Hospital comprising 730 new-build residential dwellings, open space, landscaping, parking, access and associated infrastructure. The proposal also re-endorsed the demolition of the majority of the existing hospital buildings

6.2 Two further applications have been approved at the site.

101527 Full planning permission was granted for the erection of a child and adolescent mental health unit. The mental health unit falls within Phase 2 of the Severalls Hospital site adjacent to Boxted Road. The mental health unit is now operational.

A Regulation 3 application for education development was made to Essex County Council (CC ref. CC/COL/52/14 (CBC ref 146500)) on 28 November 2014 for the construction of a two-storey, two-form entry Primary School with associated hard and soft play space, vehicle access and parking, hard and soft landscaping, drainage, lighting and fencing. The application was approved by Essex County Council in April 2015. The School is currently under construction.

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through 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

UR1 - Regeneration Areas

UR2 - Built Design and Character

PR1 - Open Space

PR2 - People-friendly Streets

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA3 - Public Transport

TA4 - Roads and Traffic

TA5 - Parking

ENV1 - Environment

ER1 - Energy, Resources, Waste, Water and Recycling

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity

DP3 Planning Obligations and the Community Infrastructure Levy

DP4 Community Facilities

DP11 Flat Conversions

DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP14 Historic Environment Assets  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes  
DP25 Renewable Energy

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA NGA1 Appropriate Uses within the North Growth Area

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Community Facilities  
Vehicle Parking Standards  
Open Space, Sport and Recreation  
The Essex Design Guide  
External Materials in New Developments  
Cycling Delivery Strategy  
Myland Village Design Statement

## 8.0 Consultations

### Landscape Officer

- 8.1 The Landscape Officer has confirmed that he does not wish to raise an objection to this application and recommends conditions are attached to secure the detailed landscape scheme should permission be granted for this development.

### Tree Officer

- 8.2 The Tree Officer has confirmed that he is in broad agreement with the submitted Tree Survey and Arboricultural Assessment. No objection is raised to this application subject to appropriate conditions

### Urban Design Officer

- 8.3 The comments from the Urban Design Officer are summarised as follows:

Larch House: Rather than bricking up the 2<sup>nd</sup> floor door opening on the east elevation, a feature window should be provided as this would better address and naturally police the nearby kidney corridor. The feature veranda and fore garden should not be obviously physically separated into plots, given the need to appreciate this key area in its open totality.

Echelon Building: The proposed addition of doors facing the kidney corridor is strongly supported as this will create a stronger relationship between the buildings and associated open space, and provide apt public access to homes for visitors etc, i.e. bearing in mind the rear will be taken up by private amenity space and car parking. However there is concern that the external door designs might not well relate to adjoining glazing, though this might be explored by way of condition.

Administration Building and Water Tower: No building design issues are raised in relation to these buildings.

#### Archaeological Officer

- 8.4 The Archaeological Officer has confirmed that he is satisfied that no additional below-ground archaeological investigation will be required for the refurbishment of the buildings.
- 8.5 In terms of the standing buildings, a Level 3 Historic Building Recording is recommended.

#### Environmental Protection (General)

- 8.6 Should planning permission be granted Environmental Protection would recommend that conditions are attached in relation to Light Pollution and the requirement to submit a Construction Method Statement

#### Environmental Protection (Contamination)

- 8.7 It is assumed that the Water Tower would have been associated with a boiler house/generators/engines etc., given the related chimney. This means that there is a potential for there to be associated contamination in the vicinity, due to uses and fuel storage/wastes. This could adversely impact on any garden/leisure use of the land, and possibly to the conversion itself. In addition, since the chimney is to be retained, there is the potential for this to be internally coated with harmful contaminants, and possibly to be lined with asbestos. Conditions are recommended to safeguard against the potential for contamination.

#### Highway Authority

- 8.8 The Highway Authority has advised that from a highway and transportation perspective they have no comments to make on the proposal

#### Local Lead Flood Authority (LLFA)

- 8.9 The LLFA has advised that this element of the Severalls development will not greatly increase impermeable areas within this part of the site therefore are unlikely to have a significant impact on flood risk. Therefore we will not be submitting comments for this element for this application.

### Education Authority

- 8.10 Essex County Council has advised that they do not wish to seek any additional S106 Education contributions.

### Natural England (NE)

- 8.11 NE notes that the proposed development is intrinsically linked to the development of the wider site, for which a parallel reserved matters application has been submitted. For this reason we have considered the impacts to bats alongside the reserved matters application, to ensure that the bat mitigation strategy for the whole site is ecologically coherent. NE's advice is limited to impacts to bats only, in view of the complexities arising, and to ensure a successful licence application in due course.
- 8.12 It is clear from the submitted information that surveys for bats are incomplete, and that further survey work is required in order to fully inform an assessment of impacts and the mitigation required. Whilst it is clearly preferable (and consistent with planning policy) for a planning decision to be informed by all necessary information, NE has been mindful of a number of factors which make a case for exceptional circumstances whereby the remaining programme of bat surveys is secured by a suitably worded planning condition.
- 8.13 NE has carefully considered the survey data currently available, the data gaps, and the proposed bat mitigation strategy. Overall, NE is satisfied that the mitigation proposed for impacts to bats is broadly adequate, and on the basis of the information available to us at this point, NE can confirm that a licence would in principle be granted for development (subject to detail). Furthermore, NE is satisfied that the mitigation proposed will be provided in-step with development impacts, such that there will be no net loss of bat roosting provision at any phase of development.
- 8.14 NE raise no objection to the application provided a condition is attached regarding the undertaking of bat roost surveys and a comprehensive bat mitigation strategy being prepared for each phase of the wider Severalls development.

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

## **9.0 Parish Council Response**

- 9.1 The Parish Council have stated that this application and the attached designs will preserve and maintain the remaining iconic and listed buildings of the old Severalls Hospital. We are pleased to see that Myland heritage legacy will be preserved. However, MCC requests that any changes (however minor) to these plans are referred back to us for comment. We would also reiterate previous comments that the A134/VUR entrance be the sole one for construction traffic.

## 10.0 Representations

### Victorian Society

- 10.1 The Victorian Society **object** to the application, which would cause substantial harm to the significance of the Grade II listed Registered Park and Garden and would deprive the site of buildings that are both capable and worthy of retention and reuse.
- 10.2 The Severalls Hospital site is listed Grade II on account of the quality of its verdant landscaped grounds and the distinguished character and appearance of its well preserved historic buildings. The retention of the administration building, a fragment of the echelon buildings, Larch House and the Water Tower is welcomed. However, their retention alone as part of a highly intensive redevelopment of the site would fail to preserve the significance of the Registered Park and Garden.
- 10.3 The scheme proposed for the redevelopment of the Severalls Hospital would entail such significant loss of important historic buildings, and such intrusive and over-intensive redevelopment of the wider site, as to cause substantial harm to the Grade II-listed Severalls Hospital Park and Garden. The designation of the listed park would surely be jeopardised by the redevelopment proposed.
- 10.4 Notwithstanding the approved masterplan, we would urge the Council to encourage the applicant to explore the retention of a greater portion of the distinctive echelon pavilion ranges and to reduce the number of new buildings.

#### **Officer Comment:**

*Whilst this application has been submitted under listed building reference, the comments relate more to the recently approved reserved matters planning approval. The reserved matters application was in substantial conformity to the approved 2011 Master Plan. In approving the 2011 Master Plan, the Council accepted the principle of extensive building loss and the impact that this would have on the character and appearance of the Registered Park and Garden.*

The full text of all of the representations received is available to view on the Council's website.

## 11.0 Parking Provision

- 11.1 See Paragraphs 15.47 to 15.49

## 12.0 Open Space Provisions

- 12.1 See Paragraphs 15.40 to 15.43

## 13.0 Air Quality

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

## **14.0 Development Team and Planning Obligations**

- 14.1 This application is classed as a "Major" application and, as such, there was a requirement for it to be considered by the Development Team. The Development Team noted that this application is directly linked to the proposals approved under the outline planning application for the redevelopment of the Severalls Hospital site. For this reason, it was agreed that this application should be linked to the s106 agreement signed as a part of the Severalls Hospital outline planning approval.

## **15.0 Report**

### The Policy Context and Planning Background

- 15.1 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. The Council has a suite of up-to-date and fully adopted Development Plan Documents, including a Core Strategy (CS), Site Allocations (SA) and Proposals Maps and Development Plan Policies (DPD). The Council has also adopted a Supplementary Planning Document in respect of the Severalls Hospital site.
- 15.2 The Council's CS provides the overarching policy direction for the local plan and for the delivery of development, infrastructure, facilities and services in Colchester to 2021 and 2023 for housing. Policies SD1 and H1 promote sustainable development and identify broad locations for growth. The application site forms part of the identified regeneration area in the Northern Growth Area. Other CS policies that are relevant to this application are: Policy UR2 which seeks to secure high quality and inclusive design in new development and ENV1 which seeks to protect and enhance the Borough's natural and historic environment.
- 15.3 The policy approach to the North Growth Area, which includes the Severalls Hospital site, is subject to specific policies in the SA (policies NGA1 to NGA5). These reflect that the site has been a long term allocation for residential development.
- 15.4 The DPD provides more detailed planning policies and supports those of the CS. A total of 25 policies are set out addressing a variety of issues including sustainable development, protection of the historic environment, public realm, highways and ecology.
- 15.5 The Council's development plan is considered to be up-to-date and this has not been disputed by the applicant.
- 15.6 At the national level the NPPF published in 2012 supported by the Planning Practice Guidance initially published in 2014 is material consideration. The NPPF reaffirms the requirement that planning applications should be determined in accordance with development plans, unless materials considerations indicate otherwise. The NPPF also states that where sites are allocated for housing they should be approved without delay.



- 15.7 Outline planning permission (O/COL/01/1624) was granted for the redevelopment of the former Severalls Hospital site on 21 March 2006. This application proposed up to 1500 dwellings (including conversion of some retained hospital buildings), mixed uses including community and education facilities, retail, public open space and associated highway infrastructure.
- 15.8 The outline planning permission has been formally varied a number of times, most recently in November 2015 when Members approved changes to selected outline planning conditions and the s106 agreement (ref 151401). Condition 4 of application 151401 requires Phase 2 of the Severalls Hospital development to accord with the approved 2011 Broadway Malayan Masterplan and Design Code.
- 15.9 The Masterplan identifies the buildings that are to be retained and key areas of landscape. The buildings identified for retention are:
- The Administration Building
  - The Water Tower
  - The Echelon wing to the west of the Kidney
  - Larch House; and
  - Airing Shelters in the airing courts

Key areas of landscape that are to be retained are:

- The external and internal air courts
  - Myland Villa Gardens
  - The part of the former cricket pitch to the south the main echelon building; and
  - Two areas of woodland to the north of kidney
- 15.10 In December 2015 a reserved matters planning application was submitted pursuant to outline planning permission 151401 for 730 residential dwellings, open space, landscaping, parking, access. On 17 March 2016 the Planning Committee resolved to grant reserved matters planning approval subject to various conditions; this permission was issued on 28 April 2016.

#### The Proposal

- 15.11 The current application seeks planning permission for the alteration and conversion of the former hospital buildings identified for retention on the approved Master Plan, namely: the front Administration Building; the water tower; Larch House; and the western section of the echelon wing.
- 15.12 The proposal to convert the retained hospital buildings to residential use accords with the land use planning policies for the Severalls Hospital site and the guidance set out in the approved 2011 Master Plan. Given this, there is not an objection in principle for the retained buildings being converted to residential use.

