

Planning Committee Meeting

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

Thursday, 26 April 2018 at 18:00

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

If you wish to come to the meeting please arrive in good time. Usually, only one person for and one person against each application is permitted.

Attendance between 5.30pm and 5.45pm will greatly assist in enabling the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

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

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

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

Have Your Say!

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

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COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 26 April 2018 at 18:00

The Planning Committee Members are:

Councillor Theresa Higgins	Chairman
Councillor Cyril Liddy	Deputy Chairman
Councillor Lyn Barton	
Councillor Helen Chuah	
Councillor Pauline Hazell	
Councillor Brian Jarvis	
Councillor Derek Loveland	
Councillor Jackie Maclean	
Councillor Philip Oxford	
Councillor Chris Pearson	

The Planning Committee Substitute Members are:

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

Councillors:

Christopher Arnold	Kevin Bentley	Tina Bourne	Roger Buston
Nigel Chapman	Peter Chillingworth	Phil Coleman	Nick Cope
Robert Davidson	John Elliott	Andrew Ellis	Adam Fox
Dominic Graham	Dave Harris	Darius Laws	Mike Lilley
Patricia Moore	Beverley Oxford	Gerard Oxford	Lee Scordis
Jessica Scott-Boutell	Lesley Scott-Boutell	Paul Smith	Martyn Warnes
Dennis Willetts	Julie Young	Tim Young	

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

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

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting here: <http://www.colchester.gov.uk/article/13489/Planning-Committee>

Please note that any further information for the Committee to consider must be received no later than 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

1 Welcome and Announcements

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

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

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

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

3 **Substitutions**

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

4 **Urgent Items**

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

The Chairman will be invited to agree that the items 7.7, 7.8 and 7.9 below will be considered at the meeting as a matter of urgency, as the applications had received no objections, were intended to be determined at an earlier meeting in April 2018 and the next meeting of the Committee will not take place for another four weeks.

5 **Declarations of Interest**

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

6 **Minutes of 29 March 2018**

7 - 8

To confirm as a correct record the minutes of the meeting held on 29 March 2018.

7 **Planning Applications**

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

The Chairman has indicated her intention to change the order of the agenda items so that the Committee can consider the application at 7.5 first.

7.1 **172272 Land to the rear of Field House, Dyers Road, Stanway**

9 - 40

Creation of 35 no. two, three and four bedroom detached, semi-detached and terraced houses, plus associated roads, car parking, landscaping and public open space

7.2 **180057 Garrison Area J2B, Circular Road North Colchester**

41 - 70

Conversion of retained ex-MOD buildings on Parcel J2B, Colchester Garrison, to 2 No. commercial units and 70 No. dwellings. Minor demolition – forming of openings, to allow adaption of existing buildings

- | | | |
|-----|--|--------------|
| 7.3 | 180540 Hill House, Carters Hill, Boxted | 71 - 90 |
| | Reserved matters application following outline approval 170997 - erection of 36 residential dwellings, public open space, landscaping, new access and highways, associated and ancillary development | |
| 7.4 | 180555 40 Berechurch Road, Colchester | 91 - 112 |
| | Proposal for 2 x 3-bed bungalows, on the vacant land at the rear of 40 Berechurch Road. | |
| 7.5 | 173115 Fletchers Farmhouse, Rams Farm Road, Fordham | 113 -
122 |
| | Conversion of agricultural barn to swimming pool and changing facilities with associated parking and ancillary works
The Chairman has indicated her intention to revise the order of the agenda items to enable the Committee to consider this application first. | |
| 7.6 | 180478 2 Mede Way, Wivenhoe | 123 -
130 |
| | Proposed extension and alterations | |
| 7.7 | 180102 Side wall of 44 St Johns Street, Colchester | 131 -
136 |
| | Interpretation panel containing general historical information and logos including friends of Colchester Roman Wall. | |
| 7.8 | 180104 Castle Park, High Street, Colchester | 137 -
142 |
| | Interpretation panel containing general historical information and logos including friends of Colchester Roman Wall. | |
| 7.9 | 180106 Vineyard Street Car Park, Vineyard Street, Colchester | 143 -
148 |
| | Interpretation panel containing general historical information and logos including friends of Colchester Roman Wall. | |
| | Planning Committee Information Pages | 149 -
160 |
| 8 | Exclusion of the Public (not Scrutiny or Executive) | |
| | In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972). | |

Part B

(not open to the public including the press)

Planning Committee

Thursday, 29 March 2018

Attendees: Councillor Lyn Barton, Councillor Helen Chuah, Councillor Pauline Hazell, Councillor Theresa Higgins, Councillor Brian Jarvis, Councillor Cyril Liddy, Councillor Derek Loveland, Councillor Chris Pearson
Substitutes: Councillor Roger Buston (for Councillor Jackie Maclean)
Also Present:

566 Minutes of 8 March 2018

The minutes of the meeting held on 8 March 2018 were confirmed as a correct record.

567 172220 Rowhedge Wharf, Former Rowhedge Port, Rowhedge, Colchester

The Committee considered a planning application for revised house types on Plots 109 - 113 and 129 -133 (original application 144693) at Rowhedge Wharf, Former Rowhedge Port, Rowhedge, Colchester. The application had been referred to the Planning Committee because it was a major application, objections had been received and a linking legal agreement was also required. The Committee had before it a report and an amendment sheet in which all information was set out.

Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations. She referred to a misconception by objectors that the public rights of way on the site would be permanently closed and confirmed that this was definitely not the case.

One member of the Committee referred to light pollution which was visible from the development on the Wivenhoe side of the river. He considered this matter needed to be referred to the Environmental Protection Team as a potential enforcement issue and sought assurances that the conditions attached to the planning permission could be made as robust as possible. Further clarification was also sought in relation to the meaning of the wording of the recommendation in the report relating to the signing of a legal agreement and whether there would be any measures to prevent on street parking along the river frontage.

The Principal Planning Officer responded to questions by confirming that the Committee's consideration of the original application had included a request for LED lighting to be installed to ameliorate light pollution problems. This had been provided for by condition attached to the original application and would also be attached to the

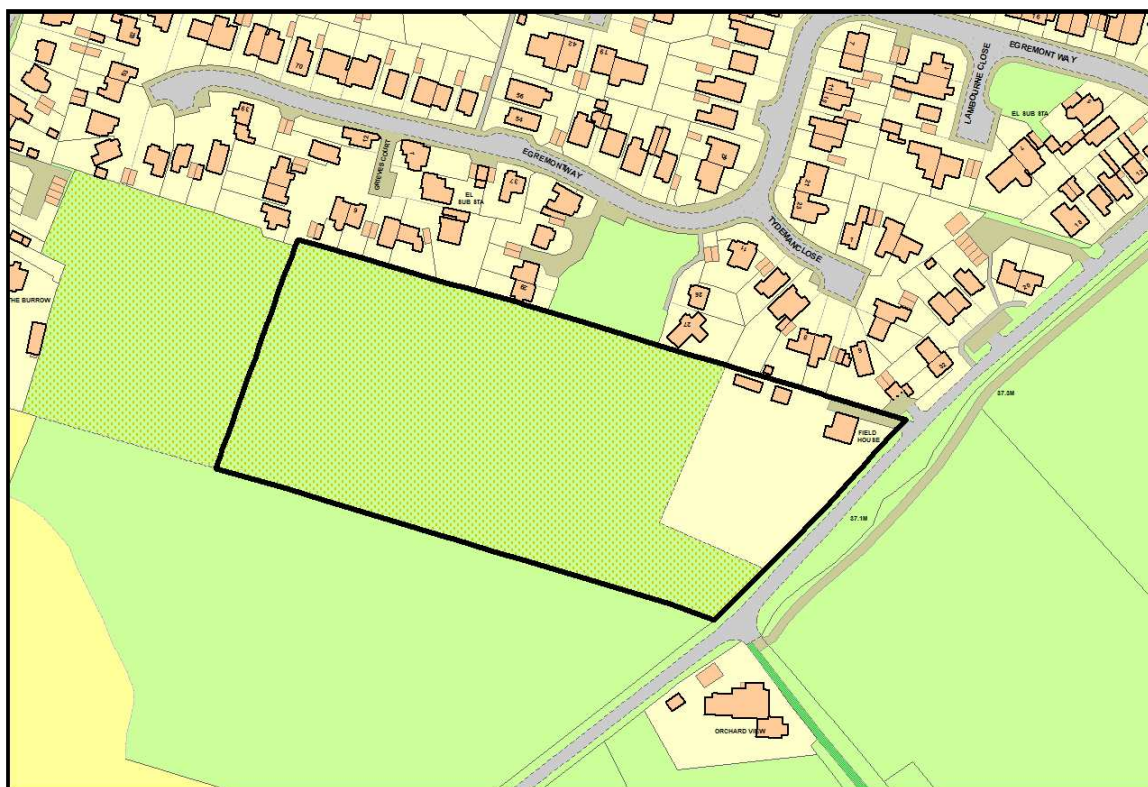
current application. She explained that the recommendation in the report followed a standard wording which gave the Head of Service discretion to continue negotiating if discussions were progressing towards the conclusion of the legal agreement but, in circumstances where matters had stagnated with no progress, to include an option to refuse the application. The parking provision for the units fronting the river comprised private driveways which would not be of sufficient width to allow for additional parking.

RESOLVED (UNANIMOUSLY) that the Assistant Director Policy and Corporate be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet and subject to the signing of a linking agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, to link this application to the legal agreement for the application 144693, in the event that the legal agreement is not signed within six months, authority be delegated to the Assistant Director Policy and Corporate to refuse the application, or otherwise to be authorised to complete the agreement.

568 180423/24 Axial Way and Via Urbis Romanae, Colchester

The Committee considered planning applications for a 100 metre hoarding around the edge of Axial Way and Via Urbis Romanae, Colchester. The application had been referred to the Planning Committee because the applications have been made on behalf of Colchester Borough Council. The Committee had before it a report in which all information was set out.

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



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Item No: 7.1

Application: 172272

Applicant: Taylor Wimpey

Agent: JCN

Proposal: Creation of 35 no. two, three and four bedroom detached, semi-detached and terraced houses, plus associated roads, car parking, landscaping and public open space.

Location: Land to the rear of, Field House, Dyers Road, Stanway, Colchester, CO3 0LH

Ward: Stanway

Officer: Alistair Day

Recommendation: 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 objections have been received to the development proposal and a s106 legal agreement is required.

2.0 Synopsis

- 2.1 The key issues explored below are land-use, design, traffic and highway implications, flood risk, impact on ecology and archaeology. The impact on neighbouring amenity and the surrounding area are also discussed in the report. The report concludes that subject to appropriate mitigation measures (conditions and s106 obligations), the development is acceptable and recommended approval

3.0 Site Description and Context

- 3.1 The application site forms part of the curtilage of Field House which is located on the east side of Dyers Road. The site is broadly rectangular in shape and extends to some 1.85 hectares (but does not include Field House which is to be retained as a separate residential dwelling). The existing access to the site is via a private drive served from Dyers Road to the north of Field House.
- 3.2 The site contains a large number of trees. There is a woodland block of trees at the western end of the site with groups of mainly younger trees in the centre / eastern part of the site. On the eastern boundary there is an established tree group running parallel to Dyers Road and two mature oak trees on the southern boundary of the site. The site is subject to two tree preservation orders: TPO 22/88 covering the woodland at the western end of the site and individual hedgerow trees and TPO 06/17 protecting three trees in the centre of the site.
- 3.3 Residential development is located to the north of the site. To the south and west of the site are agricultural / horticultural fields, which are allocated for residential development.

4.0 Description of the Proposal

- 4.1 Full planning permission is sought for the erection of 35 dwellings with associated infrastructure, parking, landscaping and open space.
- 4.2 The main vehicular access to the site will be via a new entrance onto Dyers Road, located towards the southern end of the site's frontage.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must 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
- 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
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment

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

- DP1 Design and Amenity
- DP2 Health Assessments
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals

- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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 STA1 Appropriate Uses within the Stanway Growth Area
- SA STA2 Phasing of Greenfield sites in Stanway Growth Area
- SA STA4 Transportation in Stanway Growth Area
- SA STA5 Open Space in Stanway Growth Area

7.5 In addition to the above, consideration also needs to be given to the Submission Colchester Borough Local Plan 2017-2033

- SG2 Housing Delivery
- SG7 Neighbourhood plan
- SG8 developer Contributions
- ENV 1 Natural Environment
- ENV 3 Green Infrastructure
- CC1 Climate Change
- WC2 Stanway
- DM1 Health and Wellbeing
- DM3 New Education Provision
- DM4 Sports Provision
- DM 8 Affordable Housing
- DM9 Housing Density
- DM10 Housing Diversity
- DM 12 Housing Standards
- DM15 Design and Amenity
- DM18 Provision for Public Open Space
- DM19 Private Amenity Space
- DM 20 Promoting Sustainable Transport
- DM 22 Parking
- DM23 Flood Risk
- DM24 Sustainable Urban Drainage

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

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

Officers have considered the weight to be attached to the Submission Colchester Borough Local Plan 2017-2033. As to the first limb, the Local

Plan was submitted to the Planning Inspectorate in October 2017. An Inspector has been appointed and the formal examination commenced in January 2018. The Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. As to the second limb, in the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan. As to the third limb, it is considered, at this stage, that the relevant policies in the emerging Local Plan do not appear to contain obvious inconsistencies with the Framework.

Overall, for these reasons, the emerging Local Plan is considered to carry reduced weight.

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

- Stanway Parish Plan and Design Statement (March 2011)
- Stanway Southern Slopes Access Brief (May 2011)
- Community Facilities
- Vehicle Parking Standards
- Open Space, Sport and Recreation
- The Essex Design Guide
- External Materials in New Developments
- Affordable Housing
- Cycling Delivery Strategy

8.0 Consultations

8.1 Consultation responses are summarised as follows:

Urban Design Officer

8.2 The Council's Urban Design Officer has advised:

- Galvanised steel 'frontage rails' to Dyers Road would be extremely unattractive and seemingly unnecessary
- Informal open space in the SE corner is counter-intuitively inaccessible and in a way which leaves it lacking self-management
- To the north of the access road the new path appears over-engineered considering its vital though non-strategic (light pedestrian/cycle flows), in part duplicates existing routes and would undermine (split) the potential use of the extended space
- There is a lack of amenity in landscape proposals.
- Dedicated on-street parallel visitor spaces excessively erode the green infrastructure
- Some boundary lines contradict the potential to more intuitively shape space
- Front path access to individual homes sometimes doesn't adequately relate to the street / desire-lines
- Front of plot car parking would excessively dominate the street scene

- House types are generally relatively plain though well-proportioned, balanced and not entirely without potential charm subject to appropriate materials and details. Key materials should be conditioned

Archaeological Officer

- 8.3 The proposed developed site is located in an area of archaeological interest. There is high potential for encountering below-ground archaeological remains in this landscape setting, which is topographically favourable for early occupation of all periods, 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 (NHLE 1002180), to the south-east, and Stanway burials to the south (HER no. MCC8095).
- 8.4 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.
- 8.5 In this case an archaeological condition is recommended.

Landscape Officer

- 8.6 The Landscape Officer has confirmed that he is broadly content with the landscape content of the proposal and has recommended conditions to cover the detailed landscaping.

Tree Officer

- 8.7 The proposal requires the removal of a number of trees across the site but these are predominantly categorised as C as per BS5837: 2012. Of those that are of a higher category that require removal it is deemed acceptable because of the low number of them and as a result of the removal of the lower value trees around them; the loss of which would likely result in their failure to thrive due to changed growing environment.

Housing Development Officer

- 8.8 The Housing Development Officer has confirmed, following the receipt of the viability appraisal, that the affordable housing mix is acceptable.

Environmental Control (General)

8.9 No objection, subject to conditions to cover the following:

- Construction Method Statement
- Machinery and Plant operation on site
- Limits to vehicle access
- Limits to Hours of Work

Environmental Control (Contamination)

8.10 The reporting to date is generally acceptable, further information is still required in order to fully assess the risks. However, based on the information provided, it would appear that the site could be made suitable for the proposed use, with the remaining matters dealt with by way of condition. Consequently, should you be minded to approve this application, Environmental Protection would therefore recommend inclusion of the standard contamination conditions.