## Heritage and Design

- 15.13 The Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (Listed Building Act) places a duty on the Local Planning Authority to pay special regard to the desirability of preserving listed buildings and their setting. CS Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. DPD DP14 states that development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. CS Policy UR2 seeks to promote and secure high quality design. DPD DP1 sets out design criteria that new development must meet and include the requirement to respect the character of the site and enhancing its surroundings. Government guidance on the historic environment is set out in paragraphs 126 to 141 of the NPPF. Paragraph 133 deals with substantial harm to a designated heritage asset. Paragraph 134 deals with less than substantial harm. Harm in this category has to be weighed against the public benefits of the proposal.
- 15.14 The relevant heritage designations within the Severalls Hospital site are the grade II listed Administration Building and the Registered Historic Park and Garden designation, which the current application site forms part (also listed grade II). Section 66 of the Listed Building Act is clearly engaged insofar as the Administration Building is concerned. As a Registered Park and Garden, Severalls Hospital does not benefit from any statutory protection, but as an undesignated heritage asset it does fall to be considered under Section 12 of the NPPF. The water tower, Larch House and the former ward block constitute non-designated heritage assets and also need to be considered in the light of the guidance set out in the NPPF.
- 15.15 The application seeks permission to convert the buildings to residential use. Listed building consent is also sought for the alteration of the Administration Building. The Design and Access Statement explains that the adopted design philosophy has been to retain the original character of the buildings and to remove unsympathetic additions. This approach is welcomed. The scope and impact of the proposed works to the retained buildings is discussed in further detail below:

### Administration Building

- 15.16 The Administration Building makes a handsome architectural announcement to the former hospital. The front (north) elevation has a central entrance bay flanked by a five window bay range. These have multi-pane sashes and dominant 2-storey bow windows of 3 bays. A deep cornice follows the bows to the slightly advanced central entrance bay which has a prominent stone portal with a deep overhanging segmental arch canopy. Above the first floor windows is a deep stone segmental pediment with central clock behind. The rear of the building has a more utilitarian appearance. The List descriptions states that the interior includes plastered beamed ceilings, tall wood fireplaces, a wide stair framed by tall ionic columns with metal balusters in Art Nouveau style with a central dome to first floor with glazed oculus. The building has been vacant for many years and its condition has deteriorated over the years; this has been further exacerbated by vandalism and theft.

- 15.17 The Administration Building is set in front of flanking buildings and this, combined with its relationship with the original approach drive, means that it stands out as the principal building of the former asylum complex. These aspects, along with the now mature landscaping contribute positively to the building's setting.
- 15.18 It is proposed to convert the Administration Building to a single five bedroom dwelling. On the ground floor, the scheme retains the principal rooms in their existing form. New openings are proposed to connect the principal front and rear rooms on the west side. The stairs and hall are shown retained and it is proposed to restore the central dome to first floor. At the first floor, the plan form and generous room proportions room are again retained insofar as practical. Partitions are proposed within the bedrooms to create ensuite to the bedrooms. The design of the partition will need to be carefully designed to ensure that the spatial qualities of the rooms are not adversely affected and it is recommended that they take the form of independent 'pods' that are set into the room.
- 15.19 The original submission proposed a flat roof second storey extension over the modern ground floor addition; the form of this extension was not considered to relate well to the historic building. The application has been amended omitting the proposed extension and now proposes to make good the existing rear extension.
- 15.20 To the north of the Administration Building the circular lawn is being retained as a part of the reserved matters planning approval. The existing flanking structures either side of the Administration Building are to be replaced by new houses and have been positioned so as to retain the prominence of the listed building. The proposed rear garden to the Administration Building is shown enclosed in part by a 1.8m brick wall and in part by a 1.8m brick wall and by a brick wall and railings. Given the scale of the Administration Building will appear very meagre and will not befit the setting of this grade II listed building. A condition is recommended that the rear garden is enclosed by a brick wall that has a minimum height of 2.1m. An in / out vehicular access is proposed on the south boundary (fronting the central square that is proposed as a part of the wider development proposals) with a three bay garage built behind the wall.
- 15.21 The Administration Building is in a poor condition. A viable solution needs to found that will both secure its long-term future and is sympathetic to its historic character. The proposal to convert the building into a single dwelling house is considered to provide an appropriate solution.

#### The Water Tower

- 15.22 The Water Tower is the most dominant building on the Severalls site due to its height (approximately 33m). It occupies a position to the west of the 'kidney route' and to the northeast of the retained echelon building.
- 15.23 The tower essentially has a square plan with buttresses at its four external angles. Abutting the east elevation is a massive brick flu stack for the boiler house. The former boiler house building is attached to the north and west faces of the tower. The lower storeys of the tower (up to about 9.5m) are constructed in a dark blue brick which is terminated by a large projecting stone cornice. Above the cornice, the tower is constructed in red brickwork. Three elevations of the tower (north, west and south)

have three large semi-circular headed windows. At the top of the tower around the housing for the water tank are balconies with metal railings. The recessed masonry faces at this level are rendered in pebble dash and have (on north, west and south elevations) Diocletian windows. The tower is capped by a pyramidal roof covered in clay tiles. Given the utilitarian function of the building, it is architecturally well detailed and was clearly designed to be seen and to form a local landmark. In essence, it is the townscape and historic continuity value of the tower as a local landmark that gives the water tower its significance, together with its pleasant, self-conscious design and detailing.

15.24 It is proposed to convert the water tower into a single dwelling using each floor level (in most cases) as a single principal room with a staircase inserted for vertical circulation. The Design and Access Statement explains that at balcony level a 'Winter Garden' room will be created and that the Diocletian windows and external balconies are to be retained. A condition is recommended in relation to the design detailing of the windows and balcony to ensure that significant harm is not caused by overlooking. It is proposed to use the large external chimneystack as a lift shaft. The Design and Access Statement explains that externally, the elevations of the water tower will remain remarkably unchanged. The only changes (aside from the removal of abutting ground floor structures), will be in the form of additional window or door openings, inserted at the entry level to allow access. A condition is recommended regarding the making good of the elevation exposed following the demolition of the boiler house.

15.25 The proposal to convert the water tower into a single dwelling house will retain the building's essential character. The approved layout for the reserved matters application also places the Water tower at the axis point of main boulevard and this will serve to accentuate the landmark role of the water tower and emphasises its uniqueness on the site.

#### Larch House

15.26 Larch House is located in the north west corner of the "kidney route" and was originally built for Male Attendants. It is a three storey building designed in an Arts and Crafts style. At ground floor, the principal west facing elevation has a colonnade of stone columns creating a veranda above which are set multi pane sash windows. The rear elevation of the building is quite plain. The roof is covered in plain tiles and takes the form of a mansard roof with decorative (modified Dutch) gables. Internally the upper floors are divided into ten smaller rooms served off a central corridor and a staircase is located in the projecting bay at the west end. To the east of the main building is a single storey billiard room. Whilst the eclectic Arts and Craft design of Larch House is somewhat unusual in the Severalls context, it does nevertheless constitute a positive and locally distinctive feature of this site.

15.27 It is proposed to convert Larch House into two, three bedroom dwellings. Externally the front elevation will remain virtually unaltered. There will be minimal changes to the rear of the building and involve modest changes to openings and the removal of the unsightly steel fire escape staircase that wraps around the side and rear elevations. It is also proposed to reinstate roof lantern to the former billiard room.

15.28 It is considered that the proposed changes to Larch House are limited and would not materially affect its unusual design or its architectural integrity.

## The Ward Block

- 15.29 The ward blocks are two storey in height and designed in Neo-Georgian style. The ward block feature bays on the southern elevation, which adds to its character and visual interest. The rear elevations are more austere, with little variation to the repetitive fenestration pattern. The building is of heritage value as a typical example of an early twentieth century hospital building and the contribution that it makes towards the setting of the historic park and garden.
- 15.30 It is proposed to convert the former wards into 16, three bedroom dwellings. The conversion of the ward blocks to dwellings is to be achieved by the internal vertical subdivision of the building and by following existing structural subdivisions where possible. On the (west) elevations overlooking the parkland, it is proposed to modify selected ground floor window openings to form the entrance doors for the new dwellings. Where new door openings are required, the Design and Access Statement explains that the doors are to be incorporated into existing window openings and that the upper part of the openings will be retained as a feature sash panel (fanlight). This will retain the proportions and rhythm of the elevation and leave disruption to the elevations to an absolute minimum. Features such as the existing veranda on the south elevation are also to be retained; the modern brick addition to the ward block is to be removed and the walling made good. To the rear of the building the ablution blocks and other rear ancillary structures are to be removed and walling made good. The Design and Access Statement explains that, in order to ensure that the repair works are seamless, it is proposed to use materials salvaged from demolished echelon wings; it is recommended that this is conditioned. The existing roof lines, slopes, coverings soffits, fascias, and chimneystacks detailing and features are to be retained in their existing form. It is considered that the proposal to convert the buildings to residential use would not significantly harm the architectural or historic character of the ward blocks.
- 15.31 The majority of the buildings at the Severalls Hospital have been vacant since the closure of the hospital. The buildings have suffered from a lack of maintenance and vandalism and are now in a poor condition. If their decay is not arrested, the rate of deterioration will start to rapidly increase. It is therefore important that these buildings find an appropriate new use. The application proposes the conversion of the listed building and the locally listed buildings to residential use. It is considered that this constitutes an appropriate end use that will secure their long future. Paragraph 134 of NPPF advises that any harm to a heritage asset should be weighed against the public benefits of a proposal. In this instance the public benefits of increasing the supply of housing and securing their long-term future (which in turn will have a positive effect on the setting of the historic park and garden) is considered to demonstrably outweigh any harm caused. Conditions are recommended to ensure materials and architectural detailing (new or replacement) are appropriate to the character of the buildings. Officers are however mindful that it is likely to be several years before the conversion works start (due to construction programming of the main development proposal for the Severalls Hospital site) and, for this reason, it is recommended that there is a condition that requires that the buildings are made secure and wind and weather proof within three months of the date of this approval.
- 15.32 For the reasons given above, it is considered that the current application accords with Policies ENV 1 and DPD DP 14 and the NPPF objectives that seek to conserve heritage assets.

### Residential Amenity

- 15.33 DPD DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity.
- 15.34 The buildings that are the subject of this application are located centrally within the grounds of the former hospital site and as such do not have any direct interaction with existing residential properties. The layout of the new housing proposed under reserved matters application 152733 was designed having due regard to the need to safeguard the private residential amenity of the new build housing and those formed through the conversion of the retained buildings. To safeguard the future amenity of adjacent residents (and to safeguard the historic character of the buildings), conditions have been recommended removing a range of permitted development rights.
- 15.35 The construction works associated with the conversion of the retained buildings has the potential to impact on the amenity of local residents. A condition has therefore been proposed requiring the approval of a construction method statement.
- 15.36 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings

### Trees and Landscape

- 15.37 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline.
- 15.38 The Council's Tree Officer and Landscape Officer have been involved throughout the evolution of the design of this scheme (and that for the Severalls development as a whole) and their advice has been instrumental in shaping the landscape features that are to be preserved and enhanced. The site boundary for this application has been drawn relatively tightly around the retained buildings and, as such, the main landscape features of the Severalls Hospital site are located outside the site boundary for this application. Conditions are recommended requiring the submission of a detailed landscape scheme and for the protection of trees (adjacent to the site).
- 15.39 It is considered that the repair and conversion of the retained buildings will have a positive impact on the setting of the historic park and garden. For this reason, It is considered that the proposed development would not have an unacceptable impact on the character and appearance of the surrounding area and would therefore not be at odds with the development plan policies DP1, ENV1 and the NPPF. It therefore represents sustainable development.

### Public Open Space, Play Areas and Private Amenity Space

- 15.40 CS Policy PR1 states that the Council aims to provide a network of open spaces, and recreational opportunities that meet local community needs. DPD Policy DP16 sets down criterion (size of gardens) that should be provided within new residential developments. In addition to private amenity space, DP16 requires all new residential development to provide new public areas of accessible strategic or local open space.
- 15.41 With regard to private amenity space, it is stated on the submitted drawings that the Administration Building (4 bed unit) is provided with 424sqm of private amenity space and the two three bedroom units proposed in Larch House will be provided with 106sqm and 97sqm of private amenity space. The Water Tower, which will create a unique residential property, will be provided with a 60.7sqm garden and a separate storage building. The Design and Access Statement explains that a further 64.2sqm amenity space will be created in the form of a "winter garden" room at balcony level. For the purposes of DP16, this internal space is not considered to constitute private amenity space, albeit the room will provide future occupiers with spectacular views. Given the unique nature of the water tower, and the fact that future occupiers will have access to significant areas of parkland that are being provided as a part of the wider Severalls Hospital development, it is not considered that the 'reduced' private amenity space area constitutes a sufficient reason for refusal. The ward blocks, due to the constraints and configuration of their plan layout are provided with either private garden or shared communal gardens. Overall the converted ward blocks are provided with 2006sqm of private amenity (communal) space, which is compliant with the adopted private amenity space standards. .
- 15.42 The public open space (parkland, woodland, play areas and allotments) for the Severalls Hospital development is being provided as a part of the reserved matters planning approval of this site. The various types of public open space are secured by the main Severalls Hospital s106 agreement.
- 15.43 It is considered that this development is acceptable in terms of the policy requirement for the provision of private amenity space, public open space and play and recreation provision.

### Ecology and Biodiversity

- 15.44 CS Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. DPD Policy DP21 seeks to conserve or enhance biodiversity.
- 15.45 An extended habitat survey was included as a part of the outline planning application and ecology was a topic covered by the Environmental Statement. An updated ecological assessment and mitigation strategy was submitted with the reserved matters application (152733) and a copy of this report has been submitted in support of the current proposal. Natural England has advised that the surveys for bats are incomplete, and that further survey work is required to fully inform an assessment of impacts and the mitigation required. Whilst it is preferable (and consistent with planning policy) for a planning decision to be informed by all necessary information it is considered that there are a number of factors in this instance that make a case for 'exceptional circumstances' and on this basis it has been agreed with Natural England

that the required additional programme of bat survey work can be secured by a suitably worded planning condition.

- 15.46 It is clear from the ecological survey work that the site has high ecological significance in the local context. To ensure that a coherent mitigation strategy is developed for the Severalls Hospital site it is important to ensure that the ecological mitigation strategy is considered as alongside those proposed for the reserved matters application. Taken as whole, the Severalls Hospital development has the potential for the significant ecological and biodiversity enhancement of the site. Given this, the current planning application is considered to accord with CS ENV1, DPD Policies DP1 and DP21 and paragraph 118 of the Framework which requires planning application to conserve or enhance biodiversity interest.

#### Parking

- 15.47 Policy TA5 of the CS refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards. The adopted guidance states that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this, visitor parking at a ratio of 0.25 spaces per unit is required. In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling.
- 15.48 The Administration Building is provided with three garaged parking spaces; the remainder of the proposed with residential units are provided with two allocated parking spaces in private parking courts. Visitor parking is provided as a part of the wider redevelopment proposals for the Severalls Hospital site. The provision of cycle parking will need to be secured by a condition for those units that are not provided with garages.
- 15.49 The proposed parking provision is considered to accord with the requirements of Policy DP19 and the adopted parking standards.

#### Hydrology and Drainage

- 15.50 CS policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.
- 15.51 The issues of drainage and the potential for flood risk were fully considered as a part of the outline application and a Drainage Strategy for Phase 2 of the Severalls Hospital site was also submitted in support of the recently approved reserved matters application. The LLFA has advised that the retained buildings will not greatly increase impermeable areas within the overall Severalls Hospital site and, as such, the proposal is not considered to have a significant impact on flood risk.
- 15.52 The submitted evidence indicates that the current proposal would not result in an increase in flood risk and, as such, the development will not conflict with the intentions of the development plan or the Framework in respect of flood risk



### Contamination

- 15.53 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.
- 15.54 The desk top based contamination report accompanying this application concludes that there is potential for the site to contain contamination and on this basis recommends that further investigation work is undertaken. The Council's Contamination Land Officer agrees with the conclusions of the submitted report and has recommended conditions to provide a framework for further assessment, and remediation works.

### Planning Obligations

- 15.55 Under normal circumstances, a development of the scale being proposed by this application would be expected to make contributions towards the provision of sports and recreation facilities, community facilities, affordable housing and education facilities. In this instance, the conversion of the retained hospital buildings form an integral part of the overall proposals for the redevelopment of the Severalls Hospital site and for which mitigation has been secured under the outline planning application and associated s106 agreement. In view of this, it is proposed to link this development to the obligations secured under the s106 agreement that was signed as a part of the outline planning approval 151401.

## **16.0 Conclusion**

- 16.1 National policy requires planning to be genuinely plan-led. The proposal is considered to accord with the relevant policies contained in the Council's adopted development plan. The NPPF makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 7 identifies three dimensions to sustainable development – economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase. The social role of sustainable development is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives. In respect of the third dimension (environmental), the proposal will secure the long-term future of the listed and locally listed buildings. The proposals would cause some harm to these buildings but this harm would not be significant and offset by the public benefits identified. The proposal would have a positive impact on the setting of the Registered Park and Garden. There also is sufficient evidence to be confident that overall the development would not cause significant harm to flood risk, noise pollution or have a severe impact upon the highway network; in terms of capacity or safety. In terms of ecology, additional survey information is required and a mitigation and enhancement strategy needs to be submitted. This aspect weighs against the proposal; however officer are of mindful of the ecological benefits that will be secured as a part of the redevelopment of Phase 2 of the Severalls Hospital site. Overall it is

considered the positive environmental effects of the proposal would weigh in favour of this scheme.

- 16.2 In conclusion, it is considered that the benefits of the scheme significantly outweigh any adverse impacts and, as such, Members are recommended to grant planning permission and listed building consent subject to the conditions set out below and the an appropriate unilateral (s106) agreement be signed to link this development to the main Severalls Hospital agreement .

## **17.0 Recommendation**

- 17.1 APPROVE 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). In the event that the legal agreement is not signed within six months, to delegate authority to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide the following:

- to link this application to the s106 agreement signed as a part of outline planning application for the redevelopment of the Severalls Hospital site (151401).

## **18.0 Conditions**

### **Planning 160147**

#### **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:

3412-A-0112 WATER TOWER FLOOR PLANS AS PROPOSED

3412-A-0113 WATER TOWER ELEVATIONS & SECTION AS

3412-A-0114 WATER TOWER ELEVATIONS AS PROPOSED

3412-A-0105 Larch House Floor Plans as Proposed

3412-0311 Echelon Building Ground Floor Plans as Proposed 1-6 (received on 08/03/2016)

3412-0321 Echelon Building Ground Floor Plans as Proposed 7-11 (received on 08/03/2016)

3412-0331 Echelon Building Ground Floor Plans as Proposed 12-16 (received on 08/03/2016)

3412-0312 Echelon Building First Floor Plans as Proposed 1 -6 (received on 08/03/2016)

3412-0322 Echelon Building First Floor Plans as Proposed 7-11 (received on 08/03/2016)

3412-0332 Echelon Building First Floor Plans as Proposed 12-16 (received on 08/03/2016)

3412-0310 Echelon Building Proposed Elevations 1-6

3412-0320 Echelon Building Proposed Elevations 7-11

3412-0330 Echelon Building Proposed Elevations 12-16

3412-A-0302 P01 ADMIN BUILDING AS PROPOSED (received on 21/06/2016)

3412-A-0303 P01 ADMIN BUILDING FLOOR PLANS AS PROPOSED (received on 21/06/2016)

3412-A-0340 P01 ADMIN BLOCK GARAGE PLANS & ELEVATION 3412-KLH-0115 PO2  
Allocated parking, bin collection points (and water tower storage)

CSA/2753/112 A Larch House Landscape Strategy

CSA/2753/111 A Echelon Building Landscape Strategy CSA/2753/110 B Former Admin Building Landscape Strategy

CSA/2753/113 Water Tower Landscape Strategy

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

### 3 - Non-Standard Condition/Reason

Within one month of the date of this permission, a Schedule of Works required to ensure the proper preservation of the buildings that are the subject of this application (including making them wind and weathertight and secure from unauthorised entry) shall be submitted to and approved in writing by the Local Planning Authority. The approved Schedule of Works shall be implemented within three months of the date of its approval. Following the completion of the approved Schedule of Works, the retained buildings shall thereafter be inspected annually (starting from the August 2017) and a Condition Report (outlining any required maintenance or repair works for the preservation of the retained buildings) shall be submitted to and approved in writing by the Local Planning Authority. Any repair or maintenance works identified in the annual Condition Report shall be undertaken within one month of its approval by the Local Planning Authority

Reason: The retained buildings (which comprise one designated heritage asset and three non-designated heritage assets) are at immediate risk of deterioration and unauthorised entry making the buildings vulnerable to vandalism.

### 4 – Non Standard Condition

Prior to the commencement of any works, an appropriate programme of building recording (including architectural/historical analysis) shall be carried out in respect of the buildings concerned. This record shall be carried out by an archaeologist or building recorder, or an organisation with acknowledged experience in the recording of standing buildings who shall have previously been agreed, in writing, by the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has previously been agreed, in writing, with the Local Planning Authority.

Reason: To secure the proper recording of the retained buildings (which comprise one designated heritage asset and three non-designated heritage assets).

### 5 – Non Standard condition

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

Reason: To secure the proper recording of the heritage assets.

#### 6 - Non-Standard Condition/Reason

Prior to the commencement of any works (with the exception of the work required by condition 3), a schedule of works required to bring the buildings into full repair shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with approved schedule of works.

Reason: To safeguard the architectural and historic character of the retained buildings (which comprise one designated heritage asset and three non-designated heritage assets) and to ensure that the buildings continue to make a positive contribution to the setting of the Registered Historic Park and Garden following their refurbishment.

#### 7 -Non-Standard Condition/Reason

The external materials required for the repair and/or the extension of the buildings shall match the existing and shall be sourced from those hospital buildings that are to be demolished as a part of the wider redevelopment of the Severalls Hospital site. Within three months of the date of this permission, a scheme shall be submitted for the reclamation and safe storage of the materials and the reclaimed materials shall be stored in accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the repair and extensions works are carried out in accordance with the details submitted and to preserve the architectural character of the historic buildings and the setting of the Registered Park and Garden.

#### 8 - Non-Standard Condition/Reason

Prior to the commencement of any works (excluding those works required by condition 3), and notwithstanding the details submitted, additional drawings that show details of any proposed new windows (including roof lanterns), doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: Insufficient detail has been submitted to ensure that the architectural detailing safeguards special character of the historic buildings and the setting of the Registered Park and Garden.

#### 9 - Non-Standard Condition/Reason

Notwithstanding the detail submitted, additional drawings of the windows (above the first floor level) and balcony above first floor level in the Water Tower shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work on this building (excluding those works required by condition 3 and/or condition 10). The additional details shall demonstrate that no undue overlooking of private area of residential properties is created by this development.

Reason: In the interest of safeguarding the privacy of residential properties that will immediately surround the water tower.

#### 10 - Non-Standard Condition/Reason

Within one month of the boiler house and associated structures that abut the Water Tower being removed, a Scheme of Repair for the making good of the exposed and adjacent walling shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented within three months of the date of approval unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the architectural character of the Water Tower, a locally listed building and the setting of the Registered Park and Garden.