Street Services

8.11 No comments received

Highway Authority

8.12 Comments awaited

Essex County Council (Education)

8.13 This development sits within the priority admissions area of Stanway Fiveways Primary School. As you will be aware there is significant housing development planned in this area and, in response, Essex County Council has put forward proposals to increase the size of this school. In our '10 Year Plan' for meeting demand for school places, there are also proposals to expand the Stanway Primary School and the option of a new school at 'Lakelands'. This development would generate further demand and, thereby, the scope of projects to provide additional school places is directly related to the proposal. The contribution sought is based on the formula outlined in the Essex County Council Developers' Guide to Infrastructure Contributions, which sets sums based on the number and type of homes built. The contribution will thus be fairly and reasonably related in scale and kind to the development and, thereby, Community Infrastructure Levy regulation 122 compliant. Five obligations naming the new school alluded to above have not been entered into at this time and any section 106 agreement in favour of this project is, thereby, also regulation 123 compliant. This equates to £12,734 per place and so, based on demand generated by this proposal set out above, a developer contribution of £133,707, index linked to April 2017, is sought to mitigate the impact on local primary school provision.

Lead Local Flood Authority (LLFA)

- 8.14 The LLFA state that they have reviewed the Flood Risk Assessment and the associated documents which accompanied the planning application and consider that a surface water drainage scheme has been proposed which demonstrates that surface water management is achievable in principle, without causing flooding on site or elsewhere.

North East Essex Badger Group

- 8.15 There is a well-established badger sett located on the southern boundary which is apparently not going to be disturbed. Badgers are reasonably wide ranging and their foraging space will be greatly curtailed. It is noted that the hedgerow along that boundary line is to remain and become possibly a wildlife corridor. However, that hedgerow narrows considerably towards Dyers Road. Again, it is also noted that, whilst a wooded area is to be left towards the westerly side, this will be greatly cleared and enhanced for public use - again not conducive for wildlife habitat. We would also point out that there is a proposal mooted to develop the remaining land between this site and the development currently being built at the end of Dyers Road/Warren Lane. If this comes to fruition there will be no-where for the badgers or other wildlife to go. Is it not possible for the Planning Authority to insist that the space both Developers will be leaving can be a continuous area to facilitate wildlife?

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 in their email dated 21 September 2017 stated they had no objection to this application.
- 9.2 In response to re-consultation, (Jan 2018) the Parish Council confirmed that they had no OBJECTIONS noting the concerns of local residents and stated that they were in agreement with the Borough Councillors of Stanway that all the trees on the previous plan should be preserved.

10.0 Representations

- 10.1 35 Letters of representation have been received and the comments made can be summarised as follows:
- The development will result in a loss of privacy / outlook
 - The development will create an oppressive juxtaposition with existing houses
 - Loss of trees
 - The development will have an adverse impact on ecology (birds, bats)

- The hedge to existing properties to the north of the site should be retained.
- The proposed cycleway across the open space in Egremont Way is not acceptable and will to the detriment of existing residents
- Anti-social behaviour has previously taken place in the woodland; this needs to be prevented from occurring again.
- Access onto Egremont Way
- There is limited parking and Egremont Way will be used as an overflow car park
- Dyers Road is already congested; the surrounding roads in general cannot cope and the development will add to traffic congestion
- If Dyers Road is closed all traffic will need to come out onto Blackberry Road; this is already very difficult due to the amount of traffic
- Stanway is overdeveloped
- No provision is being made for additional school places, hospitals or open space
- The development will cause noise and light pollution

10.2 One letter of support has been received. This states that the designs are very complimentary / pleasant; the developments works with the environment, has easy access onto the A12 and will help to support Colchester's historic, social and cultural facilities.

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 paragraph 15.41 to 15.44

12.0 Open Space Provisions

12.1 See paragraph below 15.20 – 15.22

13.0 Air Quality

13.1 The site is outside of any Air Quality Management.

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. At the initial meeting of the Development Team, it was considered that the following Planning Obligations should be sought via Section 106 (S106) of the Town and Country Planning Act 1990.

- Affordable Housing: 1 x 2 bed, 5 no. x 3 bed and 1 no. 4 bed. The tenure mix should be 80% for affordable rent and no more than 20% intermediate. One of the affordable homes should be delivered to meet

Building Regulations 2015 Part M (3) (a) Wheelchair adaptable dwellings. The wheelchair adaptable home should be specified for affordable rent. All other affordable homes should meet a minimum of Building Regulations 2015 Part M (2) in lieu of Lifetime Homes Standard (As specified in DP12)

- Education £133,707 for primary school provision
- Community Facilities - £60,000 contribution to hall on Western Approaches Road in Stanway.
- Open Space - £247,334.25 – towards Adult gym, Dog agility equipment, Egremont Way landscape improvements and provision of play equipment and landscape improvements at Stanway Country Park.
- Highways – bus stops on Blackberry Road and travel packs

All contribution index linked to April 2017.

14.2 Following receipt of the viability appraisal, the S106 contributions were offered by the Developer:

- Affordable Housing: Shared Ownership – 1 two and 1 three-bed terraced house; Affordable Rent – 3 two-bed terraced houses and 2 three-beds (one terraced, one detached)
- Education £133,707
- Community Facilities £60,000.
- Open Space - £247,334.25.
- Highways – bus stops on Blackberry Road and travel packs

14.3 The Development Team at its meeting on 22 March 2018 confirmed that the above mitigation package was acceptable.

15.0 Report

The Proposal

15.1 Planning permission is sought for the erection of 35 dwellings (5 no. x 4 bed; 26 no. x 3 bed and 4 no. 2 bed) and associated landscaping, amenity space and infrastructure.

The Principle of Development

15.2 It is a statutory requirement for a planning application to be determined in accordance with the development plan unless material considerations indicate otherwise. This requirement is also reflected in guidance set out in the NPPF. The Council's fully adopted Development Plan Documents, include a Core Strategy, Site Allocations and Proposals Maps and Development Plan Policies (DPD). The Council has also adopted a Supplementary Planning Document called Stanway Southern Slopes Access Guidance (2013). In addition to these adopted documents, the emerging local plan is also of relevance, although it is considered to carry limited weight.

- 15.3 The Council's Core Strategy 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. Policy SD1 of the Core Strategy promotes sustainable development and identifies broad locations for growth. Five main locations are identified, including the Stanway Growth Area, of which the application site forms part. Policy SA STA1 of the adopted Site Allocation Plan identifies appropriate uses within the Stanway Growth Area. The application site is allocated for residential development.
- 15.4 Given the above, there is not an objection in principle to this site being developed for residential development. The proposal is in principle in conformity with the local plan.

Design

- 15.5 Core Strategy Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 7 of the NPPF establishes the importance the Government attaches to the design of the built environment.
- 15.6 The submitted Design and Access Statement explains that a straightforward cul-de-sac form of development is proposed, with two arms running westwards from Dyers Road until they reach the existing woodland. Four new dwellings are proposed along the Dyers Road frontage. These houses are set back behind a new native species hedge, incorporating tree planting, which has been designed to maintain and reinforce the verdant character of Dyers Road. Behind the street frontage, the estate roads curve gently through the site with mixture of house types lining the street. The comments made by the Council's Urban Design Officers have been addressed as far as is reasonably practical.
- 15.7 The proposed houses employ traditional forms and materials found in mid-Essex but adopt a modern cottage character. The comments made by the Urban Design Officer in respect of materials and design detailing are noted. A schedule of materials / samples have been presented at a meeting with the Urban Design Officer and no objection was raised to the proposed materials. A condition is proposed to cover architectural detailing.
- 15.8 The design and layout of the proposed development is considered to conform with the aforementioned development plan policies and the guidance set out in the NPPF.

Residential Amenity

- 15.9 Development plan policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.10 Objections have been made by local residents regarding the impact that the proposed development on the existing residential properties to the north of the site (including loss of private amenity and loss of outlook). Concern has also been raised regarding noise and disturbance from construction and additional residential traffic.
- 15.11 The Essex Design Guide considers that where properties are set parallel to one another a back- to- back of 25m is sufficient to protect private amenity. The Design Guide goes on to state that where the backs of houses are at more than 30 degrees to one another this separation may be reduced to 15 metres from the nearest corner.
- 15.12 The proposed dwellings adjacent to the northern boundary of the site have been sited and orientated so that they do not infringe the above guidance. Members should also note that there is a substantial change in ground level between the existing housing and application site at the north eastern part of the site (with the application site being about two meters lower). The fact that the proposed dwellings will be set lower than existing housing will further reduced the impact of the new development on the existing housing. The existing boundary treatment between the application site and the adjacent residential dwellings is a mixed affair comprising fencing (of various heights and conditions) and shrub / hedge planting. A new boundary enclosure is proposed along the northern boundary to enclose the rear gardens of the new residential dwellings. The applicant is sensitive to the concerns raised by the local residents and has confirmed that they will not remove boundary treatments (fencing and or hedging) that is not on their land. The desire of the developer to secure the rear gardens of the proposed properties is understood and a condition is attached to ensure that an appropriate boundary treatment is proposed.
- 15.13 With regard to noise and disturbance from construction work, it is accepted that this can have an adverse impact on local residents and, as such, it is recommended that a condition is attached requiring the submission of a Construction Method Statement.

- 15.14 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

Landscape

- 15.15 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Policy DP1 requires new developments to respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area. Central Government guidance on conserving the natural environment is set out in section 11 of the NPPF.
- 15.16 The Council's Tree Officer and Landscape Officer have been involved throughout the evolution of the design of this scheme and their advice has been instrumental in shaping the layout of the development and the landscape features that have been retained and are being proposed.
- 15.17 The submitted Tree Survey and Arboricultural Impact Assessment provides details on the tree stock, which trees should be retained and how they should be protected. A significant proportion of the existing trees on the site are proposed to be removed to facilitate the redevelopment of this site. The majority of the trees identified for removal are however classed as low quality (Category C or U) – i.e. trees that should not constrain the development. All of the high quality (Category A) trees are proposed to be retained. The Council's Tree Officers has reviewed the tree reports and has confirmed that he is in agreement with their conclusions.
- 15.18 A strategic landscape proposals drawing is submitted with the application and identifies the different character areas. The broad aim of the landscape proposals is to retain the existing important landscape features and set new development within this framework. To this end, the western woodland block is retained with a landscape buffer between the residential development and the woodland understory. Areas of open space are also proposed to the southern boundary and the center of the site which not only creates a setting for the retained trees and hedgerows but also provides a strong landscape corridor between the southern boundary and offsite area to the north.
- 15.19. The design and layout of the proposed development is considered to respect and enhance natural features that contribute to the character of the site and, as such, are considered to accord with the requirement of Policy DP1, ENV1 and the NPPF.

Open Space

15.20 Development Plan Policy DP16 states that new residential development should provide both private amenity space and public open space. DPP DP16 sets out a range of garden sizes which are as follows for houses:

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

The submitted drawings and supporting planning documents state that all garden areas comply with the above standards.

15.21 With regard to public open space, Policy DP 16 states that open space provision will depend on the location of the proposal but as a guideline, at least 10% of the gross site area should be provided as useable open space. The application includes the provision of 0.7 hectares of public open space out of an overall site area 1.85 hectares. The open space is in two sections: an extension of the existing open space north of the site and the retained woodland on the western side of the site. It is proposed that both areas are to be maintained in perpetuity by a management company.

15.22 In light of the above, 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

15.23 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Development Plan Policy DP21 seeks to conserve or enhance biodiversity.

15.24 There are no statutory designated wildlife sites covering any part of the site. There are four statutory international designations of nature conservation interest present within 10km of the site and four non-statutory designations of nature conservation interest are present within 1km of the Site.

15.25 The central / western part of the site is dominated by a mosaic of dense scrub and grassland, in addition to an area of broadleaved woodland. The remainder of the site comprises amenity grassland, ornamental planting and outbuildings.

15.26 An Ecological Impact Assessment (EclA) of the site has been undertaken to identify important ecological features that could potentially be affected by the proposed development. To inform this assessment a range of ecological surveys and investigations were undertaken, including bat, badger, dormouse and reptile surveys.

- 15.27 Within the site, the EclA notes that the clearance of the scrub, grassland and groups of trees will mean that there will be an adverse biodiversity impact at a local level; however the proposed on-site habitat enhancement mitigation measures will ensure that there is no overall loss of biodiversity. The enhancement measures include: the creation of a glade within the retained woodland, retention and strengthening of the existing hedges; the introduction of new plants to widen the biodiversity value of the site; the provision of new bat roosting opportunities (on buildings and trees); dormouse nest boxes; bird boxes and reptile habitats (on and off site) and hedgehog holes in fences. The EclA also states no impacts have been identified on designated sites, including Abberton Reservoir Ramsar, SPA and SSSI, Essex Estuaries SAC, Blackwater Estuary Ramsar and SPA, Colne Estuary Ramsar and SPA, the Local Nature Reserves (LNR) at Lexden Park, Spring Lane Meadows and Hilly Fields or the Local Wildlife Sites (LWS) at Stanway Pits, Warren Lane, Tye Grove and Gryme's Dyke.
- 15.28 The Council's Ecological Consultant has reviewed the submitted information and has advised that the surveys are appropriate and that the reporting is thorough. Some concern has been raised regarding mitigation measures for reptiles. The original mitigation measures proposed the creation of a clearing within the woodland and there was concern that this would be too small. In response to this, a new off-site location is currently being investigated. At the time of writing this report additional survey works is being undertaken to verify the suitability of the proposed translocation site.
- 15.29 It is clear from the ecological survey work that the site has high ecological significance in the local context and that this is appreciated by residents. The layout of the proposed development has been informed by the ecological work and there is the potential for development to mitigate and enhance the ecological and biodiversity of the site. The comments made the Badger Group are noted. A significant area of green space is proposed within the development; when the planning application is submitted for the adjacent site, consideration will need to be given to the possibility of building upon the local green infrastructure. Given this, subject to agreeing a suitable translocation site for reptiles, 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.

Archaeology

- 15.30 This application is supported by a Desk Based Archaeological Assessment. The report states that the site can be defined as containing no designated archaeological heritage assets of national importance.
- 15.31 The Council's Archaeological Officer has advised that the application site is located in an area of high archaeological importance and that there is high potential for encountering below-ground archaeological remains

- 15.32 Subject to carrying out archaeological survey work, it is considered that there is no significant conflict with the intentions of the development plan or the NPPF in respect of heritage assets.

Transport and Accessibility

- 15.33 Core Strategy Policies TA1 – TA4 and Development Plan Policy DP17 seeks to improve accessibility and change travel behaviour. Policy STA4 of the Site Allocations document states that all new developments in the SGA will be expected to contribute to sustainable transport measures. Paragraphs 29 to 41 of the NPPF provides guidance on transportation matters; the NPPF states that planning applications should only be refused on transport grounds where the development would have a severe impact.
- 15.34 In addition to the above local plan policies, a Development Brief for Stanway Southern Sites Access has been adopted by the Council. The brief provides for the creation of an estate spine road through the southern part of the Stanway Growth Area, linking Warren Lane (south west) to Blackberry Road (north east). The scheme includes the closure of Dyers Road as a through route and the reconfiguration of the Fiveways junction to create additional capacity, with the road designed to accommodate bus services. The provision of the estate spine road and improvements to the Fiveways junction do not form part of this application. The application will however facilitate the early closure of the central part of Dyers Road to motorised vehicles, which is an aspiration of the Development Brief.
- 15.35 A new vehicle access to the site is proposed from Dyers Road, using a simple priority junction. In order to achieve the visibility splays that will satisfy the Highway Authority, the applicant has made a separate application (Traffic Regulation Order (TRO)) for the closure of the central part of Dyers Road to vehicles. (The closure of Dyers Road will allow shorter visibility splays than is currently required or is achievable). Officers have been advised by Essex Country Council that TRO has been approved and that they do not have any objection to this application from a highway safety and/or capacity perspective. At the time of writing this report, the formal consultation response from the Highway Authority is still awaited.
- 15.36 The existing access to Field House will remain unchanged.
- 15.37 In terms of pedestrian and cycle access, the application proposes a pedestrian / cycle link to the boundary of the adjacent development site to the south. A similar link was originally proposed to the north, across the open space, into Egremont Way and thereby provide a safe and convenient route through to the facilities on Blackberry Road. This proposal generated objection from the many of the residents in the adjacent estate. For this reason, the decision has been taken to delete this footpath / cycleway from the scheme; a new footpath is now proposed along Dyers Road from the site access to where the existing footpath peters out. The pedestrian and cycle links will provide opportunities for the residents to walk and cycle to local facilities.

- 15.38 To help encourage modes of transport other than the private car, Residential Travel Information Pack are proposed for all new residents. This is to be secured by condition.
- 15.39 The concern expressed by local residents in respect that the impact that this development will have on the surrounding roads are appreciated. The responsible authority (the Highway Authority) has not raised an objection to this application on the grounds of highway safety or capacity.
- 15.40 It is considered that the proposed development accords with relevant development plan policies and national planning policy guidance set out in the Framework.