#### 11 - Non-Standard Condition/Reason

Prior to the removal of the existing structures that are attached to or abut the Administration Building, Larch House or the former ward blocks, a scheme for the making good of the adjoining surfaces which have been disturbed by the removal of existing structures and securing the relevant buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme of repair shall be implemented within one month from the date of the removal of the existing structures unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the architectural and historic character of the Administration Building, Larch House and the former ward blocks, the setting of the Registered Park and Garden and to ensure that the buildings are maintained in a wind and weather proof condition and are secure from unauthorised entry.

#### 12 - Non-Standard Condition/Reason

All existing trees shall be retained throughout the development construction phases (unless shown to be removed on the approved drawings) and all trees on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Tree Protections measures and recommendations set out in Tree Survey, Arboricultural Implication Assessment and Arboricultural Method Statement submitted by Hayden's Arboricultural Consultants dated 24/02/2016 Revision: C. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any of the retained trees die, are removed, 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..

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

#### 13 - \*Full Landscape Proposals TBA

Notwithstanding the details, no works shall take place until (other than required by conditions 3, 10 or 11) 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 (including that to the rear garden area of the Administration Building which shall be a minimum of 2.1m in height);
- 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.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- 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; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS

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 (but including communal gardens).

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.

#### 14 - Non-Standard Condition/Reason

If within a period of five years from the date of the planting of any tree or plant proposed under condition 13 (including a replacement tree or plant) is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless otherwise agreed in writing by the Local Planning. The tree or plant shall be planted within 3 months of felling/dying or if this period does not fall within the planting season (November to March) by 31 January in the next planting season.

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.

#### 15 - Non-Standard Condition/Reason

No works shall take place until a bat mitigation strategy and management plan (that shall be informed by an up- to- date bat survey) has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details and the bat mitigation strategy shall be carried out within six months of its approval unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of safeguarding bats, which are a protected species.

#### 16 - Non-Standard Condition/Reason

Development shall not commence until details of the proposed means of foul and surface water drainage, including details of the maintenance and management of any sustainable drainage system (SuDS), have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until drainage works have been constructed in accordance with the approved details.

Reason: To minimise the risk of flooding.

#### 17 - Non-Standard Condition/Reason

Development shall not commence until details of the proposed means of foul and surface water drainage, including details of the maintenance and management of any sustainable drainage system (SuDS), have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until drainage works have been constructed in accordance with the approved details.

Reason: To minimise the risk of flooding.

#### 18 - Non-Standard Condition/Reason

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of communal storage areas (including bin collection points) 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.

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

#### 19 - 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

#### 20 - 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

#### 21 - Contaminated Land Pt. 3 of 4 (Implementation of Approved Remediation)

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

#### 22 - 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 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, 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 21.

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



### 23 - Non-Standard Condition/Reason

No development shall commence, including any works of 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. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. access arrangements to and from the site by construction traffic
- iv. hours of operation
- v. storage of plant and materials used in constructing the development
- vi. the erection and maintenance of security hoarding
- vii. wheel washing facilities
- viii. measures to control the emission of dust and dirt during construction and/or demolition works and the transit of materials to / from the site
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.

### 24 - Non-Standard Condition/Reason

All lighting installed within the development hereby permitted (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the Colchester Borough Council's External Artificial Lighting Planning Guidance Note for zone; EZ2 rural, small village or dark urban areas and shall thereafter be retained and maintained in accordance with these guidelines.

Reason: To ensure adequate safeguarding of the amenity of nearby properties and prevent the undesirable, disruptive and disturbing effects of light pollution.

### 25 - Non-Standard Condition/Reason

Prior to the first occupation of any dwelling, parking spaces that are intended to serve that dwelling (as shown on approved plans) shall be made available for use of the occupants of that dwelling and their visitors. The garages and/or parking spaces shall thereafter be used solely for the benefit of the occupants of that dwelling or their visitors for the parking of vehicles and for no other purpose

Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

### 26 - Non-Standard Condition/Reason

Prior to the commencement of the development, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facilities shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided and in the interest creating a development that exploits opportunities for the use of sustainable transport modes for the movement people.

#### 27 - Non-Standard Condition/Reason

Prior to the occupation of the water tower, the storage unit shown on drawing no. 3412-KLH-0115 P02 shall be fitted with a secure cycle storage device, which shall previously been agreed in writing by the Local Planning Authority and made available for the exclusive use of the occupier of the water tower. The cycle storage device shall be implemented as agreed prior to the occupation of the water tower and thereafter retained in the approved form unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that that the occupiers of the water tower are provided with adequate facilities for the storage of refuse and recycling.

#### 28 - Removal of PD for All Residential Extensions & Outbuildings

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

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

#### 29 - Non-Standard Condition/Reason

Notwithstanding the provisions of Class A of Part 2 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 fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of protecting the setting of designated and non-designated heritage assets, in the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

#### 30 - \*Removal of PD for Windows Above Ground Floor Level

Notwithstanding the provisions of Classes A, B and C 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 windows, rooflights or other openings shall be installed above ground floor level unless otherwise approved, in writing, by the Local Planning Authority.

Reason: In the interest of protecting the setting of designated and non-designated heritage assets and in the interest of protecting the privacy of adjacent dwellings.

#### 31 - Non-Standard Condition/Reason

Notwithstanding the provisions of Class H 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 satellite dish shall be erected on the buildings unless otherwise approved, in writing, by the Local Planning Authority.

Reason: In the interest of protecting the setting of designated and non-designated heritage assets and in the interest of protecting the privacy of adjacent dwellings.

### 32 - Non-Standard Condition/Reason

Notwithstanding the provisions of Part 14 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 microgeneration solar PV or solar thermal equipment shall be erected on the buildings unless otherwise approved, in writing, by the Local Planning Authority.

Reason: In the interest of protecting the setting of designated and non-designated heritage assets and in the interest of protecting the privacy of adjacent dwellings.

### 19.0 Informatives

#### (1) **ZT0 – Advisory Note on Construction & Demolition**

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

#### (3) **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. Please pay particular attention to these requirements.

### Listed Building 160148

#### 1 - Time Limit for LBCs

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

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

#### 2 - Only Works Shown Within Application

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved, in writing, by the Local Planning Authority prior to any works commencing.

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

### 3 - Non-Standard Condition/Reason

Within one month of the date of this consent, a Schedule of Works required to ensure the proper preservation of the Administration Building (including making them wind and weathertight and secure from unauthorised entry) shall be submitted to and approved in writing by the Local Planning Authority. The approved Schedule of Works shall be implemented within three months of the date of its approval. Following the completion of the approved Schedule of Works, the retained buildings shall thereafter be inspected annually (starting from the August 2017) and a Condition Report (outlining any required maintenance or repair works for the preservation of the retained buildings) shall be submitted to and approved in writing by the Local Planning Authority. Any repair or maintenance works identified in the annual Condition Report shall be undertaken within one month of its approval by the Local Planning Authority.

Reason: The Administration Building is at immediate risk of deterioration and unauthorised entry making the buildings vulnerable to vandalism.

### 4 - Building Recording

Prior to the commencement of any works, an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the building concerned. This record shall be carried out by an archaeologist or building recorder, or an organisation with acknowledged experience in the recording of standing buildings who shall have previously been agreed, in writing, by the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has previously been agreed, in writing, with the Local Planning Authority.

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

### 5 - Hitherto unknown

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

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

### 6 - Non-Standard Condition/Reason

Prior to the commencement of any works (with the exception of the works required by condition 3), a full schedule of repair works relating to both the interior and exterior of this building shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be implemented in accordance with agreed details.

Reason: To safeguard the architectural and historic character of the Administration Building and to ensure that the buildings continue to make a positive contribution to the setting of the registered historic park and garden following their refurbishment.

### 7 - Non-Standard Condition/Reason

Materials required for the repair and making good of the buildings shall match the existing and shall be sourced from reclaimed materials from the former hospital buildings that are to be demolished as a part of the wider redevelopment of the Severalls Hospital site.

Reason: In order to preserve the architectural character of the historic buildings and the setting of the Registered Park and Garden.

#### 8 - Non-Standard Condition/Reason

Prior to the commencement of any works (excluding those required by condition 3), additional drawings that show details of any proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 9 - Non-Standard Condition/Reason

Prior to the removal of the existing structures that are attached to or abut the Administration Building removed, a Scheme of Repair for the making good of the exposed and adjacent walling shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented within three months of the date that the Scheme of Repair is approved by the Local Planning Authority.

Reason: To protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### 10 - Non-Standard Condition/Reason

Prior to the commencement of any works (excluding those required by condition 3), full details of the partition proposed to subdivide existing rooms (include their height) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the agreed details.

Reason: Insufficient information has been submitted to ensure that the proposed works do not have a detrimental impact on the special interest of this grade II listed building which includes the internal spatial quality of existing rooms.

### 19.0 Informatives

#### (1) ZT0 – Advisory Note on Construction & Demolition

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

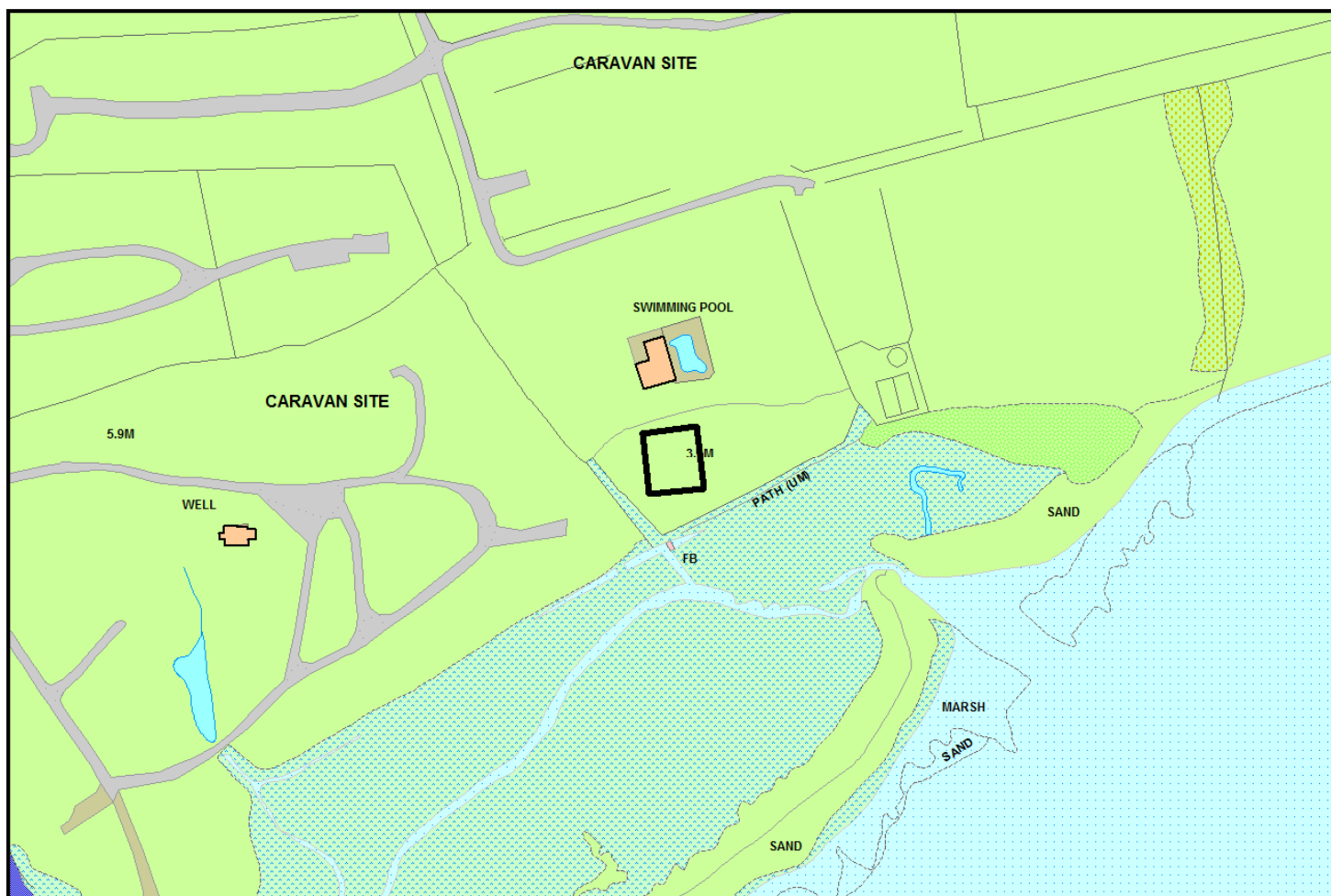
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

#### (3) 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. Please pay particular attention to these requirements.

## **20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**Application No:** 160915

**Location:** Cosways Holiday Park, Fen Lane, East Mersea, Colchester, CO5 8UB

**Scale (approx):** 1:1250

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#### 7.4 Case Officer: Ishita Sheth

## OTHER

**Site:** Cosways Holiday Park, Fen Lane, East Mersea, Colchester, CO5 8UB

**Application No:** 160915

**Date Received:** 18 April 2016

**Agent:** Mr Andrew Dowell, Bilfinger LPA

**Applicant:** Mr Carl Castledine

**Development:** Planning application to amend location and provide full details of children's playground approved by planning permission 151231.

**Ward:** Pyefleet

**Summary of Recommendation:** Conditional Approval

### 1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Davidson for the following reason:

Impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance to the adjacent mobile home park & residents who have bought homes within this park.

These two East Mersea caravan parks have a unique USB with their reputation as quiet parks rather than an 'entertainment venue'.

The proposed site is within an area rated as a risk to the SSI site and therefore the local environmental habitat.

- 1.2 The Councillor wishes to call this application in if the officer is recommending approval.

### 2.0 Synopsis

- 2.1 The key issues explored below are whether the proposed play area is acceptable in principle and satisfies national and borough policies.

### 3.0 Site Description and Context

- 3.1 Cosways Holiday Park, which has been renamed as Mersea Island Holiday Park is located in East Mersea with access off the East Mersea Road. The application site, the subject of this application is a part of the wider caravan site. It is located to the south of the existing club house and open swimming pool area on the wider site, along the frontage close to the water.



## **4.0 Description of the Proposal**

- 4.1 The proposal seeks to provide a children's play area within the application site to serve the wider caravan site. 5 Nos. play equipment are proposed to be provided within the proposed children's play area comprising of a seagull springer, nest swing, stilts course, infinity bowl and a 'varioset anrsberg' (unit including a climbing ramp, ramp ascent, balancing rope, slide and fireman's pole – all situated around a viewing platform)

## **5.0 Land Use Allocation**

- 5.1 The land is shown as an area of countryside.

## **6.0 Relevant Planning History**

- 6.1 Application 132233 for Use of land for the stationing of static holiday caravans and children's play area was approved in January 2014. Condition No. 4 of the consent required the submission of the details of the play area and for the approved details to be implemented. The originally proposed play area has not been provided as yet in the location proposed. The applicant seeks to provide a play area for the wider site in a different location which is as proposed in this application.
- 6.2 The application site which is the subject of this application did not form a part of the application site that was approved under Application 132233 and therefore the current proposal is a separate application for full planning permission for a play area for the wider caravan site.

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
SD2 - Delivering Facilities and Infrastructure  
SD3 - Community Facilities  
UR1 - Regeneration Areas  
UR2 - Built Design and Character  
ENV1 - Environment  
ENV2 - Rural Communities

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP9 Employment Uses in the Countryside  
DP10 Tourism, Leisure and Culture  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes  
DP23 Coastal Areas

- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

East Mersea Village Plan and Design Statement

## **8.0 Consultations**

- 8.1 Environmental Health - Are aware of concerns from residents of the nearby Fen Farm site regarding noise disturbance from the proposed play area and have recently received a complaint regarding noise from children playing on an inflatable castle and other inflatable equipment located, on the proposed site of the play area.

However, also accept that the site is a holiday park and the proposed location is preferred so that parents can use the clubhouse facilities whilst their children are nearby. We note that there is already seating outside the clubhouse and an open-air swimming pool adjacent.

In order to minimise any impact make the following recommendations:-

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.

The age level of equipment provided is restricted to that included within the application, i.e. for very young children only.

The hours of use are restricted to reasonable hours (we understand that the adjacent Fen Farm play area is only open between 08:30 and either 21:30 or dusk, whichever is sooner).

The play area is not illuminated.

Also recommend that the play area is located as far from the boundary with the adjacent site as possible.

## **9.0 Parish Council Response**

- 9.1 The Parish Council have raised objection to the proposal based on the two main issues – noise and privacy.

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

## **10.0 Representations**

- 10.1 Responses have been received from one resident of Fen Farm and two owners of the same caravan of the application site. Response has been received from a Solicitor on behalf of the owner of Fen Farm Holiday Park. Petition has been submitted by some residents of the Fen Farm Holiday Park objecting to the proposal.
- 10.2 The main concerns and objection raised by these responses are:
1. Noise issues – high noise levels when bouncy castle was erected for a temporary period in this location; proposed play area would be open for much longer.
  2. Loss of amenity and privacy issues.
  3. Already too much noise generated by clubhouse and outdoor film shows.
  4. Concerns about the applicant's intention to provide a decked area between the clubhouse and play area – especially this land previously being a reed bed.
  5. Wildlife implications in respect of the reed bed along southern boundary.
  6. Flood Risk issues
  7. Alternative siting available within the site; could be sited within the playing fields.
  8. Presumptuous of the Agent to state that occupiers of the caravans near the proposed site are used to and accept certain levels of noise from the clubhouse and the swimming pool.
  9. Erection of the play area detracts from the view.
  10. Play area would be visible from the coastline, introducing a visually obtrusive incongruous development negatively impacting on the surrounding landscape.
  11. Applicant intends to apply for extended licence for clubhouse till midnight.
  12. Objects to the discharge of condition application 160694.
  13. The scale of the images of the proposed play equipment is not stated anywhere on the drawing; the impact of these cannot therefore be assessed.
  14. The proposed platform of the play equipment would enable some of the children to directly look into some of the caravans and/or gardens of the neighbouring caravan park.
  15. The works commenced without planning consent.
  16. The proposed play area would spoil the peace and tranquillity of the Fen Farm caravan park.
- 10.3 Subsequently, a re-consultation was carried out as further details were submitted on the play equipment. Following further comments were received:
1. Welcomes the provision of further details. However still maintains the previous objections.
  2. No attempt was made to consult the neighbouring caravan park by the applicant.
  3. A good number of residents of the applicant caravan park also object to the proposal but are afraid to voice their opinion.

4. Character of this peaceful East Mersea part will be lost.

- 10.4 A support letter has been submitted by the applicant's agent providing responses to the objections. A petition has also been submitted by the applicant signed by the 112 holiday guests at the application site to support the play area.

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

- 11.1 The proposal has no implications for car parking provision.

## **12.0 Open Space Provisions**

- 12.1 There is no specific policy relating to open space. However, this application is for a play area/open space.

## **13.0 Air Quality**

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

## **14.0 Development Team and Planning Obligations**

- 14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Policy Issues

- 15.1 The NPPF recognises that planning policies should support economic growth in rural areas this includes support for sustainable rural tourism and leisure developments such support include supporting the provision and expansion of tourist visitor facilities in appropriate locations.
- 15.2 Policy DP10 of the Development Policies states that Development for new and extended visitor attractions, leisure and cultural facilities, along with visitor accommodation will be supported in suitable locations. In rural areas, location for tourism, leisure and culture development should help to support existing local community services and facilities. The proposal must be compatible with the rural character of the surrounding area and avoid causing harm to the open nature of the countryside or designated sites.
- 15.3 Proposals for tourism, leisure and culture development must not cause significant harm to the amenity of people living and working nearby.

- 15.4 The proposal relates to the provision of a play area on an area of land within the caravan site. It is considered that the provision of a play area within a caravan park would be compatible with the existing use of the site and its provision as such would not be objectionable.
- 15.5 It is noted that objections have been received in respect of the proposed play area for reasons pertaining to noise issues from its use. However, the proposed play area is located within a caravan park where such facilities would be expected. Furthermore, the proposed play area is located to the south of the existing club house (with an outdoor swimming pool). The proposed play area would be in proximity to an area already used for congregation of people inclusive of children. The provision of 5 Nos. play equipment and its use is not considered to significantly increase in noise issues. This is reflected in Environmental Health Officer comments not objecting to the proposal. Significant objections have been received from the neighbouring Fen Farm caravan park in respect of the proximity of the play area to the caravans on their land and the noise issues from the play area. However, it should be noted that the proposed play area would be located at least some 20 m from the western boundary of the application site; the party wall boundary with this neighbouring site. It is considered that this level of buffer from the play area is adequate to mitigate any potential noise issues.
- 15.6 The Environmental Health Officer has recommended a condition in respect of limitation of hours on the play area. However, it is considered that such restriction would not be enforceable and it is not considered that the imposition of such a condition would be appropriate in this instance. It should be also noted that the play area would most likely be used in good weather and when there is relatively adequate daylight. This is another reason why the imposition of such a condition is not considered necessary.
- 15.7 Concerns have also been raised in respect of privacy issues from the play equipment. The only equipment that the kids could stand on is a platform area on the Multiplay. This is some 1.45m high and located some 20 m from the party wall boundary with the neighbouring caravan park. Under the circumstances, it is not considered that any privacy issues will arise from the provision of the play equipment.
- 15.8 Furthermore, it is not considered that the provision of 5 Nos. play equipment will significantly detrimentally alter the character of the area especially in the context of the existing use and the proximity to the clubhouse.
- 15.9 Concerns have been raised about too much noise generated by clubhouse and outdoor film shows. The clubhouse is existing and the outdoor film shows cannot be controlled under Planning legislation.
- 15.10 Concerns have also been raised about the applicant's intention to provide a decked area between the clubhouse and play area. However, such works would need consent and do not form part of this planning application.
- 15.11 There have been suggestions of alternative locations for the play area. However, the proposal is for this particular area and the application has to be considered on this basis.

15.12 There are no wildlife or coastal area implications or flood risk issues from the proposal.

## **16.0 Conclusion**

16.1 The proposal is considered acceptable and the proposal is recommended for APPROVAL.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions

## **18.0 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 3842-501, 3842-502 and 3842-500 Rev C.

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

### **3 - Non-Standard Condition/Reason**

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.

### **4 - Non-Standard Condition/Reason**

No additional play equipment other than what has been proposed as a part of this application shall be installed within the proposed play area without the prior consent of the Local Planning Authority.

Reason: To ensure that the proposed development hereby permitted is not detrimental to the amenity of the area and/or nearby residents.

## **19.0 Informatives**

### **(1) ZT0 – Advisory Note on Construction & Demolition**

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **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. Please pay particular attention to these requirements.

## **20.0 Positivity Statement**

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.