Parking

- 15.41 Policy TA5 of the Core Strategy 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. Development plan policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.42 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided. In addition to this, provision for visitor parking at a ratio of 0.25 spaces per unit is required. In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided.
- 15.43 Each property is provided with a minimum of two allocated parking spaces through a combination of garages, private driveway and/or parking courts. In addition to the private parking spaces 9 visitor car parking spaces are also provided. Each house is provided with a secure cycle parking either within a garage (policy compliant in terms of its internal dimension) or within garden sheds.
- 15.44 The proposed parking provision is considered to accord with the requirements of Policy DP19 and the adopted parking standards.

Hydrology and Drainage

- 15.45 Core Strategy 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. Development policy DP20 supports development proposals that include flood mitigation / attenuation measures as well as flood resilience measures.

- 15.46 The supporting Flood Risk Assessment and Drainage Strategy confirm that the site falls within Flood Zone 1 and is at minimal risk from surface water flooding. The proposed surface water drainage strategy incorporates the use of permeable paving and back garden soakaways to discharge surface water via infiltration on site. An existing drainage basin and geo-cellular storage on an adjacent site to the south with spare capacity is proposed to utilise the surface water generated on site which cannot be directed into the infiltration devices
- 15.47 Lead Local Flood Authority has advised that they have reviewed the Flood Risk Assessment and that they do not wish to raise an objection, subject to recommended conditions.
- 15.48 The submitted evidence indicates that there are effective mitigation measures to avoid any 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

Air Quality

- 15.49 The Core Strategy contains policies for the delivery of development, infrastructure, facilities and services in Colchester to 2021. The Council does not have any specific policies on air quality within the Core Strategy; Policy TA4 however states that "The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, local amenity and built character." The adopted Colchester Borough Council - Air Quality guidance note is a material consideration.
- 15.50 Early consultation was undertaken with the Council in respect of air quality. The applicant was advised, that based upon the available evidence, air quality does not appear to be an overriding concern in this location. The proposed development site is not located within an existing AQMA and the operation of this site is unlikely to impact the currently declared AQMA's. The closest local authority monitoring location is CBC91 (Blackberry Road 2) and between 2011 and 2015 NO₂ concentrations have been well below the AQS objective of 40µg/m³, the NO₂ concentration in 2015 20.45µg/m³. PM₁₀ and PM_{2.5} are unlikely to be of concern. Given the above, and the fact that this is a small development it was considered that the proposal would be unlikely to affect our AQMA. The advising officer did however comment that it is likely that we will condition Electric Vehicle charging points at the planning stage.

- 15.51 It is considered that the proposed development is consistent with the requirements of the Council's adopted development plan policies, supplementary planning guidance and the Framework as regards to air quality impacts

Contamination

- 15.52 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.
- 15.53 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.

S106 Obligations

- 15.54 Policy SD2 of Colchester's Core Strategy provides that new development will be required to provide the necessary community facilities, open space, transport infrastructure and other requirements to meet the community needs arising from the proposal. This policy goes on to state that the Council will seek to employ standard charges where appropriate to ensure that new development makes a reasonable contribution to the provision of related facilities and infrastructure. The viability of developments will also be considered when determining the extent and priority of development contributions. Further policies on specific topic areas are provided within the Core Strategy and the Development Plan Policies (for example on affordable housing, health, community facilities and open space etc.).
- 15.55 The Framework provides guidance on when planning obligations should be used. Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.

15.56 The Council's Development Team considers all major planning applications submitted to this Council and makes recommendations in respect of priorities for s106 obligations. The Development Team considered this application in January 2018 requested that the following obligations were required to mitigate the impact of this development proposal:

- Affordable Housing: 1 x 2 bed, 5 no. x 3 bed and 1 no. 4 bed. The tenure mix should be 80% for affordable rent and no more than 20% intermediate. One of the affordable homes should be delivered to meet Building Regulations 2015 Part M (3) (a) Wheelchair adaptable dwellings. The wheelchair adaptable home should be specified for affordable rent. All other affordable homes should meet a minimum of Building Regulations 2015 Part M (2) in lieu of Lifetime Homes Standard (As specified in DP12)
- Education £133,707 for primary school provision
- Community Facilities - £60,000 contribution to hall on Western Approaches Road in Stanway.
- Open Space - £247,334.25 – towards Adult gym, Dog agility equipment, Egremont Way landscape improvements and provision of play equipment and landscape improvements at Stanway Country Park.
- Highways – bus stops on Blackberry Road and travel packs

15.57 The applicant advised the Council that there was not sufficient surplus within the scheme to support the desired contributions. The scheme has therefore been subject to a Viability Appraisal. BPS, the Council's consultant, has advised that the appraisal generally provides a fair reflection of the development and associated costs. Through negotiation the developer has agreed to fund the Education, open space and community contributions, the required highway works (bus stops). The developer has however advised that the scheme cannot afford to fund the desired affordable housing mix. An alternative mix has been proposed namely Shared Ownership – 1 no. two and 1 no. three-bed; Affordable Rent – 3 no. two-bed terraced houses and 2 no. three-beds and include an adaptable property.

15.58 In addition to the planning obligations requested by the Development Team, it is also recommended that there is an obligation requiring the construction of a footpath / cycleway to the boundary of the development site to the south to ensure future permeability between the sites.

16.0 Conclusion

16.1 The current application will deliver 35 residential units and provide a choice of housing types with a range of prices in a sustainable location. The development will contribute positively towards the Borough's supply of housing. There would be economic benefits as a result of construction activity and the possible creation of additional jobs. There is sufficient evidence to be confident that overall the development would not cause significant harm to flood risk, air quality or would not have a severe impact upon the highway network; in terms of capacity or safety.

- 16.2 The Framework has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials. It is considered that the benefits of the scheme significantly outweigh by any adverse impacts and, as such, Members are asked to endorse the officer recommendation as set out below:

17.0 Recommendation

- 17.1 It is recommended that Members resolve to grant planning permission, subject to:

- (1) The receipt of a favourable consultation response from the Highway Authority and the incorporation of conditions recommended by them;
- (2) The submission of an acceptable mitigation strategy being submitted for reptiles and addition of an appropriately worded condition to ensure the implementation of the agreed mitigation strategy.

- 17.2 Following the submission of the above, the Head of Planning and Housing is authorised to enter into and complete a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting to provide the following:

- Affordable Housing: Shared Ownership – 1 two and 1 three-bed terraced house; Affordable Rent – 3 two-bed terraced houses and 2 three-beds (one terraced, one detached) and one unit designed to Part M4 (2) standard with a level access shower installed.
- Education £133,707 Stanway Fiveways Primary School.
- Community Facilities - £60,000 contribution to hall on Western Approaches Road in Stanway.
- Open Space - £247,334.25 – towards Adult gym, Dog agility equipment, Egremont Way landscape improvements and provision of play equipment and landscape improvements at Stanway Country Park.
- Highways – bus stops on Blackberry Road
- Footpath / cycleway link to boundary of the site to the south
- All sums to be index linked

- 17.3 In the event that the legal agreement is not signed within six months from the date of the Planning Committee, the Head of Commercial is authorised at his discretion to refuse the application.

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

1. ZAA - Time period

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

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

2. ZAM - Drawing Nos.

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers

Location Plan Drawing No. TW014-AP-01
Development Layout Plan Drawing No. TW014-AP-02 rev. C
Fencing Layout Plan Drawing No. TW014-AP-03 rev. C
Hard Surfacing – Drawing No. TW014-AP-06 B
Garden Areas Drawing No. TW014-AP-04 rev. B
Storey Heights Drawing No. TW014-AP-05 rev. B
Refuse Collection Points Drawing No. TW014-AP-07 rev. B
Colour & Materials Drawing No. TW014-AP-08 rev. B
Highways Plan Drawing No. TW014-AP-09 rev. B
Soft Landscape Strategy Drawing No. 17.2090.01 rev. D
House Type NA30-01, Drawing No. TW014-AP-NA30-01
House Type PA25, Drawing No. TW014-AP-PA25-01 rev. A
House Type PA34A, Drawing No. TW014-AP-PA34-01 rev. A
House Type PA34B, Drawing No. TW014-AP-PA34-02
House Type PT35, Drawing No. TW014-AP-PT35-01
House Type PT36A, Drawing No. TW014-AP-PT36-01
House Type PT36B, Drawing No. TW014-AP-PT36-02
House Type PT37A, Drawing No. TW014-AP-PT37-01
House Type PT37C, Drawing No. TW014-AP-PT37-03
House Type PT42, Drawing No. TW014-AP-PT42-01
House Type PA43, Drawing No. TW014-AP-PA43-01
House Type PT43, Drawing No. TW014-AP-PT43-01
House Type PT43, v TW014-AP-PT43-02
House Type Woodman A, Drawing No. TW014-AP-WM-01
House Type Woodman B, Drawing No. TW014-AP-WM-02
House Type Woodman C, Drawing No. TW014-AP-WM-03
Car Ports CP1 and CP2, Drawing No. TW014-AP-CP-01
Car Ports CP3 and CP4, Drawing No. TW014-AP-CP-02
Garage SG1, Drawing No. TW014-AP-GR-01
Garage SG3, Drawing No. TW014-AP-GR-02
Garages SMG5 and SMG6, Drawing No. TW014-AP-GR-03
Garage SMG7, Drawing No. TW014-AP-GR-04
Street Scenes A, B and C Drawing No. TW014-AP-ST-01

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

3. Z00 - Archaeological Scheme

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

4. Non Standard Condition - Levels

No part of the development shall take place until details of the proposed slab levels of the building(s) in relation to the existing and proposed levels of the site and the surrounding land, with reference to fixed datum point have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to adjoining properties, having regard to amenity, landscape, biodiversity, access, highway and drainage requirements.

5. Non Standard Condition - Foul Water Strategy

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

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

6. Non Standard Condition - SuDS

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limiting discharge via infiltration for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event.

- It should be demonstrated that the connection to the existing infiltration basin in the neighbouring development (Warren Lane) does not increase flood risk within both developments and off site. Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.
- A written report summarising the final strategy and highlighting any minor changes to the approved strategy.

The scheme shall subsequently be implemented prior to occupation.

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

7. Non Standard Condition - SuDS

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

Reason: To mitigate increased flood risk to the surrounding area during construction.

8. - Non Standard Condition - SuDS

No works shall take place until a Maintenance and Management Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system, the maintenance activities/frequencies and maintaining maintenance records, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk and to prevent increased flood risk or pollution hazard from the site.

9. Non Standard Condition – Architectural Features

Notwithstanding the details submitted, no works shall commence above ground floor slab level until additional drawings that show details of the proposed plinths, windows, doors, cills, arches, eaves, verges, bargeboards, porches, brickwork /stone work detailing, chimney stacks and rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, are submitted to and approved, in writing, by

the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: Insufficient detail has been submitted to ensure the architectural detailing is of a high quality and where such details are considered important to establishing a benchmark for the character of the buildings in this strategically important and prominent site.

10. Non Standard Condition - Landscape

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

- 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.);
- 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.

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

11. Non Standard Condition – North Boundary

Notwithstanding the details submitted, the north boundary treatment of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of Plots 7 to 16 (excluding underground enabling works). The additional details shall include cross-section drawings to demonstrate the change in levels, stabilisation works, existing boundary enclosures to be retained and the new boundary enclosures. The approved scheme shall be implemented in accordance with the approved details prior to the occupation of plots 7 to 16.

Reason: In order to ensure that an appropriate landscape treatment is provided along this sensitive boundary.

12. Non Standard Condition – Landscape management

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

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

13. Non Standard Condition - Trees

No works shall take place until all trees and hedges not scheduled for removal on the approved plans have been safeguarded behind protective fencing in accordance with BS 5837. All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

14. Non Standard Condition - Trees

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

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

15. Non Standard Condition - Trees

No works or development shall be carried out until an Arboricultural Method Statement in accordance with BS 5837 and an arboricultural Scheme of Supervision, have been submitted to and approved, in writing, by the Local Planning Authority. The Scheme of Supervision shall include: a) Induction and personnel awareness of arboricultural matters b) Identification of individual responsibilities and key personnel c) Timing and methods of site visiting for monitoring of tree work and development work adjacent to retained trees, record keeping and updates and the timeframe for submitting these details to the Local Planning Authority d) Procedures for dealing with

variations and incidents and the timeframe for notifying the Local Planning Authority of such details. The development shall be implemented in accordance with the approved Arboricultural Method Statement and Scheme of Supervision.

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

16. Non Standard Condition – Travel Packs

On the first occupation of each dwelling, the residents shall be provided with Travel Packs, the contents of which shall previously have been agreed in writing by the Local Planning Authority, in consultation with Essex County Council.

Reason: To ensure that a development takes place which exploits opportunities for the use of sustainable transport modes for the movement of goods and people.

17. Non Standard Condition - Garages

Prior to the first occupation of any dwelling, the garages and 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 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 satisfactory parking provision at the site at the time when the development becomes occupied.

18. Non Standard Condition – Visitor Parking

The formal visitor parking spaces indicated on drawing no. TW014-AP-09 B shall be retained solely for the benefit of visitor parking.

Reason: To ensure that a continual level of visitor car parking is provided and retained throughout the development.

19. Non Standard Condition – Cycle Parking

The garden shed / cycle storage outbuildings shown on drawing no. TW014-AP-03 C shall be provided prior to the occupation of the relevant units and shall be provided with an anchor for securing cycles the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development (excluding underground enabling works). The development shall be implemented in accordance with the agreed details.

Reason: To ensure that there is satisfactory cycle parking available at the site at the time that it becomes occupied.

20. Non Standard Condition - Construction Method Statement

Development shall not commence unless and until a Construction Management Plan ("CMP") has been submitted to and approved in writing by the local planning authority. Thereafter the construction of the development shall only be carried out in accordance with the approved statement. The CMP shall include:

- 1) Details of the site compound including temporary structures/buildings, fencing, parking and storage provision to be used in connection with the construction of the development;
- 2) Details of the proposed storage of materials and disposal of surplus materials;
- 3) Methods of dust management;
- 4) Pollution control during construction: protection of the water environment, bunding of fuel storage areas, surface water drainage, sewage disposal and discharge of foul drainage, pollution response plans;
- 5) Details of hours of work;
- 6) Siting and details of wheel washing facilities;
- 7) Cleaning of site entrances, site tracks and the adjacent public highways and the sheeting of all HGVs taking spoil or construction materials to/from the site to prevent spillage or deposit of any materials on the highway;
- 8) A site environmental management plan to include details of measures to be taken during the construction period to protect wildlife and habitats;
- 9) Areas on site designated for the storage, loading, off-loading, parking and manoeuvring of heavy duty plant equipment and vehicles;
- 10) Details and a timetable for post construction restoration/reinstatement of the temporary working areas and the construction compound;
- 11) Working practices for protecting nearby residential dwellings, including measures to control noise and vibration arising from on-site activities shall be adopted as set out in British Standard 5228 Part 1: 2009; and
- 12) Details of the routing of heavy vehicle traffic accessing and leaving the site and
- 13) Details of piling

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.

21. Non Standard Condition - Contamination

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.

22. Non Standard Condition - Contamination

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.

23. – Non Standard Condition - Contamination

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.

24. Non Standard Condition - 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 21, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 22, 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 23.

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

25. Non Standard Condition - Contamination

Prior to the first occupation 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 approved documents and plans.

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

26. Non Standard Condition - Lighting

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 EZ2 rural, small village or dark urban areas and shall thereafter be retained and maintained in accordance with these guidelines.

Reason: To protect the residential amenity and to reduce the affects of light pollution.

27. Non Standard Condition – Electric Charging Points

Prior to the commencement of the development a scheme for the provision of electric charging points shall be submitted to the Local Planning Authority for approval and approved in writing. The scheme shall include details of the type of charging point to be provided, their location, a timeframe for their implementation, the arrangements by which residents of the development can access and use the charging points and details of their on-going management and maintenance. The

development shall be implemented in accordance with the approved details.

Reason: In the interest of promoting a sustainable transport modes and reducing pollution.

19.0 Informatives

1. ZTO - Advisory Note on Construction & Demolition

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

2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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



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Item No: 7.2

Application: 180057

Applicant: Bovis Homes

Proposal: Conversion of retained ex-MOD buildings on Parcel J2B, Colchester Garrison, to 2 No. commercial units and 70 No. dwellings. Minor demolition - forming of openings, to allow adaption of existing buildings.

Location: Garrison Area J2B, Circular Road North, Colchester

Ward: New Town & Christ Church

Officer: Alistair Day

Recommendation: 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 objection has been received to the application and the recommendation includes the completion of a s106 agreement.

2.0 Synopsis

- 2.1 The key issues for consideration are land use, impact on the identified heritage assets, highways, ecology and neighbouring amenity.
- 2.2 The application is subsequently recommended for a conditional approval, subject to a s106 agreement being completed, linking the development to the main garrison legal agreement.