**Application No:** 161249

**Location:** 11 Wordsworth Road, Colchester, CO3 4HR

**Scale (approx):** 1:1250

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**7.5 Case Officer: Eleanor Moss****OTHER**

**Site:** 11 Wordsworth Road, Colchester, CO3 4HR

**Application No:** 161249

**Date Received:** 16 May 2016

**Applicant:** Mr Philip Wise

**Development:** Interpretation panel mounted on a single post containing general historical information and logos. Situated in Lexden Mount, a scheduled ancient monument.

**Ward:** Prettygate

**Summary of 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 a member of staff at Colchester Borough Council.

**2.0 Synopsis**

2.1 The key issues explored below are the impact upon the scheduled ancient monument, residential amenity and surrounding area. The proposal is considered to have a minimal impact and as such is acceptable.

**3.0 Site Description and Context**

3.1 The application site contains a barrow which is a circular burial mound that dates back to the Roman period. This Roman Barrow is known as the Lexden Mount, this is part of the Iron Age Territorial Oppidum and Roman Town of Camulodunum. The mount is of high significance, in terms of heritage and archaeological importance.

**4.0 Description of the Proposal**

4.1 This application seeks advertisement consent for the erection of an interpretation panel containing general historical information. The proposal measures approximately 0.9 metres high and will be mounted on a single post.

**5.0 Land Use Allocation**

5.1 Open space

**6.0 Relevant Planning History**

6.1 N/A

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character  
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP14 Historic Environment Assets

7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

- The Essex Design Guide

## **8.0 Consultations**

8.1 Tree Officer – Recommended a hand dig condition which will be incorporated as part of any planning consent.

8.2 Archaeological Officer – Recommended implementation of a programme of archaeological work is submitted prior to any works being carried out on site.

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

## **9.0 Parish Council Response**

9.1 Non-Parished

## **10.0 Representations**

10.1 None received at the time of writing

## **11.0 Parking Provision**

11.1 N/A

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

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

## **14.0 Development Team and Planning Obligations**

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design:

15.1 The interpretation board would be mounted on a lectern-style panel, which would require a single post to be set into the ground. It is considered that the interpretation board is appropriately designed and does not conflict with setting of the scheduled ancient monument. It is considered that the board is appropriately designed for the character of the site and its setting and as such the proposal would lead to less than substantial harm to this designated heritage asset. The panel would also provide public benefits in that the remains of the monument would be accessible and interpreted to members of the public that use the adjacent track and woodland. The proposal would accord with the NPPF, Core Strategy UR1 and Development Plan Policies DP1 and DP14.

### Impact upon amenity:

15.2 The proposal is sited adjacent to a footpath. The panel is located within the site and they would not have an adverse effect on other users of the land.

### Impact upon surrounding area:

15.3 It is considered that the development would not adversely affect the key landscape features and qualities of the area.

## **16.0 Conclusion**

16.1 The proposal is considered to be acceptable.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions

## **18.0 Conditions**

### **1 - Standard Advert Condition**

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted location plan and drawing number DLB/CBC/pedestal/001.

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

### **3 - Non-Standard Condition/Reason**

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

#### 4 - Non-Standard Condition/Reason

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

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

### 19.0 Informatives

#### (1) **ZT0 – Advisory Note on Construction & Demolition**

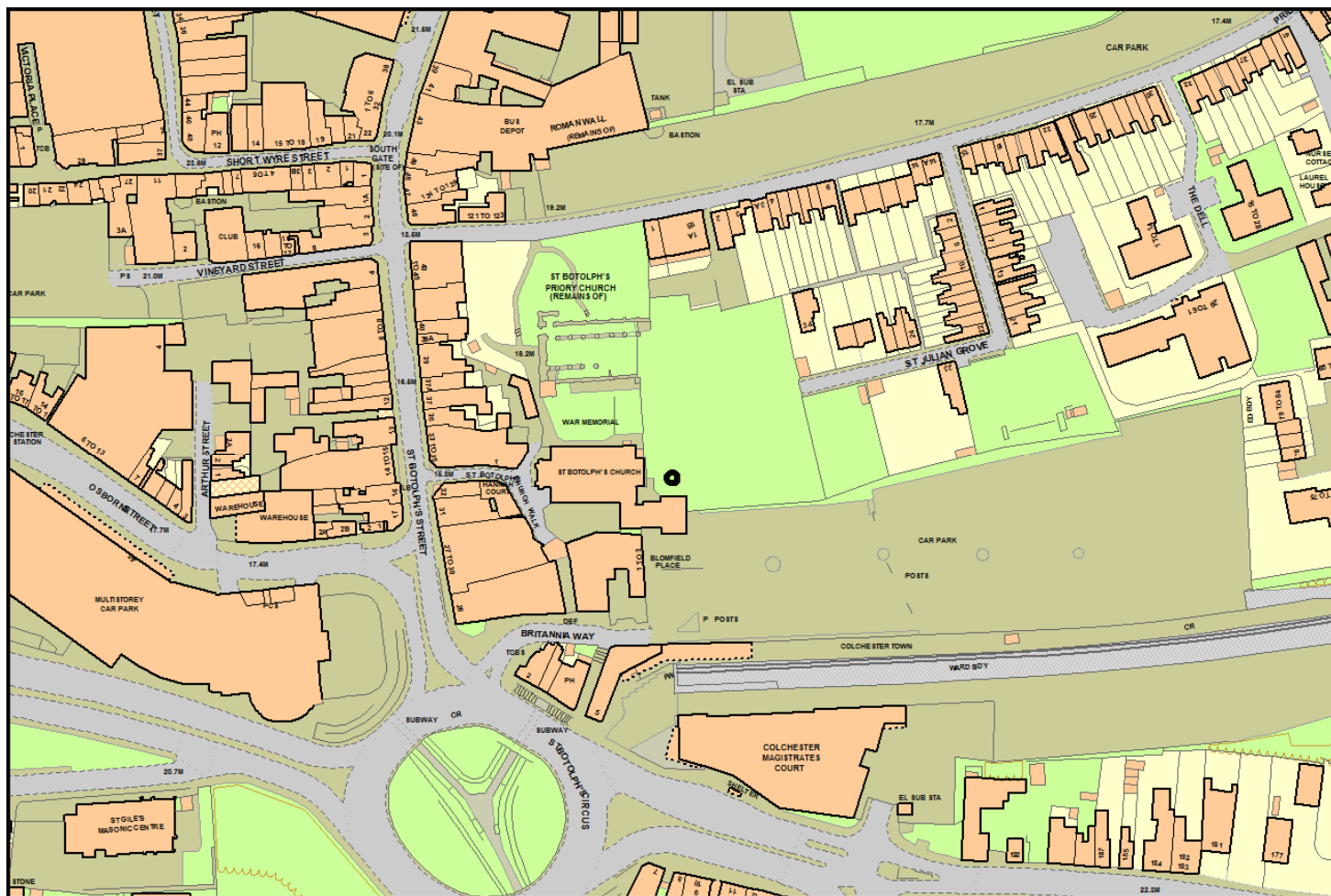
The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) 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>

### 20.0 Positivity Statement

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**Application No:** 161253

**Location:** St Botolphs Priory, Priory Street, Colchester

**Scale (approx):** 1:1250

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**7.6 Case Officer: Eleanor Moss****OTHER**

**Site:** St Botolphs Priory, Priory Street, Colchester

**Application No:** 161253

**Date Received:** 16 May 2016

**Applicant:** Mr Philip Wise

**Development:** Interpretation panel mounted on a single post containing general historical information and logos. Situated in St Botolph's Priory, a scheduled ancient monument.

**Ward:** Castle

**Summary of 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 a member of staff at Colchester Borough Council.

**2.0 Synopsis**

- 2.1 The key issues explored below are the impact upon the scheduled ancient monument, residential amenity and surrounding area. The proposal is considered to have a minimal impact and as such is acceptable.

**3.0 Site Description and Context**

- 3.1 St Botolph's Priory is located within the Town Centre and is a designated scheduled ancient monument. St Botolph's Priory is the earliest foundation of Augustinian Canons in England. The application site is adjacent to Priory Church which is a Grade I Listed Building.

**4.0 Description of the Proposal**

- 4.1 This application seeks planning permission for the erection of an interpretation panel containing general historical information. The proposal measures approximately 0.9 metres high and will be mounted on a single post.

**5.0 Land Use Allocation**

- 5.1 Open space

**6.0 Relevant Planning History**

- 6.1 N/A



## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character  
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP14 Historic Environment Assets

7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

The Essex Design Guide

## **8.0 Consultations**

8.1 The Archaeological officer has provided a consultation response which will be discussed below.

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

## **9.0 Parish Council Response**

9.1 Non-Parished

## **10.0 Representations**

10.1 None received at the time of writing

## **11.0 Parking Provision**

11.1 N/A

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

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

## **14.0 Development Team and Planning Obligations**

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design:

15.1 The interpretation board would be mounted on a lectern style panel, which would require a single post to be set into the ground. It is considered that the interpretation board is appropriately designed and does not conflict with setting of the scheduled ancient monument or Listed Building. It is considered that the board is appropriately designed for the character of the site and its setting and as such the proposal would lead to less than substantial harm to this designated heritage asset. The panel would also provide public benefits in that the remains of the monument would be accessible and interpreted to members of the public that use the adjacent car park and pedestrian routes. The proposal would accord with the NPPF, Core Strategy UR1 and Development Plan Policies DP1 and DP14.

### Impact upon amenity:

15.2 The proposal is sited adjacent to a car park. The panel is located within the site and they would not have an adverse effect on other users of the land, car park or road.

### Impact upon surrounding area:

15.3 It is considered that the development would not adversely affect the key landscape features and qualities of the area.

### Archaeology:

15.4 The Archaeological Officer has been consulted as part of the determination process who has provided the following response:

*The proposed development is located within an area of archaeological importance, recorded in the Colchester UAD, with the precinct of St Botolph's Priory (UAD no. MCC425). This application is located in a designated heritage asset (Scheduled Monument No 1013764, St Botolph's Augustinian Priory). Designated heritage assets are protected under a number of Acts of Parliament, principally the Ancient*

*Monuments and Archaeological Areas Act 1979. Historic England must be consulted and SM consent will be required for this proposal.*

*There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.*

- 15.5 The Archaeological Officer recommendation will be conditioned as part of any planning consent.

## **16.0 Conclusion**

- 16.1 The proposal is considered to be acceptable.

## **17.0 Recommendation**

- 17.1 APPROVE subject to the following conditions

## **18.0 Conditions**

### **1 - Standard Advert Condition**

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **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 References St Botolph's Panel, DLB/CBC/pedestal/001 and proposed location plan.

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

### 3 - Non-Standard Condition/Reason

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Councils Core Strategy (2008).

## 19.0 Informatives

### (1) ZT0 – Advisory Note on Construction & Demolition

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) 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>

## 20.0 Positivity Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**Application No:** 161256

**Location:** Land adjacent, 62 Dugard Avenue, Colchester, CO3 9EL

**Scale (approx):** 1:1250

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**7.7 Case Officer: Eleanor Moss****OTHER**

**Site:** 62 Dugard Avenue, Colchester, CO3 9EL

**Application No:** 161256

**Date Received:** 16 May 2016

**Applicant:** Mr Philip Wise

**Development:** Interpretation panel mounted on a single post containing general historical information and logos. Situated in Gryme's Dyke, a scheduled ancient monument.

**Ward:** Prettygate

**Summary of Recommendation:** Conditonal Approval

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

- 1.1 This application is referred to the Planning Committee because the applicant is a member of staff at Colchester Borough Council.

**2.0 Synopsis**

- 2.1 The key issues explored below are the impact upon the scheduled ancient monument, residential amenity and surrounding area. The proposal is considered to have a minimal impact and as such acceptable.

**3.0 Site Description and Context**

- 3.1 The application site relates to the scheduled ancient monument of Gryme's Dyke Middle. This monument is part of the Iron Age Territorial Oppidum and Romano-British Town of Camulodunum.

**4.0 Description of the Proposal**

- 4.1 This application seeks advertisement consent for the erection of an interpretation panel containing general historical information. The proposal measures approximately 0.9 metres high and will be mounted on a single post.

**5.0 Land Use Allocation**

- 5.1 Open space

**6.0 Relevant Planning History**

- 6.1 N/A

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character  
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP14 Historic Environment Assets

7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

The Essex Design Guide

## **8.0 Consultations**

8.1 Tree Officer – Recommended a hand dig condition which will be incorporated as part of any planning consent.

8.2 Archaeological Officer – Recommended implementation of a programme of archaeological work is submitted prior to any works being carried out on site.

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

## **9.0 Parish Council Response**

9.1 Non-Parished

## **10.0 Representations**

10.1 None received at the time of writing

## **11.0 Parking Provision**

11.1 N/A

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

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

## **14.0 Development Team and Planning Obligations**

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design:

15.1 The interpretation board would be mounted on a lectern-style panel, which would require a single post to be set into the ground. It is considered that the interpretation board is appropriately designed and does not conflict with setting of the scheduled ancient monument. It is considered that the board is appropriately designed for the character of the site and its setting and as such the proposal would lead to less than substantial harm to this designated heritage asset. The panel would also provide public benefits in that the remains of the monument would be accessible and interpreted to members of the public that use the adjacent track and woodland. The proposal would accord with the NPPF, Core Strategy UR1 and Development Plan Policies DP1 and DP14.

### Impact upon amenity:

15.2 Gryme’s Dyke is sited adjacent to Dugard Avenue and Peartree Road. The panel is located within the site and it would not have an adverse effect on other users of the land or road.

### Impact upon surrounding area:

15.3 It is considered that the development would not adversely affect the key landscape features and qualities of the area



## **16.0 Conclusion**

16.1 The proposal is considered to be acceptable.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions

## **18.0 Conditions**

### **1 - Standard Advert Condition**

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted location plan and drawing number DLB/CBC/pedestal/001.

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

### **3 - Non-Standard Condition/Reason**

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

- a. The programme and methodology of site investigation and recording.
- b. Provision to be made for analysis of the site investigation and recording.
- c. Provision to be made for reporting, publication and dissemination of the analysis and records of the site investigation.
- d. Provision to be made for archive deposition of the analysis and records of the site investigation.
- e. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

f. The scheme of investigation shall be completed as agreed and approved in writing by the Local Planning Authority.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

## **19.0 Informatives**

### **(1) ZT0 – Advisory Note on Construction & Demolition**

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) 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>

## **20.0 Positivity Statement**

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.



**Application No:** 161259

**Location:** GO4 Market / Cafe, Holy Trinity Church, Trinity Street, Colchester, CO1 1JN

**Scale (approx):** 1:1250

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**7.8 Case Officer: Eleanor Moss****OTHER**

**Site:** GO4 Market.Cafe, Holy Trinity Church, Trinity Street, Colchester, CO1 1JN

**Application No:** 161259

**Date Received:** 16 May 2016

**Applicant:** Mr Philip Wise

**Development:** Interpretation panel mounted on churchyard railings containing general historical information and logos. Tactile and braille elements are also included. Situated near Grade I Listed former church building.

**Ward:** Castle

**Summary of 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 a member of staff at Colchester Borough Council.

**2.0 Synopsis**

2.1 The key issues explored below are the impact upon the listed building, residential amenity and surrounding area. The proposal is considered to have a minimal impact and as such acceptable.

**3.0 Site Description and Context**

3.1 The application site is adjacent to Holy Trinity Church which is a Grade I Listed Church. Holy Trinity is surrounded by a churchyard, containing a number of memorials.

**4.0 Description of the Proposal**

4.1 This application seeks advertisement consent for the erection of an interpretation panel containing general historical information. The proposal measures approximately 0.9 metres high and will be mounted on a single post.

**5.0 Land Use Allocation**

5.1 Open space

**6.0 Relevant Planning History**

6.1 N/A

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character  
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP14 Historic Environment Assets

7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

The Essex Design Guide

## **8.0 Consultations**

8.1 Historic Buildings Officer - The panel would be intentionally visible in conjunction with the church. However, I do not consider that its appearance would be harmful. Its presence would add to the public's appreciation of the building. The work would be readily reversible.

8.2 Archaeological Officer – No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. I have no objection to this application.

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

## **9.0 Parish Council Response**

9.1 Non-Parished

## **10.0 Representations**

10.1 None received at the time of writing

## **11.0 Parking Provision**

11.1 N/A

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

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

## **14.0 Development Team and Planning Obligations**

14.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design:

15.1 The interpretation board would be mounted on a lectern style panel, which will require a single post to be set into the ground. It is considered that the interpretation boards is appropriately designed and does not conflict with setting of the scheduled ancient monument. It is considered that the board is appropriately designed for the character of the site and its setting and as such the proposal would lead to less than substantial harm to this designated heritage asset. The panel would also provide public benefits in that the Grade I listed church would be accessible and interpreted to members of the public that use the footpath. The proposal would accord with the NPPF, Core Strategy UR1 and Development Plan Policies DP1 and DP14.

### Impact upon amenity:

15.2 The proposal is sited adjacent to a public footpath. The panel is located within the site and they would not have an adverse effect on other users of the land.

### Impact upon surrounding area:

15.3 It is considered that the development would not adversely affect the key landscape features and qualities of the area.

## **16.0 Conclusion**

16.1 The proposal is considered to be acceptable.

## **17.0 Recommendation**

17.1 APPROVE subject to the following conditions

## **18.0 Conditions**

### **1 - Standard Advert Condition**

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

### **2 - \*Development to Accord With Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted location plan and drawing number DLB/CBC/pedestal/001.

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

## **19.0 Informatives**

### **(1) ZT0 – Advisory Note on Construction & Demolition**

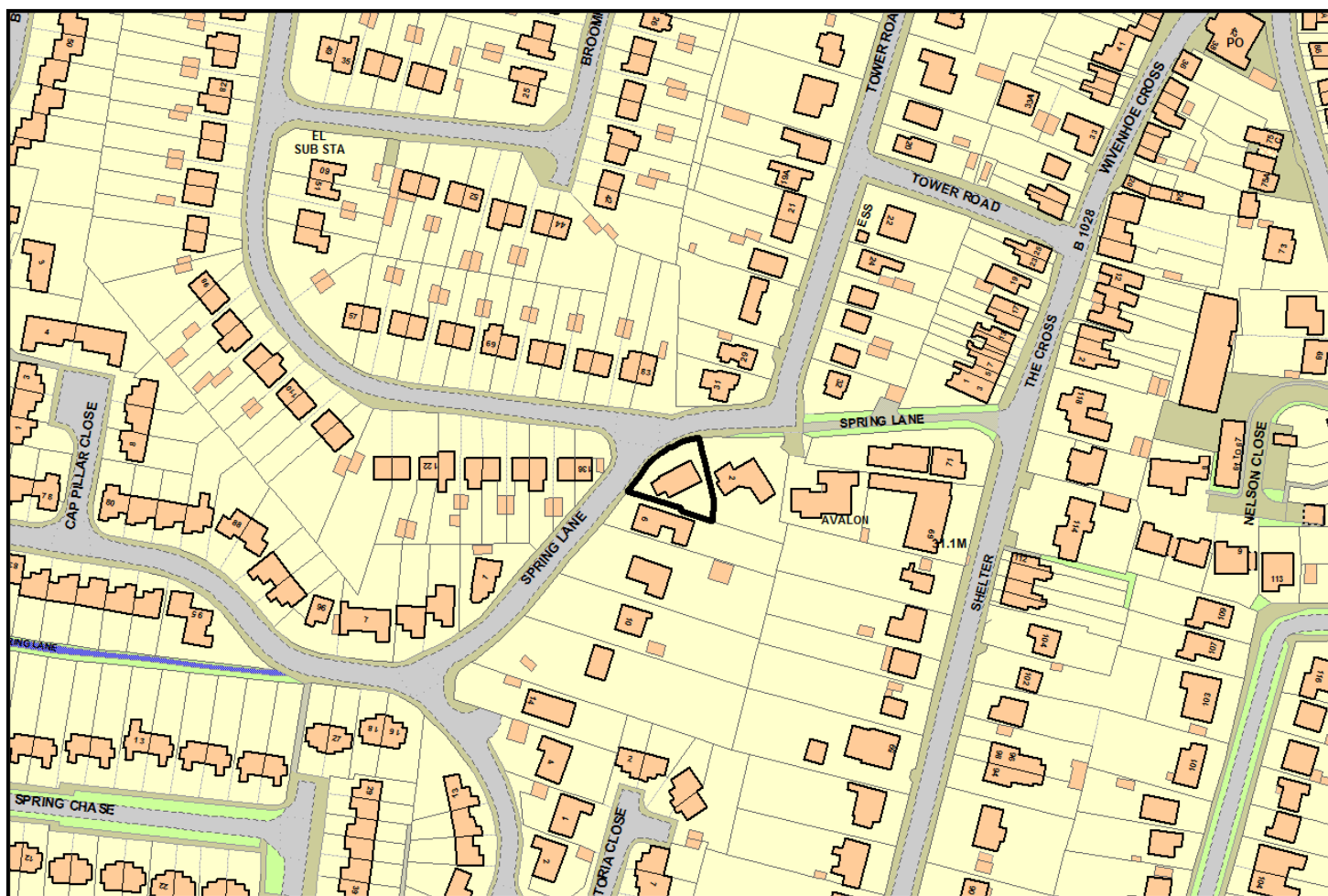
The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

## **20.0 Positivity Statement**

- 20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.





**Application No:** 161366  
**Location:** 4 Spring Lane, Wivenhoe, CO7 9QD  
**Scale (approx):** 1:1250

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**7.9 Case Officer: Chris Harden**

**Due Date: 09/08/2016**

**HOUSEHOLDER**

**Site:** 4 Spring Lane, Wivenhoe, CO7 9QD

**Application No:** 161366

**Date Received:** 14 June 2016

**Agent:** Mr David Collins, Drawing Up Plans

**Applicant:** Mr Sam Howard

**Development:** Side extension to single storey dwelling

**Ward:** Wivenhoe

**Summary of Recommendation:** Conditional Approval

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

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Rosalind Scott who has concerns about the loss of parking provision, that the bungalow is already large for the plot and that there is almost no gap between this and the neighbouring property.

### **2.0 Synopsis**

- 2.1 The key issues explored below are the design, scale and form of the extension, whether the proposal is an overdevelopment of the site, the extent of parking provision and any impact upon neighbouring residential amenity. In this case it is considered that the design, scale and form of the extension relates satisfactorily to the character of the existing dwelling and would not be detrimental to the character of the street scene. It is considered that the proposal would not represent an overdevelopment of the site. Adequate amenity space would be retained and the extension would not represent a cramped form of development. In terms of parking provision, a revised block plan has been submitted which shows adaptations to part of the front garden area to allow the provision of two parking spaces that would meet current parking standards. Parking provision is therefore considered adequate. It is also considered that there would not be any significant detriment to neighbouring residential amenity owing to the single storey scale of the extension and the overall distance from the neighbouring property.

### **3.0 Site Description and Context**

- 3.1 The site lies within the physical limits of Wivenhoe and contains a single storey dwelling that has neighbouring properties either side. It is close to a junction and has an existing attached garage and some hard surfaced parking area in front.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the erection of a single storey side extension to provide a kitchen and WC/Utility room. This would result in the loss of the existing attached garage (4.7 m x 2.9 m internally). A revised block plan has been submitted to show the provision of two parking spaces at the front of the site, by increasing the extent of hard surfacing. The access kerb would also need to be lowered a bit to allow this provision.