3.0 Site Description and Context

- 3.1 The application site forms part of Area J2 of the Colchester Garrison Urban Village development. Area J2 is essentially split into two areas; the retained former garrison buildings which are the subject of the current application (known as Area J2br) and the remainder of the site which has been redeveloped for new build housing (Area J2a) and apartments (Area J2b). The application site consists of 6 development parcels and comprises 10 retained garrison buildings. The overall area of the application site is 1.56 hectares.
- 3.2 The western edge of the site is formed by the tall brick wall that previously secured the perimeter of the garrison, with Butt Road running alongside, connecting the southern suburbs to the town centre. To the north of the site is Area J1 which has been developed predominantly for housing. To the east of the site is the former garrison paddocks (Area J2b), contemporary apartments have been built on this land. The southern edge of the site is defined by the spur of Circular Road West that provides one of the main routes into the garrison by linking Butt Road to the roads around the edge of Abbey Field.
- 3.3 The site forms part of the former Regimental Cavalry Barracks that were constructed in 1862-3 and formed the earliest cavalry barracks at the Colchester Garrison. The retained buildings comprise:
- CAV 1 (The Guard House), CAV 2 (Smithy, Shoeing Shed and Armourers Shop) and CAV 3 (The Straw and Hay Store) which are set adjacent to the Butt Road garrison wall
 - CAV 4-6 (Troop stables with Soldier accommodation) which are located within the centre of the site and set parallel to each other on a north east to south west alignment;
 - CAV 7 & 8 (Soldier Quarters) which are set perpendicular to Circular Road West; and
 - Cav 10 (Sergeants' Mess and Adults and Boys School) and IC9 (Regimental Institute) are located within the interior of the site to the south of Cav 4.

- 3.4 The application site is located within the Garrison Conservation Area and the buildings Cav1-8, Cav10, the boundary wall and gate piers and IC9 are included on the Council's adopted Local List of Buildings of Architectural or Historic Interest. There are a number of mature trees within Area J2 and these are the subject to the Garrison tree preservation order.

4.0 Description of the Proposal

- 4.1 The current application seeks permission for the change of use and alteration of the retained buildings to provide 70 residential units and two commercial B1 office units.

- 4.2 The current application proposes the conversion of:

- CAV 1 into 2 no. commercial (B1) units
- CAV 2 into 2 no. houses – 1 no. x 3 bed and 1 no. 2 bed;
- CAV 3 into 2 no. houses – 2 no. x 2 bed;
- CAV 4 into 9 no houses – 4 no. 3 bed and 5 no. 4 bed;
- CAV 5 into 9 no house – 4 no. 3 bed and 5 no. 4 bed;
- CAV 6 into 17 apartments - 13 no x 2 bed and 3 no. x 1 bed;
- CAV 7 into 8 apartments – 8 no. x 2 bed;
- CAV 8 into 8 flats – 8 no. x 2 bed;
- CAV 10 into 6 houses – 6 no. x 3 bed; and
- IC9 into 8 apartments – 4 no. x 2 bed and 2 no. x 1 bed

5.0 Land Use Allocation

- 5.1 Garrison Regeneration Area - Zone C (Le Câteau and Cavalry Barracks): predominantly residential. The site forms part of the Garrison Conservation Area and a Tree Preservation Order (TPO) covers many of the trees in the area.

6.0 Relevant Planning History

- 6.1 O/COL/01/0009 - A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved in outline June 2003.
- 6.2 073112 - Reserved matters application for residential development to build 115 new dwellings and the proposed future refurbishment and conversion to residential use of CAV2 (Part) and CAV10 existing buildings – Refused 27 February 2007.

- 6.3 A planning application for the construction of the estate road on Area Jb2b was submitted in 2007 and approved on 3 September 2007.
- 6.4 In 2008 a series of individual applications were submitted by Bovis Homes for the demolition of the retained buildings. Inadequate justification was provided in support of the proposed demolition of these buildings. Bovis Homes were therefore invited to withdraw these applications rather than having them refused; the applications were withdrawn on 18 March 2008.
- 6.5 080629 - Proposed electrical substation to serve areas J1 and J2. – Approved 19 May 2009.
- 6.6 In 2009 a reserved matters planning application (ref 090244) was submitted by Bovis Homes for the erection of 122 residential new buildings. This application was refused (11 May 2009) on the grounds of poor design, its adverse impact on the character and appearance of the Garrison Conservation Area and failure to adhere to the principles of the approved MLP. A concurrent application for conservation area consent (ref +090251) for the demolition of Cav9, Cav10, Cav12 and IC9 was also refused on 11 May 2009.
- 6.7 A full application was submitted by Taylor Wimpey for the change of use of CAV 1, 3, 4-8 to create 54 no. dwellings (including 2 no. live/work units) and 2 no. commercial units at area J2B Colchester Garrison (ref 090156). A resolution to grant planning permission was made subject to the completion of a legal agreement. The legal agreement was not signed and the application was subsequently withdrawn.
- 6.8 In 2011 a reserved matters application (ref 111001) was submitted by Bovis Homes for the erection of 80 new dwellings. The layout plan for this application indicated the incorporation of Cav2, Cav10 and IC9 with the site of Cav9 being redeveloped for new housing; these buildings / sites did form part of this application. (The supporting information indicated that Cav3 and Cav10 could be converted to 16 residential units and that 12 new buildings could be built on the site of Cav9). This application was approved on 26 August 2011. A concurrent application for conservation area consent (ref 111001) for the demolition of Cav12 was also granted approval.
- 6.9 A further reserved matters planning application (ref 121613) was submitted by Bovis Homes in September 2011 for the redevelopment of Area J2B which included the demolition of buildings CAV 2, CAV 9, CAV 10 and IC9 to enable redevelopment of J2B, Colchester Garrison to proceed. This application was dismissed at appeal.
- 6.10 An application was submitted in 2016 for the redevelopment of the Cav 09 (160133) for 18 new dwellings including parking and associated amenity area. The application was approved.

7.0 Principal Policies

- 7.1 In determining the planning applications regard has to be had to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.2 In this case, the development plan comprises the adopted Colchester Borough Core Strategy (adopted December 2008, updated 2014), adopted Colchester Borough Development Policies (adopted October 2010, updated 2014) and the Site Allocations (adopted 2010).
- 7.3 The following policies from the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) are relevant:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - H5 - Gypsies, Travellers, and Travelling Showpeople
 - 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
 - ENV1 - Environment

Development Policies

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

- DP1 Design and Amenity
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

Site Allocation Policies

Adopted Borough Site Allocations Policies (adopted 2010)

- SA GAR1 Development in the Garrison Area

Submission Colchester Borough Local Plan 2017-2033

In addition to the above, consideration also needs to be given to the Submission Colchester Borough Local Plan 2017-2033.

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

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

Officers have considered the weight to be attached to the Submission Colchester Borough Local Plan 2017-2033. As to the first limb, the Local Plan was submitted to the Planning Inspectorate in October 2017 and a formal examination of Part 1 was commenced in January 2018. The Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. As to the second limb, in the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan. As to the third limb, it is considered, at this stage, that the relevant policies in the emerging Local Plan do not appear to contain obvious inconsistencies with the Framework.

- 7.4 The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy.
- 7.5 There is a statutory requirement to pay special regard to the desirability of preserving or enhancing the character or appearance of a conservation area - Planning (Listed Building and Conservation Areas) Act 1990.

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

- Council's Supplementary Planning Guidance for the Le Cateau and Cavalry Barracks
- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Street Services Delivery Strategy
- Planning Out Crime

8.0 Consultations

Environmental Control Officer

8.1 No objection subject to conditions to cover the following:

External noise
Communal storage areas
Light Pollution (commercial unit)
Construction Method Statement

Contamination Land Officer

8.2 A Remediation Strategy (RMS) has previously been agreed for the larger parcel, including area J2B: *Idom Merebrook, Ref. RMS-MER00228-11-84 REV B, dated 31/5/16*. This included (but is not limited to) the following:

1. 'A strong odour of creosote was identified in the westernmost part of CAV 09...It should be noted that CAV 09 is proposed for demolition. Remedial action to mitigate the risk of transmission of odours and potential risk of harm to future residents shall principally comprise the removal and disposal of affected materials during demolition.'
2. Provision of a sufficient depth of clean cover soils was deemed to be necessary for all landscaped areas, sufficient to mitigate the identified localised contamination.
3. Protected water supply pipes, specification to the satisfaction of the service provider, were required.
4. Appropriate asbestos surveys were required for existing buildings, where necessary.

Consequently, potential sources of contamination relevant to this application have already been identified, requiring mitigation and verification: it will be necessary for these matters to be conditioned if they are not covered by existing permissions.

Landscape Officer

- 8.3 The Landscape Officer has confirmed that there are no Planning Projects Team objections to this application on landscape grounds. Conditions recommended.

Arboricultural Officer

- 8.4 The Arboricultural Officer has not raised an objection to this application.

Archaeological Officer

- 8.5 The application concerns the conversion and alteration of historic buildings of the former Regimental Cavalry Barracks of Colchester Garrison (HER no. MCC10150) The Cavalry Barracks was the earliest permanent cavalry barracks at Colchester Garrison, constructed in 1862-3. This is the most complete complex of its kind in England and a rare survival.
- 8.6 In accordance with the *National Planning Policy Framework* (Paragraph 141), any planning permission granted should be the subject of planning conditions to record and advance understanding of the significance of heritage assets before they are damaged or destroyed.
- 8.7 In terms of the historic buildings, a building recording condition is required.

Housing Development Officer

- 8.8 The Housing Development Officer has not raised an objection to this application.

Urban Design Officer

- 8.9 Objection is raised primarily with regard to car parking unreasonably dominating the public realm and key historic elevations, even taking into account site constraints associated with having to work around existing buildings. Other issues relate to access and storage. A more balanced and creative approach is necessary to subtly accommodate parking in a way which also means the layout provides reasonable levels of private amenity space. For example, 90 degree parking dominates public streets and arguably the areas most striking frontages serving CAV 4 (especially), 5 and 6. It is recommended parking is relocated from in front of CA4 to the rear of CAV4 and 5. This would reduce rear amenity space for CAV4 and 5, though could be mitigated (i) for CAV4 by providing veranda style front amenity space (in addition to the balcony above) whilst also leaving room for a green verge to help showcase the elevation in its entirety, and (ii) for CAV5 by increasing the pseudo public/communal space to the front of CAV5 but which would also benefit CAV6.

Highway Authority

- 8.10 The Highway Authority (HA) has not raised an objection to this application.

Natural England

- 8.11 No objection raised to the proposed development in respect of legally protected species.

Anglian Water

- 8.12 No objection

North East Essex Clinical Commissioning Group

- 8.13 The development could generate approximately 161 residents that generally require an increased level of NHS support and subsequently increase demand upon existing constrained services.

Officer comment: the proposals form an integral part of the Garrison Urban Village development and the application will be linked back to this agreement.

Essex Police

- 8.14 The published documents have been studied and, on the basis of the information supplied, Essex Police is satisfied that the relevant considerations of Sections 58 & 69 of the NPPF have been addressed appropriately.

Lead Local Flood Authority

- 8.15 No objection

9.0 Parish Council Response

- 9.1 The site is not parished.

10.0 Representations from Notified Parties

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

- Traffic is already very heavy with limited parking.
- The proposal will to add to the parking problems.
- Indiscriminate parking will could hinder access by emergency vehicles.

- With the opening of the access road to Circular Road West, there is the danger that the roads will be used as a cut through.
- Will the proposal delay the planned adoption of this section of road arrangements for parking restrictions?
- The proposal is overdevelopment.
- The opportunity should be taken to refurbish the two pairs of wooden gates onto Butt Road. It is entirely possible that these are the original c1862 gates which should, therefore, be restored if at all possible.

Colchester Civic Society

10.2 Colchester Civic Society note that the existing road access and pedestrian access will be maintained as existing and we hope that the old barrack gates can be retained. We understand that the routes from Butt Road may be opened for pedestrians and cyclists but there seems to be no obvious reason why the gates cannot be anchored in an open position. The boundary wall and the gates are such an important historical feature of the town they should be treasured, not lost.

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

11.0 Parking Provision

11.1 See paragraph 15.37-42

12.0 Open Space Provisions

12.1 See paragraph 15.21-24

13.0 Air Quality

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

14.0 Planning Obligations

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. It was considered that the application should be linked back to the main garrison legal agreement.

15.0 Report

Background Context

15.1 The Garrison Urban Village Development (ref: O/COL/01/0009) was granted outline planning permission in June 2003 and remains extant. The application site (Area J2br) forms part of this development.

- 15.2 The July 2004 Master Layout Plan (MLP) was approved in discharge of Condition 1 of the garrison outline planning approval. This plan sets out the strategic principles to be followed in the implementation of the garrison development.
- 15.3 Area J2b is identified for predominantly residential use with low key mixed use in the MLP.
- 15.4 The Council's Supplementary Planning Guidance for the Le Cateau and Cavalry Barracks identifies the stable blocks with troop accommodation over (CAV 4, 5 & 6) and the Soldiers' Quarters (CAV 7 & 8) as being suitable for conversion to residential use. The guidance suggests that CAV 1 and CAV 3 could be used for residential or small scale commercial use.
- 15.5 Site Allocations Policy GAR 1 states that mix of uses will be considered acceptable within the Garrison site and that Le Cateau and Cavalry Barracks will be predominantly residential.
- 15.6 The conversion and alteration of the retained buildings in Area J2b forms an integral part of the Garrison Urban Village development and accords with the planning principles established by the outline planning approval and the relevant policy guidance.

Heritage and Design Considerations

- 15.7 The site falls within the Colchester Garrison Conservation Area, a large conservation area (covering c.69.5 hectares). None of the buildings within the application site are listed; all of the buildings are however included on the Council's adopted Local List of Buildings of Architectural or Historic Interest.
- 15.8 The Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. CS Policy ENV1 and DPD DP14 seek to conserve and enhance Colchester's historic environment. With regard to design, CS Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 12 (paragraphs 126 to 141) of the Framework deals with conserving and enhancing the historic environment, including locally listed buildings.
- 15.9 Area J2b forms the central section of the former Cavalry Barracks which dates from 1862-64. A significant number of the original buildings survive. These buildings form a cohesive group from which it is possible to read the original layout of the barracks. Building IC9 is the former Regimental Institute and is a later addition to the complex of buildings at the Cavalry Barracks. Whilst this building has a different architectural style to the nineteenth century Cavalry Barracks buildings, it nevertheless still adds to the architectural character of the conservation area.

- 15.10 The proposed development is predetermined by the form of the existing buildings and the need to retain or restore their original architectural character and the contribution that they make to the appearance of this part of the Garrison Conservation Area. Members should also note that the proposals in relation to CAV1 and CAV 3-8 are the same as that proposed by Taylor Wimpey application 121613. The Planning Committee previously resolved to grant permission for this development, subject to the completion of a s106 agreement.
- 15.11 CAV 1 is to be converted to B1 office use. The external verandas are to be retained and refurbished and will form canopies over the respective entrances. The proposed alterations to CAV 2 and CAV3 follow the fenestration and doorways pattern of the existing openings and thereby retain the essential character of the original buildings. The proposed conversion works to CAV 4-6 also follow the existing fenestration pattern. To the front elevations of CAV 4 and 5, the existing window cills beneath the balcony are to be lowered by a single pane to improve the relationship to the room behind. On the rear elevation of these buildings, the existing windows are to be modified to create new doorways with sliding timber shutters. New glazed verandas are proposed to link groups of new door openings and improve the scale of the elevation relative to the enclosed garden spaces. With the exception of the glazed veranda, similar alteration works are proposed to CAV 6. The space between CAV 4, 5 and 6 is to be landscaped to provide areas of private amenity space and car parking. The proposed space between CAV 4 and 5 is however of a very different character to that between CAV 5 and 6. The latter space has the existing first floor balconies facing inwards on both buildings which creates the perception of the buildings fronting onto one another. This space is maintained as an open privately shared space. The space between CAV 4 and 5 is much wider and will be partially enclosed by rear garden walls. A new footpath / cycle link from north to south is to be facilitated through this space and will link the pocket park in Area J1, through Area J2 to Circular Road West. The conversion of CAV 7 and 8 utilises the extensive fenestration pattern. The scheme proposes the reinstatement of the glazed verandas to the central section of the building that face each other. The central space between the buildings will create a formal shared private amenity space. The conversion of Cav 10 and IC9 follows the fenestration pattern of the existing openings and thereby retains the essential character of the original building.
- 15.12 The boundary wall to Butt Road is to be retained along with the two existing entrances and piers. The comment made in respect of the retention of the gates to the former garrison entrances are noted and have been discussed with the developer. The pedestrian and main entrance (adjacent to CAV 1) are now proposed to be retained / repaired and will be fixed shut. The second pedestrian gate is proposed for removal to provide a pedestrian link onto Butt Road. The southern entrance gate (adjacent to Cav3) will be removed as the access is intended to serve as a pedestrian / cycle from Butt Road. In this instance, it is not feasible to retain the gates in an open position as they would obscure / cover the openings to CAV3.

- 15.13 The comments made by the Council's Urban Design Officer in respect of the potential visual impact of parked cars are appreciated. The comments made are not however cognisant of the previously agreed scheme, and the suggestions made in respect of CAV 4-6 would result in these units having significantly substandard private amenity space and would result in a potential conflict between vehicular movements and the pedestrian / cycle link. The scheme has however been amended so that the parking to the front of CAV 4 is enclosed by a brick wall; this combined with the suggested tree planting is considered sufficient to mitigate the impact of the proposed parking to the front of this building. The proposed parking to the Cav 2 and IC9 has also been amended so that it integrates more successfully with the townscape and to help to reduce the impact of parked cars on the wider street.
- 15.14 The buildings within Area J2 have been redundant since the army vacated the site and have not been actively maintained for many years. As a result of this, the buildings are showing signs of deterioration and some have been affected by vandalism. In response to the problem of vandalism, Bovis Homes has secured all of the buildings and undertakes routine inspections of the site. This situation is not sustainable and in order to secure the long-term future of these garrison buildings it is important that they find an appropriate new use. The application proposes the conversion of the locally listed buildings to residential / business use and this represents a viable end use that will secure their long future. The adopted design philosophy has been to retain as much of the original character of the buildings whilst removing unsympathetic additions. This approach is welcomed.
- 15.15 When considering the impact of a proposed development the NPPF at paragraph 132 requires that great weight should be given to the conservation of the heritage asset's significance. In this case, the designated heritage asset is the Garrison Conservation Area (which includes Area J2b and its locally listed building). Paragraph 133 deals with substantial harm to, or total loss of significance of, a designated heritage asset. It is not considered that the proposed development would result in substantial harm to the designated heritage asset. Paragraph 134 deals with less than substantial harm and indicates that any such harm should be weighed against the public benefits of the proposal. The proposed development will cause some harm to the identified heritage asset. In this instance, the benefits of the scheme include: bringing locally listed buildings back into re-use; the provision of a choice of housing types in a sustainable urban location and the economic benefits as result of construction activity and possible job creation. These benefits are considered to outweigh any harm caused to the identified heritage assets
- 15.16 For the reason given above, the application is considered to accord with the aforementioned local and national planning policies

Trees and Landscape

- 15.17 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline.
- 15.18 There are a number of existing mature trees to the south east of CAV 7 and 8 which make an important contribution to the amenity of the area. Following initial comments from the Arboriculture Planning Officer, an Arboricultural Implications Assessment was submitted. This assessment demonstrate that the proposal can be implemented whilst safeguarding the existing trees.
- 15.19 The landscape proposals build on the strategy that have been agreed as a part of the wider redevelopment of the Area J2b site. The Council's Landscape Officer has advised that he has no objection to the proposal subject to condition. Subsequent to this, a detailed landscape scheme has been submitted which is intended to overcome the need for a landscape condition. The Landscape Officer has requested further amendments and, as such, it is proposed to require the submission of a detailed landscaping scheme.
- 15.20 It is considered that the development proposals would result in a significant visual enhancement of the site in terms of hard and soft landscape and would not result in the loss of important trees. The current planning application is therefore considered to accord with CS Policy ENV1 and DPD Policies DP1 and DP21 that require development schemes to protect existing landscape features.

Private and Public Open Space Provision

- 15.21 Core Strategy Policy PR1 states that the Council aims to provide a network of open spaces and recreational opportunities that meet local community needs. Development Plan Policy DP16 states that in addition to private amenity space, all new residential development will be expected to provide new public areas of accessible strategic or local open space. Precise levels of provision will depend on the location of the proposal and the nature of open space needs in the area but as a guideline, at least 10% of the gross site area should be provided as useable open space.
- 15.22 Both the proposed houses and apartments are provided with areas of private amenity space. The constraints imposed by the retained buildings are such that the private amenity has had to be designed around these features. The majority of the houses are provided with a courtyard style gardens that typically range in size between 50 sq.m and 115 sq.m; the notable exception to this is CAV 3 which, due to it being built into the Butt Road wall, will not have any private amenity space. The apartment units have access to private communal amenity space; these spaces are smaller than the prescribed standards. Whilst it is accepted that not all the private amenity areas meet the adopted garden standards, it is not considered unusual for smaller gardens to be found in urban areas. The local plan text accompanying policy DP16 acknowledges that these standards are not

always helpful for producing good quality development in compact urban development.

- 15.23 In addition to the private amenity, public open space is being provided as a part of the wider Area J2 development; this accords with the 10% requirement set out in policy DP16. The proposed dwellings are also located in close proximity to Abbey Field, a major area of public open space.
- 15.24 In view of the heritage constraints of the site, its edge of centre location and the close proximity of high quality areas of public open space the proposed provision of public and private amenity space is considered acceptable. To safeguard against the loss of the private garden areas it is recommended that a condition is attached removing permitted development rights for the extension and alteration of the dwelling houses.

Ecology and Biodiversity

- 15.25 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.
- 15.26 The submitted ecology report notes that there are no habitats of national, county or local significance affected by the proposal and the only evidence of protected species relates to bats. An up to date bat survey has been submitted in support and this concludes that none of the buildings are important roosts but that there is evidence of bats using some of the buildings. A bat mitigation strategy is therefore recommended (in respect of the affected buildings).
- 15.27 The current planning application is therefore considered to accord with Core Strategy Policy ENV1, DPD Policies DP1 and DP21 and paragraph 118 of the Framework which require development proposals to conserve or enhance biodiversity interest.

Residential Amenity

- 15.28 DPD DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity.
- 15.29 In master planning the layout of Area J2 careful consideration was given to the juxtaposition between the retained buildings and the new housing to ensure that the private residential amenity of the various properties was safeguarded.

- 15.30 Concern has been raised by some local residents that the proposed development would have a detrimental impact on their amenity, in terms of construction noise and disturbance. It is normal planning practice for construction activities to be controlled via a condition requiring the submission of a Construction Management Plan (CMP). The CMP would also require details on the hours of construction, the erection and maintenance of security hoardings and control over the emission of dust and dirt. Environmental Protection has not raised an objection to this application, subject to the attachment of a CMP condition.
- 15.31 With regard to the impact of noise on the proposed buildings, the Noise Report notes that the site falls within Noise Exposure Category A along Butt Road and within Noise Exposure Category B along Circular Road West and Circular Road North during the day and night time periods. The report concludes that with standard double glazing the properties will achieve the recommended criteria for living rooms and bedroom. Environment Protection are in agreement with the conclusions of this report.
- 15.32 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity 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.

Transport and Accessibility

- 15.33 CS Policy TA1 – TA4 seek to improve accessibility and change travel behaviour. DPD Policy DP17 states that all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrians, cycling and public transport access. Paragraphs 29 to 41 of the NPPF provide guidance on transportation matters and state that applications should only be refused on transport grounds where the impact is severe.
- 15.34 As set out in the report, the application site forms part of the Garrison Urban Village land (ref O/COL/01/0009) and this application includes significant improvements to the local and strategic highway network, together with a financial contribution for transportation and bus services. The highway works and financial contributions are secured through the main garrison legal agreement. In this context the Highway Authority has confirmed that it is content that this application will not have a significantly detrimental effect on the local highway network in terms of capacity and/or highway safety. Following the initial consultation response, there has been a minor amendment to the layout of the proposed scheme. The Highway Authority has been re-consulted on the application and, at the time of writing the report, its updated consultation response is still awaited.

- 15.35 The layout of Area J2 was planned around the retained buildings and has been approved. A new footpath and cycle way is proposed to link Area J2 to Area J1a. The reopening of the historic entrance gates in the Butt Road boundary wall will help to integrate the garrison development with the established residential areas that lie beyond Butt Road (enabling convenient access the recreational facilities on Abbey Fields). Access to public transport is also very good with a bus stop located approximately on Circular Road West and on Butt Road.
- 15.36 Given the above, it is considered that the proposed development would accord with relevant development plan policies and national planning policy guidance set out in the Framework.

Parking

- 15.37 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. DPD policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.38 The adopted 2009 guidance document requires a maximum of 1 space per 30 sqm for B1 office. For residential development, the adopted guidance requires one parking space for one bedroom units and two parking spaces for each two bed or above residential unit. In addition to this, 0.25 visitor parking spaces are required per unit. The guidance also states that where development is located within the urban areas with good links to sustainable transport a lower parking standard can be considered.
- 15.39 The proposed office unit (Cav 1) is provided with 12 parking spaces, which accords with the adopted standards. A total of 111 parking spaces are proposed to serve the residential units. The proposed houses are provided with 2 parking spaces each. With regard apartment buildings, Cav 6 (comprising 3 no. one bed units and 15 no. two bed units) are provided with one space each; Cav 7 and 8 (all two bed units) are provided with one space each and have 7 visitors spaces. Building IC9 (6 no. 2 bed units and 2 no. one bed units) are each provided with two parking spaces and have two visitor spaces. In addition to the aforementioned parking provision, 11 further visitor parking spaces are proposed.
- 15.40 The objection raised to on the grounds of the 'lack' of parking and the impact the indiscriminate parking will have on the surrounding area are fully appreciated. Careful consideration has been to the proposed parking layout both to maximise the number of potential parking spaces as sympathetically as possible whilst reducing the risk of indiscriminate parking. The potential for unauthorised parking will be further managed by the introduction of formal parking control measures across the development. It is considered that an appropriate balance has been struck between need to accommodate

an appropriate level of parking to serve the development and need to ensure that car parking is not so overly dominant to detract from the heritage assets.

- 15.41 In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided. Secure cycle parking stores have been design as an integral part of this development and to ensure that an appropriate number of cycle parking spaces are provided it is proposed that a planning condition cover this matter.
- 15.42 The sensitivities surrounding parking are fully appreciated in this instance, given the site's sustainable location and the unique heritage constraints the parking provision is considered to be acceptable. The proposals are considered to accord with the Council's adopted policy and guidance.

Hydrology and Drainage

- 15.43 CS policy sets out the strategic policy approach to safeguard people and property from the risk of flooding. It 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. DPD DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.
- 15.44 The drainage arrangements for the proposed development are designed to integrate with the overall garrison drainage strategy. The LLFA has confirmed that the drainage proposals are acceptable. Anglian Water has also not raised an objection to this proposal.
- 15.45 The submitted evidence indicates that there are effective mitigation measures to avoid any 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

- 15.46 DPD DP1 requires all development to avoid unacceptable environmental impacts. The desk top assessment concludes that there is the potential for the site to contain contamination
- 15.47 The potential sources of contamination relevant to this application have already been identified and it has been demonstrated that, with appropriate conditions, the site is capable of development without causing any adverse risk to future residents or sensitive receptors.

S106 Matters

- 15.48 It is proposed the application is subject to a legal agreement to link this development back to the original S.299a agreement for the Garrison Urban Village.

16.0 Conclusion

- 16.1 National policy requires planning to be generally plan-led. The proposal is considered to accord with the relevant policies contained in the Council's adopted development plan and the emerging plan. The NPPF makes it plain that the purpose of the planning system is contribute to the achievement of sustainable development: paragraph 7 identifies three dimensions of sustainable development – economic, social and environmental. In respect of the first of these the current proposal provides economic benefits as a result of construction activity, continuing the regeneration of the garrison area and the possible creation of additional jobs. The social role of sustainable development is described as a supporting strong vibrant and healthy communities and by creating a high quality built environment with accessible local services. The development will deliver 70 residential units and provide a choice of housing types with a range of prices in a sustainable location. The development will therefore contribute positively towards the Borough's supply of housing. In respect of the third dimension (environment) the proposal would secure the retention and reuse of locally listed buildings which contribute to the designated heritage asset of the conservation area. There is also sufficient evidence to be confident that the overall development would not cause significant harm to flood risk, noise, pollution or will have a severe impact upon the highway network in terms of capacity / safety. It is considered that the scheme would acceptably fulfil the environmental dimension of sustainable development by preserving and enhancing the identified heritage assets and by promoting new development of a high quality design.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the signing of a linking 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 linking agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers.

KLH Drwg No 3934-0101 rev P03 : Proposed block plan

KLH Drwg No 3934-0303 rev P02 : Proposed floor plans for CAV 2

KLH Drwg No 3934-0305 rev P03 : Proposed floor plans and elevations for CAV 3

KLH Drwg No 3934-0307 rev P03 : Proposed floor plans for CAV 4

KLH Drwg No 3934-0309 rev P03 : Proposed floor plans for CAV 5

KLH Drwg No 3934-0311 rev P02 : Proposed floor plans for CAV 6

KLH Drwg No 3934-0313 rev P03 : Proposed floor plans for CAV 7

KLH Drwg No 3934-0315 rev P03 : Proposed floor plans for CAV 8

KLH Drwg No 3934-0317 rev P02 : Proposed floor plans for IC9

KLH Drwg No 3934-0319 rev P02 : Proposed floor plans for CAV 10

KLH Drwg No 3934-0401 rev P02 : Proposed elevations for CAV 4

KLH Drwg No 3934-0403 rev P02 : Proposed elevations for CAV 5

KLH Drwg No 3934-0405 rev P02 : Proposed elevations for CAV 6

KLH Drwg No 3934-0407 rev P03 : Proposed elevations for CAV 7

KLH Drwg No 3934-0409 rev P03 : Proposed elevations for CAV 8

KLH Drwg No 3934-0410 rev P02 : Proposed elevations for IC9

KLH Drwg No 3934-0411 rev P02 : Proposed elevations for CAV 10

KLH Drwg No 3934-0412 rev P02 : Proposed elevations for CAV 2

JBA 18-053 AIA rev A (Arboricultural Impact Assessment) dated 20 February 2018

BA Drwg No 18-053 TP01 rev A : Tree Protection 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 – Programme of building recording

Prior to the commencement of works to any building, a programme of building recording and analysis shall have been undertaken and a detailed record of each building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To ensure the proper and timely investigation, recording, reporting and presentation of heritage assets affected by this development

4. Non Standard condition – Construction Method Statement

No works, including works of demolition and/or enabling works shall take place 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) hours of deliveries
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development
- v) the hours of work

- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) wheel washing facilities
- viii) measures to control the emission of dust and dirt during construction
- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works

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.

5 ZGX - 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

6 ZGY - 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

7 ZGZ - 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

8 ZG0 - 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 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, 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 6.

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 ZG3 - *Validation Certificate*

Prior to the first occupation 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 6.

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 – Non Standard Condition – Surface Water

The surface water drainage scheme for the application site shall be carried out in accordance with the overall drainage strategy agreed for the Garrison Urban Village development (ref: O/COL/01/0009) unless otherwise agreed in writing with the Local Planning Authority.

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

11 – Non Standard Condition - Trees

The development hereby permitted shall be undertaken in accordance with the recommendations set out in the Arboricultural Impact Assessment (ref JBA 18-053 AIA AR01 REV A Garrison, Areas CAV7 and CAV8 dated 28 March 2018 and drawing no. JBA 18-053 Tree Protection Plan JBA 18/053 TP01 REV A).

Reason: To safeguard existing trees within and adjoining the site in the interest of amenity.

12 – Non Standard Condition - Trees

No works or development shall take place until a Scheme of Supervision for the arboricultural protection measures has been approved in writing by the Local Planning Authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Timing and methods of site visiting and record keeping, including updates
- d. Procedures for dealing with variations and incidents.

The Scheme of Supervision shall be carried out as agreed and shall be administered by a qualified Arboricultural Consultant instructed by the applicant and approved in writing by the Local Planning Authority

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

13 – Non Standard condition - Trees

No works shall commence until all trees not scheduled for removal on the approved plans have been safeguarded behind protective fencing in accordance with BS 5837. All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees and adjoining the site in the interest of amenity.

14 ZFS - Tree Protection: General

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

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

15 – Non Standard condition – Amended landscape

The landscape proposals (shown on drawing nos. JBA 17-263-01 rev B: JBA 17-263-02 rev B and JBA 17-263-03 rev B) shall be amended in accordance with the recommendations set out the Council's Landscape Officer's consultation response (ref 098/18/CON, dated 10/04/18). The amended landscape scheme shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved prior to the occupation of any part of the development unless an alternative implementation programme is agreed, in writing, by the Local Planning Authority.

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.

16 ZFE - Landscape Management Plan

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

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

17 – Non Standard Condition – Gates to Butt Road

A scheme for the repair and adaptation of the existing timber gates adjacent to CAV 01 shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme, which shall be implemented prior to the occupation of any of the buildings that are the subject of this permission or such other timeframe as may be agreed in writing by the Local Planning Authority.