## **5.0 Land Use Allocation**

- 5.1 Within the Physical Limits.

## **6.0 Relevant Planning History**

- 6.1 There have been no relevant recent planning applications relating to the site.

## **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP19 Parking Standards

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Vehicle Parking Standards  
Sustainable Construction  
Extending Your House?  
The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

- 8.1 Highway Authority states: “The current garage does not accord with current policy standard dimensions and as such is not recognised as a parking space. The site already benefits from a vehicle access and the proposed plans show two vehicles being accommodated on-site.  
In this regard the Highway Authority does not wish to submit a formal recommendation.”

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

## **9.0 Parish Council Response**

- 9.1 The Parish Council have stated “No material planning objections apart from loss of permeable land. Members assumed that the proposal conforms to permitted development.”

## **10.0 Representations**

- 10.1 No letters of objection or support have been received.
- 10.2 Councillor Rosalind Scott states: “The bungalow is already very large for the site it is on. There is almost no gap between this and the property next door.  
There is a parking issue in the street and on this corner the bungalow faces onto a T junction.  
This development removes the two parking bays and garage, all of which are in constant use including during the day so there would be at least two more vehicles parked in an already packed street.”
- 10.3 Head of Environmental Protection suggests the following Contaminated Land Informative: The applicant is advised that the site to which this planning permission relates is recorded as being within 100 metres of filled land (“Vanessa Drive”). Prior to commencement of the permitted development the applicant is therefore advised to satisfy themselves that there are no unacceptable risks to the permitted development from any ground gases. Where appropriate, this should be considered as a part of the design of the foundations (and may be required under Building Regulations). As a minimum, any ground gas protection measures should equal those in the main building and not compromise the effectiveness of existing gas protection measures.  
Reason: The site lies within 100m of a former (or suspected) landfill site and Environmental Protection wish to ensure that development only proceeds if it is safe to

do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.

The full text of all of the representations received is available to view on the Council's website.

## **11.0 Parking Provision**

- 11.1 Two spaces 2.9 m x 5.5 m.

## **12.0 Open Space Provisions**

- 12.1 Not applicable.

## **13.0 Air Quality**

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

## **14.0 Development Team and Planning Obligations**

- 14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design, Scale, Form and Layout

- 15.1 It is considered that the design, scale and form of the extension would relate well to the character of the existing dwelling and would not visually detract from the character of the street scene. The extension would be slightly recessive to the existing dwelling, being slightly lower and its form, fenestration and use of materials would ensure that it would not be out of keeping with the character of the existing dwelling. In addition, it is not considered that the extension would represent a cramped overdevelopment of the site as there would still be gaps to the boundary on either side of the dwelling as well as satisfactory sized space in front of and behind the resultant dwelling.

### Impact upon neighbouring residential amenity.

- 15.2 It is considered that there would not be any significant detriment to neighbouring residential amenity owing to the single storey scale of the extension and the overall distance from the neighbouring property. There would still be around a 1 metre gap to the side boundary to the South and the neighbouring property is also approximately 2 metres from the boundary. Accordingly the proposed single storey extension would not appear overbearing on the outlook of neighbours.

- 15.3 Similarly, there are no concerns regarding loss of light to the neighbouring property owing to the scale of the extension and the fact that there is some distance from the side of the neighbouring property. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide and the Extending Your House SPD. As this is a single storey extension, it is not considered there would be any overlooking issues.

#### Parking Provision

- 15.4 The proposal would result in the loss of parking provision within the existing garage, which internally measures 4.7 m by 2.9 m which is below current parking size standards. However to compensate for this loss, the applicant has indicated provision for two parking spaces at the front of the property, measuring 2.9 m by 5.5 m which would meet the current parking provision standards. This would entail provision of some additional hard surfacing and some extra dropped kerbing but would ensure parking provision would accord with the current parking standards. The extra hard surfacing would also be visually acceptable as some soft grassed area and a path would still be retained. Whilst the property is close to a junction it is considered this parking arrangement would work satisfactorily without being detrimental to highway safety. The highways authority has raised no objections and acknowledges that the existing garage "does not accord with current policy standard dimensions and as such is not recognised as a parking space. The site already benefits from a vehicle access and the proposed plans show two vehicles being accommodated on-site." A condition can be applied to ensure that the two parking spaces are provided prior to first occupation of the extension and are thereafter retained for parking.

#### Amenity Space

- 15.5 It is considered that adequate amenity space would be retained on the site. The extra footprint of the extension would make little difference to the private amenity area to the rear and no extra bedrooms would be provided in the scheme.

#### Other

- 15.6 As the site lies within 100 metres of filled land in Vanessa Drive, the contaminated land informative as suggested by the Head of Environmental Protection will be applied. There would be no impact upon significant vegetation.
- 15.7 It is not considered the proposal would contravene the provisions of the Wivenhoe Village Design Statement. It would be of appropriate design and scale, would not undermine the character of the street scene and would provide adequate parking provision.

### **16.0 Conclusion**

- 16.1 It is considered that the design, scale and form of the extension relates satisfactorily to the character of the existing dwelling and would not be detrimental to the character of the street scene. It is also not considered that the proposal would represent an overdevelopment of the site. There would be adequate parking provision and retained amenity space and it is not considered there would be any significant impact upon neighbouring residential amenity.

## **17.0 Recommendation**

17.1. APPROVE subject to the following conditions:

## **18.0 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 DUP071-PL-03 B, DUP071-PL-04 B received 16.7.16 and DUP071-PL-05 A received 30.6.16.

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

### **3 - \*Parking Laid Out Prior to Occupation In Accordance With Plan**

Prior to the first use of the extension hereby approved hereby permitted, 2 parking spaces with appropriate access over dropped kerbs shall have been laid out within the site in accordance with the approved plan DUP071-PL-05 A. The approved parking spaces shall thereafter be maintained free from obstruction and available for parking use at all times.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied.

### **4 - Materials to Match**

The external facing and roofing materials to be used shall match in colour, texture and form those used on the existing building.

Reason: This is a publicly visible building where matching materials are a visually essential requirement.

## **19.0 Informatives**

### **(1) ZT0 – Advisory Note on Construction & Demolition**

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) The applicant is advised that the site to which this planning permission relates is recorded as being within 100 metres of filled land ("Vanessa Drive"). Prior to commencement of the permitted development the applicant is therefore advised to satisfy themselves that there are no unacceptable risks to the permitted development from any ground gases. Where appropriate, this should be considered as a part of the design of the foundations (and may be required under Building Regulations). As a minimum, any ground gas protection measures should equal those in the main building and not compromise the effectiveness of existing gas protection measures.

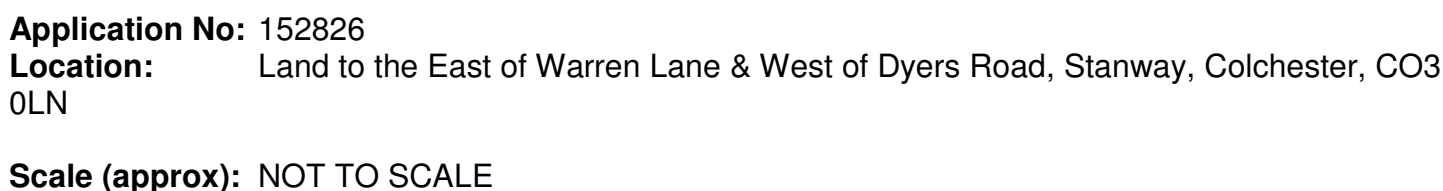
Reason: The site lies within 100 m of a former (or suspected) landfill site and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.

(4) With particular regard to any dropped kerb work, no works affecting the highway should be carried out without prior arrangement with, and to the requirements and satisfaction of, the Highways Authority. The applicant is advised to contact Essex County Council on 08456037631, or via email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ with regard to the necessary application and requirements.

## **20.0 Positivity Statement**

20.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.





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Date 4 August 2016

Report of	Head of Commercial Services	Author	Alistair Day ☎ 01206 282479
Title	Archaeological Condition in respect of planning application 152826 (Erection of 93 dwellings, public open space, landscaping, access and car parking) Land to East of Warren Lane, Stanway		
Wards affected	Stanway		

**This report concerns the proposal to attach an extra planning condition cover Archaeological work in accordance with a Written Scheme of Investigation**

## 1.0 Decision(s) Required

- 1.1 Members are asked to endorse the proposal to add an extra planning condition to those that were agreed by Members at their meeting on 17<sup>th</sup> March 2016. The proposed additional condition relates to the requirement to implement a programme of archaeological work in accordance with a Written Scheme of Investigation.

## 2.0 Reasons for Decision(s)

- 2.1 The report submitted to Planning Committee on 17<sup>th</sup> March 2016 inadvertently omitted a planning condition to undertake programme of archaeological work.

## 3.0 Alternative Options

- 3.1 Members can decide not to include an additional condition in respect of the development proposed under application 152826. Should Members elect not impose the suggested extra condition, the planning permission will be subject to those conditions agreed at the 17<sup>th</sup> of March Planning Committee meeting. The lack of an archaeological condition will mean that this development will not add further our understanding of the history of this site and its surroundings.

## 4.0 Supporting Information

- 4.1 Planning application 152826 proposes the erection 93 dwellings and associated open space, landscaping, access and car parking on land to the east of Warren Lane. It is proposed that the scheme will provide 19no. 2 bed units, 47no. 3 bed units, 25no. 4 bed units and 2no. 5 bed units.

- 4.2 The proposed development site is located in an area of potentially high archaeological importance. The site is topographically favourable for early occupation of all periods being located at the head of a minor tributary of the Roman River and in a similar landscape context to many known archaeological sites, including the Scheduled Monument at Gosbecks Farm Iron Age and Romano-British site to the south-east, and Stanway burials to the south.
- 4.3 As a part of the application submission, a geophysical survey was carried out across the proposed development site. On the basis of these results, the Council's Archaeological Officer advised that there were no grounds to consider refusal of this permission to achieve preservation *in situ* of any important heritage assets. A planning condition, in accordance with the *National Planning Policy Framework* (Paragraph 141), was however recommended to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 4.4 The report submitted to the Planning Committee on the 17<sup>th</sup> March 2016 recommended that application 152628 was approved subject to various conditions and an s106 agreement being signed. Members endorsed the Officer recommendation and added two further conditions in relation to boundary hedge retention and lighting. Unfortunately, due to an oversight, an archaeological condition was not included in the list of conditions recommended to Members by Officers.
- 4.5. The absence of an archaeological condition has been picked up prior to the s106 agreement being completed and the issue of the decision notice. Given that the decision notice has not been issued, it is possible to add a further condition and Members are therefore asked to endorse the inclusion of the following archaeological condition:

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

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

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

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely

- 4.6 The developer (Taylor Wimpey) has been made aware this oversight and has not raised an objection to the inclusion of the archaeological condition; indeed they had anticipated that such a condition would be attached to the planning approval.

## **5.0 Strategic Plan References**

- 5.1 The Strategic Plan seeks to promote a greater understanding of the Borough's heritage and provide opportunities to increase the number of homes available.

## **6.0 Consultations**

- 6.1 The original planning was subject to public consultation; no further consultation has been undertaken in respect of this proposal (other than with the applicant).

## **7.0 Publicity, Financial, Equality, Diversity and Human Rights, Community Safety, Health and Safety and Risk Management Implications**

- 7.1 None directly arising from this report

### **Background Papers**

#### **Committee Agenda 17 March 2016 Item 7.1**