Reason: To ensure that the timber gates, which are of historic local interest, are retained and repaired in an appropriate manner.

18 – Non Standard condition – Gates to Butt Road

Prior to the occupation of CAV 3, the existing timber gates adjacent to this building shall be removed, the gate piers repaired and the link between Butt Road and the development site resurfaced in accordance with the details shown on the approved landscape drawings, which for the avoidance of doubt shall include the installation of the bollards at either end of this link.

Reason: To ensure that the site integrates with the surrounding residential area and to avoid the pedestrian / cycleway link being used by vehicular traffic, in the interest of highway safety.

19 – Non Standard condition – Car Parking

No unit shall be occupied until the car parking space(s) intended to serve that unit and any associated unallocated visitor car parking space(s) intended to serve that part of the development have been hard surfaced, sealed, marked out and made available for use to the satisfaction of the Local Planning Authority. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: To ensure that each unit is provided with an appropriate parking space and that the unallocated parking space available for use by all residents and their visitors and in the interest of highway safety.

20 – Non Standard Condition – Cycle Parking

Each residential unit shall be provided with at least one secure covered cycle parking space. No unit shall be occupied until cycle parking for that unit has been provided in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be retained in accordance with the agreed details

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

20 ZCE - Refuse and Recycling Facilities

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

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

22 – Non Standard Condition – Communal Storage

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

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

23 – Non Standard Condition – Travel Pack

On the first occupation of each dwelling, the residents shall be provided with Travel and Information Packs, the contents of which shall previously have been agreed in writing by the Local Planning Authority, in consultation with Essex County Council.

Reason: To promote modal shift towards more sustainable forms of transports.

24 – Non Standard Condition – 23 Footpath/cycle link

Prior to the occupation of either Cav 4 or 5, the footpath / cycleway link that runs between these buildings and connects the application site with adjacent site (between plots 68 and 69 as shown on the approved layout drawing) shall be completed in accordance with the details shown on the approved landscape drawings and shall be made available for general public use.

Reason: To ensure appropriate pedestrian and cycle connectivity between Area J1 and Area J2 of the Garrison development.

25 – Non Standard Condition - Repair

Prior to works starting on any individual building, a schedule of external repairs (including making good to parts of the building where demolitions and/or alteration works have previously been undertaken and works of repair to the existing entrance gateway and boundary wall) shall be submitted to and approved by the Local Planning Authority. The development shall be implemented in accordance with the approved schedule of repairs.

Reason: To ensure that the repair works are undertaken in a manner that safeguards the special interest of the locally listed buildings and character and appearance of the Garrison Conservation Area.

26 – Non Standard Condition – Additional details

Notwithstanding the details submitted, additional drawings that show details of any proposed new windows, doors, shutters, grilles, cills, arches, plinths, verandas, balconies, brickwork detailing and rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, are submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

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

27 – Non Standard Condition - Noise

The noise mitigation measures detailed the acoustic report (ref Acoustic Design Consultants ADC/7285/03R/LZ) shall be employed to ensure the noise levels inside habitable rooms do not exceed those stated in the current version of BS8233 and maximum noise levels inside habitable rooms do not exceed 45dB.

Reason: In the interest of amenity of the occupiers of the dwelling hereby permitted.

28 ZGR - *Light Pollution for Minor Development*

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note for zone EZ2 RURAL, SMALL VILLAGE OR DARK URBAN AREAS.

Reason: In the interest of promoting sustainable transport modes and reducing pollution.

29 – Non Standard Condition – Mitigation Scheme

The development shall be undertaken in accordance with the details and recommendations set out in the letter from AAE Environmental (ref 173286/JDT) dated 13 December 2018. The agreed mitigation scheme shall be fully implemented prior to the occupation of the relevant buildings and the bird and bat boxes to be installed in trees shall be installed prior to the occupation of any building. The ecological mitigation measures shall be retained in their approved form.

Reason: To ensure that adequate measures are taken to protect wildlife species.

30 ZDC - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (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 and to safeguard the character and appearance of heritage assets and their setting

31 – Non Standard Condition - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Part 40 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no micro-generation equipment shall be installed unless otherwise approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to safeguard the character and appearance of heritage assets and their setting

32 – Non standard Condition – Commercial units

The commercial units hereby permitted shall be used for B1 office use only.

Reason: For the avoidance of doubt as the scope of this permission.

33 – Non Standard Condition – Hours of Commercial Units

Prior to the occupation of the B1 units, the hours of operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site.

34 – Non Standard Condition - Arboricultural Method Statement

Prior to works starting on either Cav 7 or Cav 8, an arboricultural method statement (which shall include details of the reduced dig methodology) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the agreed details.

Reason: In the interest of safeguarding the nearby trees.

35 – Non Standard Condition – Grass Verges

Prior to the occupation of any building, a scheme to prevent indiscriminate on the grass verges to Circular Road West and/or Circular Road North (including a timeframe for its implementation) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: In order to secure a satisfactory form of development, to reduce the potential for parked cars detracting from the character and appearance of the conservation area and to prevent damage to existing trees.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

3. ZTB - Informative on Any Application With a Site Notice

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



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Item No: 7.3

Application: 180540

Applicant: See Company Name

Agent: Miss Jennifer Carroll, Strutt & Parker

Proposal: Reserved matters application following outline approval 170997 - erection of 36 residential dwellings, public open space, landscaping, new access and highways, associated and ancillary development

Location: Land at, Hill House, Carters Hill, Boxted, Colchester, CO4 5RD

Ward: Rural North

Officer: Mark Russell

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application has been called in to the Planning Committee by Councillor Chapman for the following reasons:

Following consultation with the Parish Council, and comments made to me, I am aware of local concerns that are not clearly addressed in this application. These include protection for the Village Green area from parking vehicles; the sight lines at the south-east boundary along Straight Road, adjacent to the road crossing; the quality of the building materials to be used eg a desire for hand-made roof tiles for those houses facing the Village Green; and use of native species in hedge planting. The village was the first in Essex to have a Neighbourhood Plan, which supported this development at Hill Farm. A public and transparent decision on Reserved Matters would complete the inclusivity of decision making for the residents.

2.0 Synopsis

- 2.1 It is explained that Outline Planning permission exists for 36 dwellings (in accordance with the Boxed Neighbourhood Plan).
- 2.2 It is further explained that this application relates to Reserved Matters – Appearance, Landscaping, Layout, and Scale (the Access having been already approved at Outline).
- 2.3 Comments and objections are then detailed. These include the principle as well as some design, layout and highway issues. It is explained that the principle has already been accepted and that, through negotiation, issues of layout and highway safety have been resolved.
- 2.4 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site is characterised by the footprints of former buildings associated with its commercial use and large areas of hardstanding. A mature tree belt is located along the southern boundary of the site, while the western boundary is clearly demarcated by established vegetation. Directly to the north of the site is the Grade II listed Hill House and associated outbuildings, while to the east of the site is St Peter's Primary School. There are arable fields to the west of the site and residential dwellings to the south and south east.

4.0 Description of the Proposal

- 4.1 The application seeks detailed permission for 36 dwellings (granted Outline permission under application 170997).

5.0 Land Use Allocation

- 5.1 The site was formerly allocated for employment uses and was re-allocated for residential use in the Boxted Neighbourhood Plan. The Neighbourhood Plan now places the site within the Boxted Cross settlement boundary in Boxted village. This plan was adopted by Colchester Borough Council on 8 December 2016. It therefore now forms part of the statutory Development Plan for Colchester along with relevant policies in the adopted Local Plan.

6.0 Relevant Planning History

- 6.1 The application site was granted planning permission for the erection of new industrial and office buildings within Use Classes B1, B2 and B8 (reference 131174). Outline planning permission for the development of the site for residential purposes was sought in 2013 (reference 131528) and 2014 (reference 144589). These applications sought permission for 45 and 43 dwellings respectively. Both applications were refused, with the 2013 application also being dismissed at appeal.
- 6.2 Permission was then granted under reference 170997 for “Outline planning application including details of access and layout for 36 residential dwellings, public open space, landscaping, new access and highways, associated and ancillary development on land at Hill Farm, Boxted Cross, Boxted” on 10th August 2017.
- 6.3 Planning application 180498 has been submitted to vary the condition relating to trees. This merely seeks to change the reference to an Arboricultural Impact Assessment (AIA) which has been changed to reflect an updated survey to remove trees of poor quality and replace them.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester’s Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
CE1 - Centres and Employment Classification and Hierarchy
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity

- H4 - Affordable Housing
- 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
- ENV2 - Rural Communities
- ER1 - Energy, Resources, Waste, Water and Recycling

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

- DP1 Design and Amenity
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP9 Employment Uses in the Countryside
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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

n/a

- 7.5 The Neighbourhood Plan for Boxted is also relevant. This forms part of the Development Plan in this area of the Borough.

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

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Affordable Housing
- Open Space, Sport and Recreation
- Sustainable Construction
- Sustainable Drainage Systems Design Guide

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Environment Agency: No objection, but has imposed a condition that no Development shall take place until improvements at Langham Water Recycling Centre (WRC) have been made to ensure there is sufficient wastewater infrastructure in place, in order to accommodate the proposed development.
- 8.3 Natural England: No comments.
- 8.4 Highway Authority (HA): The HA had initially raised concerns about visibility splays.
- 8.5 However, these have now been resolved and the HA has now stated “From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions.” These are generally standard conditions relating to a bellmouth junction, visibility splays, kerbs, refuse disposal and so on; as well as details of bicycle storage, a Construction Method Statement, double height kerbing to prevent nuisance parking and other highway improvements.
- 8.6 Environmental Control: No comments
- 8.7 Contaminated Land Officer: Our specialist has clarified that further information is required in terms of discharging conditions relating to the Outline application. No further comments are required here.
- 8.8 Urban Designer: “The design has improved following pre-application dialogue, with it now appearing more village characterised and less suburban. However, at the relatively detailed/minor level there are still areas to be refined before I could support the scheme, a view supported by guidance in the Essex Design Guide, the site’s prominent location at the heart of the village and neighbouring listed building.” The response then listed several points which required addressing and gave suggestions:
- Use tailored buildings to more strongly respond to and help spatially enclose and shape the green, including.. use tree planting to help spatially delineate the main space from connecting green corridors.
 - Use car ports to increase the sense of enclosure of the public realm....Doors should be provided to potentially screen cars in sensitive locations, i.e. for plots 1-2 given proximity to the listed building and for plots 27-28 overlooking the green.

- Relocate parking for 9, 10, 11, 16 and 17 so that they are more discrete in relation to the public realm.
- Remove unnecessary extra visitor spaces for plots 18 and 19 and landscape the area.

8.9 Amended drawings have now been received which address these points.

8.10 Archaeology: “No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.”

8.11 Landscape Planner: Requested clarification and amendment with regard to boundary treatment and proposed maintenance issues.

8.12 Amendments have now been received which address some of these matters. However, the Landscape Planner is still requesting drawings showing where lighting columns will appear in relation to the mature crown spread of proposed trees, details of all surface materials, clarification of demarcation of parking bays and clearer details of boundary treatments.

8.13 These matters can be dealt with by a post permission condition.

8.14 Arboricultural Officer: Asked for an Amended tree plans to show site splays.

8.15 This has now been received and there are no objections.

9.0 Parish Council Response

9.1 Boxted Parish Council gave two sets of comments, first an abridged version as follows:

Boxted Parish Council would remind CBC of the existence of our Neighbourhood Plan and its requirements re building materials, the provision of visitor car parking spaces, tree protection areas, affordable housing, housing mix, traffic and highways concerns, concerns over the sub standard drainage in the development area, the protection of the village green and development boundary screening.

These matters were reviewed at our meeting on 20/3/18 and we hope to meet with the developer in the next month to discuss the above issues.

- 9.2 A more substantial set of comments (encompassing three pages) was then received, as below.

Boxted Parish Council are pleased to see that the development and housing density are in line with the previous application. We have the following concerns in relation to the Hill Farm planning application.

Village Green

Boxted Parish Council is pleased to see that the developer has retained the 'village green' that was deemed desirable by the Boxted residents for use by all the community of Boxted to use and enjoy collectively and this forms part of the Neighbourhood Plan.

However, we are concerned that people will park their cars on the village green and the surrounding verges, causing damage. This will be a particular issue given the close proximity to the school.

We would suggest boundary fencing or planting such as post and rail with a native species hedge planted outside it around the proposed village green.

The plans do not cover who will be responsible for the on-going maintenance of both the village green and the infiltration basin area. If Boxted Parish Council is expected to maintain these, then substantial on-going contributions will be required to fund this, as laid out in the Neighbourhood Plan. The additional precept from these properties would not cover this cost.

Development Boundary Screening

As documented in the Neighbourhood plan, to help minimise the potential for the development to have an inappropriate "urban" feel It is important that the development is appropriately screened along it's boundary, particularly along Straight Road where there is existing housing opposite. There is a potential conflict between the desire for native hedgerow/tree screening on the Southern boundary and ensuring adequate visibility of the road at the crossing point on the southern boundary, most particularly for school children.

A native hedgerow along both front road frontages would be preferable and where it would interfere with visibility it could be set back behind the sight line with additional low level planting below 900 mm in front of it.

Who does the developer propose is responsible for keeping any existing or new screening cut back? It is the landowner's responsibility to cut back hedges on their land if they overhang roads/public pavements etc. - but who will be the landowner for this area? Does the developer propose that this will be "common land", hence expecting Boxted Parish Council to maintain these? If the latter, again, substantial on-going contributions will be needed to fund this, as it cannot be met from the parish council precept.

Materials

The Boxted Neighbourhood Plan requires that any new housing:

- Recognises the rural setting of Boxted

- Recognises that part of Boxted lies within the Dedham Vale Area of Outstanding Natural Beauty
- Ensures that the setting of the Grade II listed building to the North of the site is respected

Boxted Parish Council would like to be able to confirm these are adhered to, but the floor plans and elevations are black and white and hence very hard to form an opinion on what visual impact the properties will make.

Materials the parish council would like to see used are hand made plain clay tiles, clay red brick and painted weather boarding (if weather boarding is deemed necessary at all)

Visitor car parking spaces

Provision of the above would be desirable to avoid parking on the estate roads.

Tree Protection Areas

Boxted Parish Council would like to raise the question whether the tree protection areas for the trees in the neighbouring property to the north are respected. It appears that one of the two units is within this area.

Affordable housing

Boxted Parish Council would like reassurance that the scheme when complete (if permission is granted) ensures that affordable housing provided on the site addresses local needs. The Boxted Affordable Housing Needs Survey (November 2013) identified a need to address the affordable housing needs of local people. i.e. local residents in Boxted will take priority with allocation of the properties.

The Neighbourhood plan specifies that the size and tenure of these units should be reviewed in consultation with Boxted Parish Council, the selected housing association and Colchester Borough Council. Boxted Parish Council is unaware of any approaches from the developer in this regard.

Housing Mix

Boxted Parish Council would like reassurance that the scheme when complete (if permission is granted) will meet the current Colchester Strategic Housing Market Assessment of bedroom requirements (in 2013, 75% of need for market housing was for houses of 3 bedrooms or less).

Traffic and highways

Parking around the adjacent Boxted Primary School is an issue for many in the community and it is important that any development does not result in more on-street parking on the existing highway which would worsen the problems at school drop-off and pick-up times.

Boxted Parish Council are not aware of a Travel Plan prepared in conjunction with the school, as required by the Neighbourhood Plan. If this exists, please can we have a copy? If it does not, please can this be a condition of Planning Permission if granted for this scheme. The travel plan was specifically required

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to identify solutions to parking and safety problems associated with school drop-off and pick-up. In particular, this should identify proposals to ensure parents park in the Village Hall car park in Cage Lane, a 'Park and Walk' initiative and could also consider the use of double yellow lines on Carters Hill to prevent parking adjacent to the school on inappropriate verges.

Community Shop

The Neighbourhood plan requires there be facilities for a community shop IF there is demonstrable interest from the Community for such a facility. Boxted Parish Council is not aware of any parties who have a plan for this at the present time, however Boxted Parish Council have not undertaken a consultation (nor have any plans to do so) - and neither are we aware of any consultation by the developers. Boxted Parish Council would like to request that the developer explores this before final permission is given.

Drainage

The Neighbourhood plan requires an appropriate scheme of sustainable urban drainage (SUDS).

Langham Parish Council of an issue advised two Councillors with sewerage caused by inadequate facilities at Langham/Dedham waterworks. Has this been resolved? If not, please can this be a planning condition. It would not be appropriate for this development to cause a sewerage issue "downstream".

Section 106 Agreements

Strutt and Parker's planning statement, which accompanies this application states:

Provision of a contribution towards open space and recreational facilities at King George Playing Fields in Boxted.

[The signed Section 106 Agreement, which forms part of the Outline Planning Permission, requires the owner of the site to pay the Borough Council the Open Space Sport and Recreational Facilities Contribution (£175,000) before the commencement of development. The S.106 Agreement requires this contribution to be used for the improvement and enhancement of King George Playing Fields. The proposal therefore accords with Policy HF1.]

Boxted Parish Council are concerned that S.106 monies will be ring fenced for to the King George field for sports and recreational facilities only. We wish to have discretion to direct some of the S.106 monies to general community facilities including the on-going refurbishment of the Community Hub building which houses the Sports Clubs, and an after school club as well as acting as café/venue for the community as a whole. Local residents are also able to buy newspapers from this venue.

Boxted Parish Council wish to highlight that outline permission (170997) is accompanied by a Section 106 Agreement, which provides for:

Open space and sport recreational facilities contributions
Community facilities contributions

Boxted Neighbourhood Plan states:

Community facilities – the need to improve the quality and availability of community infrastructure, particularly leisure and local retail facilities. Improvements to open space, sports and recreation facilities at King George Playing Fields, Improvements to Boxted Sports and Social Club (refurbishment of hall and facilities)

Please can Boxted Parish Council have more information on the proposal in relation to Community Infrastructure Levy/Planning obligation arising from this development?

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 One objection was received from a nearby property (Hawthorn Cottage) concerned about the scale of development and the potential number of new vehicles, with attendant Highway dangers.
- 10.3 Essex Police also commented, raising no objections, but adding "We would like to suggest a slight amendment - consider adding extra lighting to the rear of the double length drives. This is to ensure there are no pockets of darkness that residents will need to enter when walking to their vehicles."

11.0 Parking Provision

- 11.1 The proposed development exceeds the minimum requirement for parking spaces for 36 dwellings. 90 spaces are being provided compared to a minimum of 81. There is only one designated "visitor space" as the dwellings each generally have an overprovision.
- 11.2 A further six "on-street visitor parking" spaces are also shown. These are as requested by our Urban Designer and contribute towards a better place-making by reducing the amount of engineered parking spaces and increasing the scope for soft planting.

12.0 Open Space Provisions

12.1 The proposal includes a village green in the south western corner of the application site. This extends to an area of 0.39 hectares which exceeds the 10% policy requirement.

13.0 Air Quality

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

14.0 Planning Obligations

14.1 Whilst this is a “Major” application, there was no requirement for this proposal to be considered by the Development Team as this was done at Outline stage. Obligations were agreed at that stage.

14.2 These were as follows:

- Affordable Housing – 20% which equals 3 x 1 bedroom dwellings, 2 x 2 bedroom dwellings, 1 x 3 bedroom dwelling and 1 x 4 bedroom shared ownership dwelling;
- A mechanism for allocating the required number and mix of affordable housing units to local residents in Boxted as a priority; and
- Open Space and Community Facilities - contribution of £175,000 for Open Space and £51,000 for Community Facilities, for a joint project at the community hub to provide a new pavilion and parking.

14.3 The issue of affordable housing and all other s.106 requirements have, therefore, been dealt with at Outline and are not revisited at this stage.

15.0 Report

15.1 The main issues in this case are discussed below:

The Principle of Development:

15.2 Members will be aware that this site is zoned for housing in the Boxted Neighbourhood Plan and already has Outline permission for thirty-six houses. Therefore, whilst noting the objection on these grounds, this cannot be sustained as a reason for refusal.

Design and Layout:

15.3 The submitted drawings show a landscape area to the south and east of the site, featuring existing and proposed tree planting and a proposed village green on the south-eastern aspect.

- 15.4 Behind this is the proposed development, with an access onto Carters Hill opposite the St. Peter's Church of England school.
- 15.5 The proposed housing addresses this access-way which sweeps around to the right (south) and a smaller stub road/turning area to the north.
- 15.6 A smaller access, serving two properties at the north-eastern corner is also proposed.
- 15.7 In a generally loose scattering, the housing is in three main groups – to the west, the south-east and the north.
- 15.8 This is a similar layout to the indicative drawings provided at Outline stage and has been agreed with your Officers following negotiation and amendment.
- 15.9 The design of the dwellings draws off a mixture of vernacular references with facing materials ranging from red and buff brick to render and weatherboarding.
- 15.10 Boxted Parish Council has commented on the proposed materials. It has quoted the Boxted Neighbourhood Plan and requested that the materials should include hand-made plain clay tiles, red brick and painted weatherboarding.
- 15.11 The proposal drawings effectively show all of these materials, but do not explicitly state that the tiles shall be clay or that the weatherboarding will be painted (i.e. timber as opposed to hardi-plank etc.). In the case of the tiles, these could be conditioned to be clay around the eastern and southern perimeter of the site where there is a public view. Regarding the boarding, this can similarly be conditioned to be timber when seen from public vantage points (other than where it is within a metre of the boundary, in which case a timber effect material will be necessary due to the risk of fire-spread). A condition to agree the final materials schedule is suggested.

Scale, Height and Massing:

- 15.12 It will be noted that the buildings (other than garages) are entirely two-storey. This fits in with the general pattern of development in the vicinity.

Impact on the Surrounding Area:

- 15.13 Historically the site has comprised a jumble of farm buildings associated with Hill House Farm, then diversifying in to low-scale light industrial use. In more recent years, following the demolition of these buildings, the site has fallen in to dereliction. Whilst the development will tidy up and improve the site, it will obviously lead to a sense of urbanisation albeit softened by the village green and planting.

Impacts on Neighbouring Properties:

- 15.14 Given the location of the site, effectively an island separated from other housing by roads, there will be no effect on residential amenity – with the possible exception of the neighbouring Hill House Farm. However, given the arrangement of outbuildings at that property and the distances involved, there are no real concerns of overlooking or being overbearing.

Private Amenity Space Provision:

- 15.15 The submitted drawings show that all one and two-bedroom houses have a minimum of 50m² amenity space and those with three or more have a minimum of 100m². This is compliant with policy. In fact the gardens are generally much larger than this, several being in excess of 150m² and in one case measuring up to 228m². Contextually these are still smaller gardens than some in the vicinity, but this reflects the reality of the site's housing density as per the Neighbourhood Plan.

Landscape and Trees:

- 15.16 The Parish Council has repeated its desire for the development to be screened, especially on Boxted Straight Road, to prevent an urban feel. The proposed plans show the south and south-eastern aspect being given over to the village green (with an infiltration basin at the south-western corner), with the south-eastern corner open to contribute views of the village green to the wider area. The green is to be back planted with trees and hedges to offer the softening which the Parish desires. Elsewhere this is bolstered with frontage planting (mixing with the existing).
- 15.17 Our Landscape Planner had voiced a desire for improved screening to the west. This will be achieved by a native hedge and tree mix and hit and miss fencing. A maintenance strip will also be provided so that this planting can be maintained outside of the ownership of the individual dwellings.
- 15.18 Whilst this will not make the new housing completely invisible, it will help it to integrate into the rural landscape.

Highway Issues:

- 15.19 The main access was granted permission at Outline stage and nothing has changed here. Regarding the smaller access for two dwellings at the northern end of the site, whilst the Highway Authority had initially raised concerns about vision splays, it is now reassured and has withdrawn its objections.
- 15.20 The Parish, along with ward councillors, has raised concerns about pedestrian visibility at the south-eastern corner where an island crossing links the site to a footway outside of Seven Gables. The corner is, at certain times of year, filled with vegetation and outgrowth, making visibility difficult.

15.21 Your Officer has discussed this with the Highway Authority which has confirmed that as this is an existing scenario it would be difficult to insist on conditions. However, it would appear reasonable to include (within the planting and landscape maintenance regime) a clause stating that all vegetation should remain clear of the highway boundary. This should preferably include the removal of the under-storey of the trees which are growing out from the application site.

Other Matters:

15.22 The Parish is also concerned about cars parking on the verges and the edge of the green and suggests that double yellow lines would assist. However, the HA has not requested these.

15.23 The applicant does not own land on the periphery of the site (it belonging to the HA) and it cannot, therefore, be conditioned that obstructive features be put in place to stop vehicles parking. However, that authority has requested double height kerbs to deter cars parking there.

15.24 Logically the development at hand should not lead to extra nuisance parking as, given the proximity, the majority of pupils connected with the development should, logically, walk to the school.

15.25 The Parish has also asked who will be responsible for the maintenance of trees/growth etc. This element is covered by the landscaping conditions, ownership of the village green is shown to be the Parish Council *or a Management Company*. The other open space to the south and west is the responsibility of the management company.

15.26 Matters raised by the Parish Council in relation to how the s.106 money is spent have already been covered at Outline stage, as has the issue of drainage.

15.27 The comment, by the Parish Council, about the possibility of a community shop is also noted, but should not hold up a decision on this application.

16.0 Conclusion

16.1 To summarise, the substantive matter of 36 dwellings and its access have already been granted permission at Outline. This Reserved Matters application has covered all other aspects and is now held to be satisfactory.

16.2 Approval is, therefore, recommended.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAF - *Reserved Matters Applications*

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission reference 170997, as varied by planning permission 180498, relating to this site and the conditions attached thereto remain in force.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

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

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 17-2723-002 rev G, 003 rev B, 004 rev C, 005 rev B, 006 rev B, 007 rev B, 008 rev B, 009 rev C, 010 rev C, 011 rev A, 038; SES 17010 103 rev B, 104 rev B, 105 rev B, 106 rev B, 107; SES 17010-AIA rev A; 17010-101 rev B, 17010-102 rev D.

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

3) ZFB - *Full Landscape Proposals TBA*

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

PROPOSED FINISHED LEVELS OR CONTOURS;

MEANS OF ENCLOSURE;

CAR PARKING LAYOUTS;

OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;

HARD SURFACING MATERIALS;

MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);

PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);

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.

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.

4) Non Standard Condition – Internal Layout

Prior to the occupation of the proposed dwellings, the internal layout shall be provided in accord with the approved drawing.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety (Grafik Drawing Numbered 17-2723-002-G REFERS).

5) Non Standard Condition – Radius Kerbs

Prior to the first occupation of the development, the proposed estate road, at its bellmouth junction with Carters Hill shall be provided with 10.0m. radius kerbs returned to an access road carriageway width of 5.5m. and flanking footway 2m. in width returned around the radius kerbs northerly to the vehicular access to Plots B & C as shown in the approved drawing. The reconstructed road junction shall be constructed at least to binder course prior to the commencement of any other development including the delivery of materials.

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

6) Non Standard condition – Visibility splays

Prior to the proposed vehicular accesses to Plots B & C and the principle bellmouth connection to Carters Hill being brought into use, the applicant shall provide a drawing showing a minor amendment to GRAFIK DRAWING NUMBER 17-2723-002-G with a minimum vehicular visibility splays of 43m by 2.4m by 43m as measured along, from and along the nearside edge of the carriageway. Such splays shall be provided on both sides of the centre line of each access prior to the occupation of either of these dwellings and shall be retained and maintained free from obstruction clear to ground thereafter.

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

7) Non Standard condition – Estate roads

Prior to the commencement of development, details of the estate roads and footways (including layout, levels, gradients, surfacing and means of surface water drainage) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

8) Non Standard Condition – Off Street Car Parking

All off street car parking shall be in precise accord with the details contained within the current Parking Standards being provided within the site which shall be maintained free from obstruction and retained thereafter.

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

9) Non Standard Condition – Recycling/Bin/Collection Points

Prior to first occupation of the proposed development, communal recycling/bin/refuse collection points shall be provided within 20m of the proposed highway boundary or adjacent to the highway boundary and additionally clear of all visibility splays at accesses and retained thereafter.

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

10) Non Standard condition – Vehicular Access

Prior to the first occupation of each dwelling on the proposed development, the individual proposed vehicular access for that dwelling shall be constructed at right angles to the highway boundary and to a width of 3.7m and each shared vehicular access shall be constructed at right angles to the highway boundary and to a width of 5.5m and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

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

11) Non Standard Condition – Unbound materials

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

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

12) Non Standard Condition – Access

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

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

13) Non Standard Condition – Footways

All footways should be provided at no less than 2.0m in width and shall tie into the existing footway network with a properly constructed connection to the existing footways to the specifications of the Highway Authority where connections are made.

Reason: To ensure that roads and footways are constructed to an acceptable standard, in the interests of highway safety.

14) Non Standard Condition – Storage of Bicycles

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

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

15) Non Standard Condition – Construction Method Statement

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

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

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

16) Non Standard Condition – Residential Travel Information Pack

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport for each dwelling, approved by the Local Planning Authority.

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

17) Non Standard Condition – Kerbing

Prior to the first occupation of the proposed dwellings the applicant shall provide double height kerbing (two rows or similar or equivalent) from the pedestrian crossing point across the sites frontage along Carters Hill and opposite the school to prevent and deter verge parking and to protect the visibility splays at the accesses and accommodation works (top soiling, levelling and reseeding) to the existing verge.

Reason: To preserve the fabric and integrity of the highway and in the interests of highway safety.

18) Non Standard Condition – Pedestrian Footways

Prior to the first occupation of the proposed dwellings the applicant shall provide local improvements (footway widening and informal crossing facilities) to the existing pedestrian footways between St Peters school and Little Owls pre school and the Community Centre on Cage Lane.

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

19) *ZBC - Materials To Be Agreed

Notwithstanding the details of the drawings hereby approved, no external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these, including a full schedule of where these materials shall be used, have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

18.0 Informatives

18.1 The following informatives are also recommended:

1) **Non Standard Informative - maintenance Scheme**

The Planting regime relevant to condition 3 above shall be largely in accordance with the submitted drawings and shall also include a reference to a maintenance scheme which will include the regular cutting back of growth from the highway boundary.

2) **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.

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 and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

4) **ZTB - Informative on Any Application With a Site Notice**

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

5) **Non Standard Informative - Advanced Payments Code**

All housing 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 the commencement of any development must provide guaranteed deposits which will ensure that the new street is constructed in accordance with acceptable specification sufficient to ensure future maintenance as a public highway by the ECC.

6) Non Standard Informative - Highway Works

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

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

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

7) Non Standard Informative – Highway works

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



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Item No: 7.4

Application: 180555

Applicant: Mr Butt

Agent: Robert Fry, R & R Planning

Proposal: Proposal for 2 x 3-bed bungalows, on the vacant land at the rear of 40 Berechurch Road.

Location: 40 Berechurch Road, Colchester, CO2 7QB

Ward: Berechurch

Officer: Vincent Pearce

Recommendation: **GRANT PERMISSION subject to conditions**

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because of a valid 'call-in' by Councillor Dave Harris. He has required it be subject to a Committee decision in order that the following concerns be fully and publicly explored:-

1. Overdevelopment
2. Dispute over access road, and permission to use
3. Over looking to existing bungalow on Berechurch Road
4. Extra traffic using Colchester Borough Homes garages site road

1.2 Councillor Harris has indicated that he has no '*Interest*' as defined in the Code of Conduct for Councillors in this application and that he has not called it in on behalf of any person.

2.0 Synopsis

2.1 The key issues (not the fuller list of wider issues that appear specifically in paragraph 15.1 and more generally in sections 11, 12 & 15 of this report) for consideration are:-

- Principle of development
- Impact on the amenity of neighbouring properties
- Design & layout
- Parking

2.2 The application is subsequently recommended for the GRANT of outline planning permission (landscaping is the only reserved matter) subject to conditions as described in section 17 of this report.

3.0 Site Description and Context

3.1 This cleared, flat rectangular site is a pocket of land previously owned by Colchester Borough Council until its recent sale to the applicant. It had been the subject of an unsuccessful adverse possession claim by a third party builder (not the current applicant) that had been developing the adjacent site at no. 40 Berechurch Road.

3.2 The site is accessed by pedestrians and vehicles from Berechurch Road via an existing private access that serves a parking court and affords access (pedestrian and vehicular) to the rear of a number of properties in Berechurch Road and King George Road.

4.0 Description of the Proposal

4.1 An OUTLINE planning application for the construction of 2 x three bedroom bungalows with associated parking. The following are all matters for which approval is being sought:

- a. access
- b. appearance
- c. layout
- d. scale

4.2 Approval for *landscaping* **is not** being sought within this outline application.

5.0 Land Use Allocation

5.1 Residential (Adopted LP & Emerging LP)

6.0 Relevant Planning History

6.1 The site was the subject of a preliminary Planning Enquiry in 2017 which concluded:-

“Subject to being able to comply with the Councils space and parking standards and the design being acceptable from a visual and amenity perspective and subject to a safe access attractive being capable of formation there appears to be reasonable prospect of a residential development comprising a single bungalow or two bungalows being supportable.”

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
TA5 - Parking

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

DP1 Design and Amenity
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access
DP19 Parking Standards

7.4 The Adopted Site Allocations (adopted October 2010)

SA H1: Housing Allocations. In addition to the above, consideration also needs to be given to the Submission Colchester Borough Local Plan 2017-2033

- SG2 Housing Delivery
- DM9 Housing Density
- DM10 Housing Diversity
- DM 12 Housing Standards
- DM15 Design and Amenity
- DM19 Private Amenity Space
- DM 20 Promoting Sustainable Transport
- DM 22 Parking
- DM23 Flood Risk

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

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

Officers have considered the weight to be attached to the Submission Colchester Borough Local Plan 2017-2033. As to the first limb, the Local Plan was submitted to the Planning Inspectorate in October 2017. An Inspector has been appointed and the formal examination commenced in January 2018. The Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. As to the second limb, in the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan. As to the third limb, it is considered, at this stage, that the relevant policies in the emerging Local Plan do not appear to contain obvious inconsistencies with the Framework.

Overall, for these reasons, the emerging Local Plan is considered to carry reduced weight.

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

The Essex Design Guide
EPOA Vehicle Parking Standards
Backland and Infill
Cycling Delivery Strategy

8.0 Consultations

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

8.2 Essex County Council, Highways and Transportation confirm that the proposal is acceptable on highway grounds to them subject to conditions to secure:-

1. Adequate off street parking in accordance with current parking standards
2. Appropriate bicycle storage
3. Prior approval of a construction method statement
4. Prior to occupation the provision and implementation of residential information packs.

9.0 Parish Council Response

9.1 N/A Unparished

10.0 Representations from Notified Parties

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

10.2 An objection has been received from the owner of no. 40 Berechurch Road [bungalow] who purchased the property late in 2017 and is dismayed to find this application has been submitted. The nature of these objections can be summarised as:-

- The submitted plans do not show the extended footprint of no. 40 and therefore misrepresent the relationship between it and the proposed development.

[officer comment]: In undertaking the necessary site visit the case officer was aware that no. 40 had been extended and altered under planning permissions ref: 161836 & 162018 and this fact has informed this report. For members information an extract from the relevant approved drawing (for no 40) are reproduced below:



floor plan

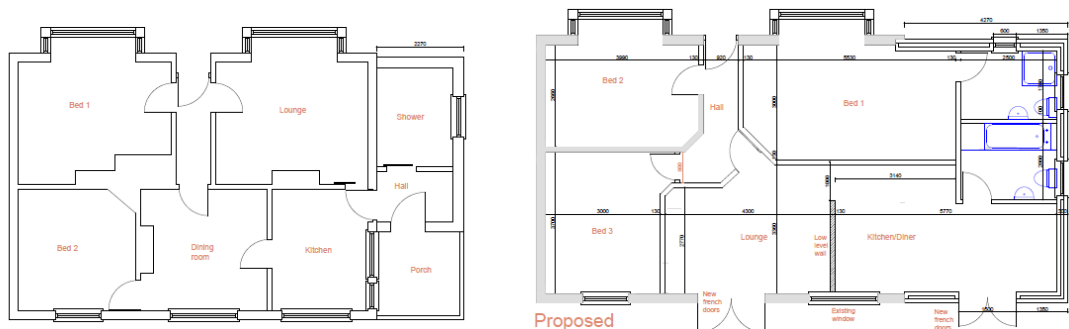


Figure 1: Recent changes to no 40, Berechurch Road

- The main outlook from the living area in no 40 is eastwards towards this proposed development and the new development looks directly towards the living space in no 40. This is “..specifically what I did not want when I bought number 40”

[officer comment]: This aspect of the objection is dealt with in section 15.3.6 d of this report. In purchasing the property the current owner of no. 40 would have been aware of the proximity of that property to the application site and the likelihood that a boundary fence could be constructed (whether within no. 40 or the adjacent site or both). The application site had been cleared and it is unfortunate that the purchaser had not considered the prospect that the site might be developed and that they could not rely on it remaining vacant into the future. The claim that it was purchased on the basis described cannot in itself legitimately be a valid reason for sterilising the application site from appropriate development.

- The development will be noisy and will create considerable noise pollution during the building process. “..I bought my property for its peace and quiet and I like having empty land at the rear as it creates no noise and is a haven for birdlife”..

[officer comment]: It is not reasonable to prevent appropriate development from occurring in an urban setting on the basis of disturbance and nuisance from the construction process. It is however reasonable to control by condition the times within such work can take place to ensure that such activity does not occur during periods that are considered anti-social. This will provide the occupier of no. 40 and other nearby properties with reasonable protection. It is also appropriate to require a construction method statement in advance of commencement. (again by condition)*

*

Requiring submission of further detail to include such things as: machinery to be used, skip positions, delivery and material storage locations, working times, construction worker parking arrangements, site facilities and location, equipment storage, foundation construction types, restrictions on burning on site, site manager contact details, noisy activity controls, dust suppression methods cleaning of mud from access route.

- The proposed two bungalows are being squeezed into the site

[officer comment]: This is dealt with in detail in section 15.4 of this report

- Loss of privacy

[officer comment]: This is dealt with in detail in paragraph 15.3.6 c of this report

11.0 Parking Provision

11.1 The relevant *per dwelling* parking standard requirement here is 2.25 spaces (including visitor parking). [Adopted Essex Parking Standards 2009 & DP 19]. Therefore two bungalows generate an overall parking requirement of 4.5 spaces (round up to 5).

11.2 The applicant, in revising the proposal has actually created 3 parking spaces per unit which affords both properties with a visitor parking space. Clearly the provision of a standard compliant one visitor space (0.5 rounded up to 1 space) could result in disputes between occupiers if they happen to have visitors at the same time or push visitor parking elsewhere. The provision of one visitor space per unit is therefore a welcome solution and adequately deals with the issue rightly raised by Councillor Harris.

11.3 Councillor Harris will be pleased to note that the proposal, as submitted, includes the provision of two freestanding secure cycle parking stores – one in each garden.

11.4 Parking provision therefore satisfies requirements under Adopted Development Policy DP19: 'Vehicle Parking Standards' and the Adopted Essex Parking Standards [2009].

12.0 Open Space Provisions

12.1 This proposal must be assessed against Adopted Development Policy DP16- 'Private Amenity Space and Open Space provision for New Residential Development' which sets out the minimum private amenity space (gardens, patios etc) requirements for new development.

12.2 DP16 requires that 3 bedroom properties are provided with a minimum of 60sq.m private amenity space each.

12.3 In this case the private amenity space that is included generously exceeds this minimum requirement:-

Plot 1: 102sq.m.

Plot 2: 91sq.m.

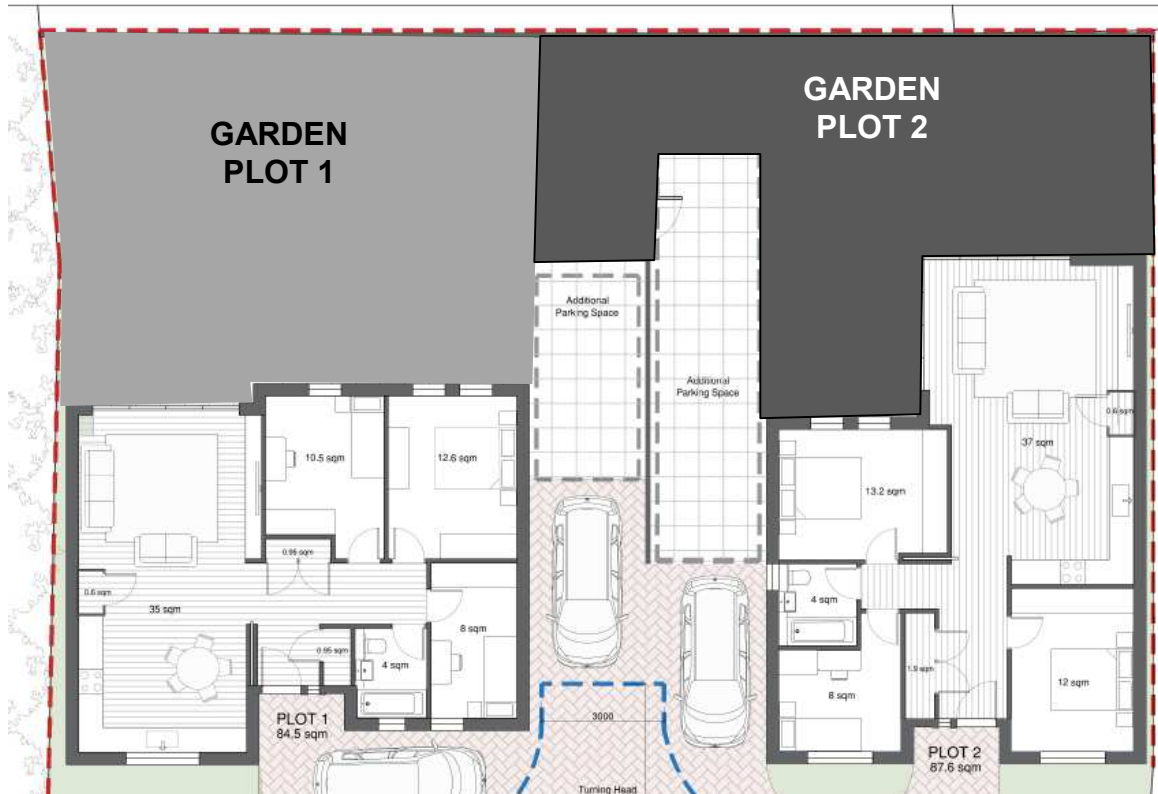


Figure 2: private gardens

13.0 Air Quality

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

14.0 Planning Obligations

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

15.0 Report

15.1 The wider range of planning issues in this case are:

- The Principle of Development
- Impacts on Neighbouring Properties
- Design and Layout
- Scale, Height and Massing
- Private Amenity Space Provision
- Parking Provision
- Impact on the Surrounding Area
- Landscape, Trees & Wildlife
- Highway Safety and Parking Provisions (including Cycling)
- Fire safety

15.2 Principle of development

15.2.1 The site which is described as being 508sq.m. in area (0.05ha) is within what is described on the Proposals Map as 'predominantly residential' and on that basis the principle of residential land use is acceptable.

15.3 Impacts on neighbouring properties

15.3.1 It should be noted that the property that appears, on paper, to be most affected by the proposed development is number 40 Berechurch Road.

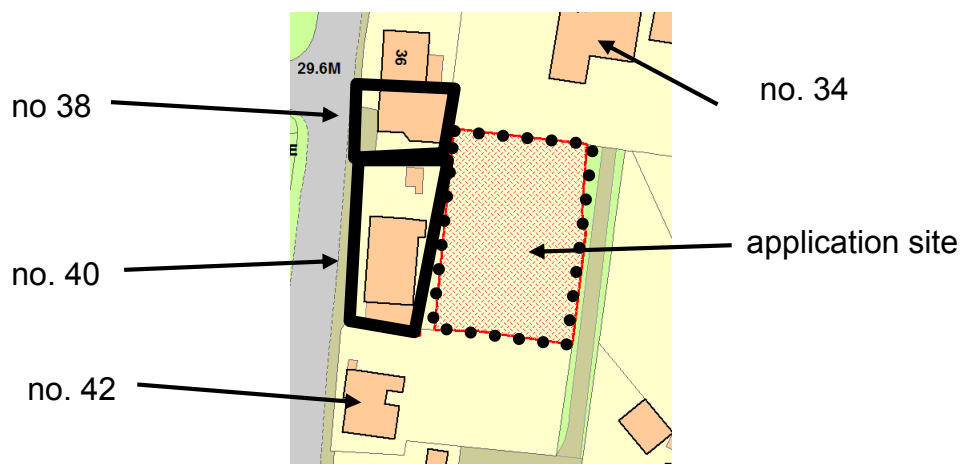


Figure 3: Juxtaposition of application site to Berechurch Road properties

15.3.2 In assessing the merits of the proposed development under the category here regard must be given to DP12: Dwelling Standards in the Adopted Development Policies [2010] & UR2 of the Core Strategy [2008/2010/2014]. These require respectively residential development to be guided by high standards for design and high quality design. DP12 highlights that regard will be given to:-

- Avoiding overshadowing
- Unacceptable loss of daylight
- Unacceptable loss of privacy
- Flexibility of layout

- Vehicle parking
- Bin and recycling storage

15.3.3 Particular regard needs to be given to the fact that the recently refurbished and extended no 40 sits some 1m. below that of the ground level on the application site.

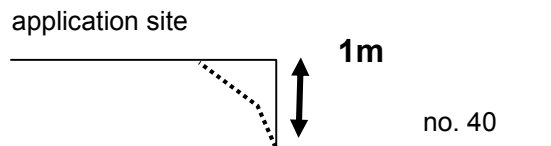


Figure 4: Illustrative diagram showing ground level differences

15.3.4 Members will know that the owner of the application site can erect a 2m high boundary fence along the boundary with no.40 without the need for planning permission (permitted development) which would result in the relationship illustrated below:

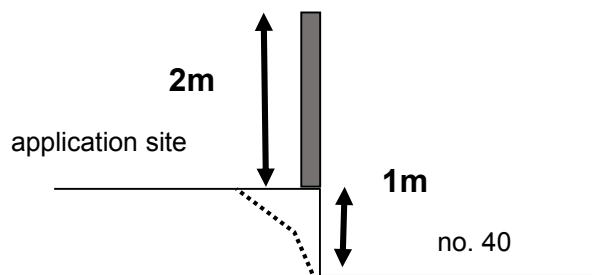


Figure 5: Illustrative diagram showing impact of permitted development boundary fence

15.3.5 This needs to be the necessary starting point for assessing impact.

15.3.6 What amenity issues might be a concern for the occupiers of no 40 as a result of this relationship and are these valid in planning terms?

a. Loss of daylight caused by proximity of the new bungalow?

The diagram below demonstrates that when set against the Essex Design Guide daylighting guidance the proposed bungalow will not result in an unacceptable loss of daylight to rear ground floor windows in no 40. (new patio doors). This is due to its single storey nature (proposed plot1); the shallowness of its roof pitch (22°) and the distance (12.2m) from the adjacent property to the nearest part of plot 1.

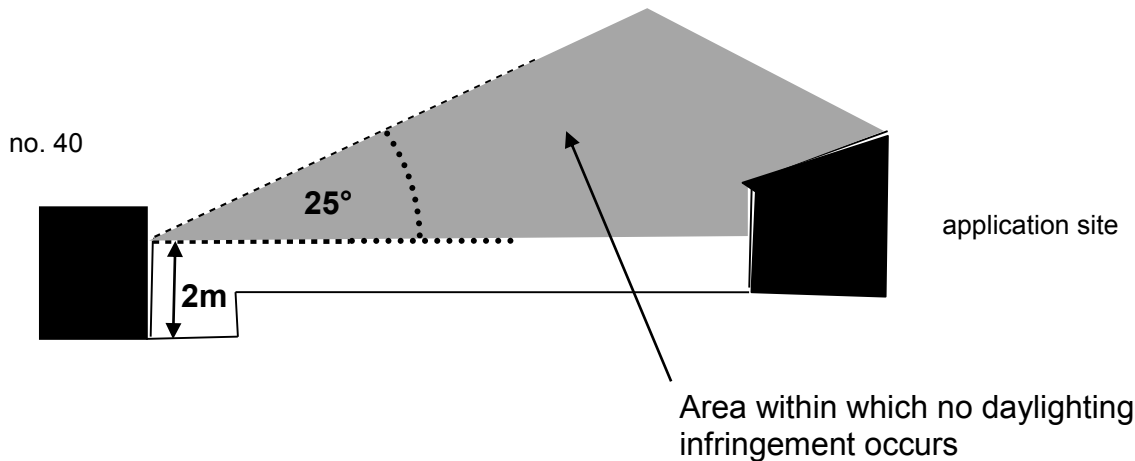


Figure 6: Daylighting relationship between no 40 and plot 1 in the context of Essex Design Guide

b. Loss of sunlight

The same factors also mean that the proposed buildings will not infringe sunlighting levels to no 40 even though the proposed bungalows are to the east of no 40. (the direction from which the Sun rises as it passes in a clockwise arc to set in the west).

c. Overlooking & loss of privacy

Ground level on the adjacent site being 1m higher than that at no 40 could, were it not for the introduction of a boundary fence, afford the opportunity to look down into that property from the application site. The proposed 1.8m high fence and suggested planting will resolve that potential issue. It would however be prudent to require approval (by condition) of plant types along this boundary in order to ensure that a fast growing high hedge is avoided in the interest of safeguarding daylighting to the rear of no 40.

The fact that the proposal comprises bungalows with no first floor or attic accommodation means that no 40 will not be overlooked from windows within the proposed development - thereby securing privacy for the occupiers of no 40.

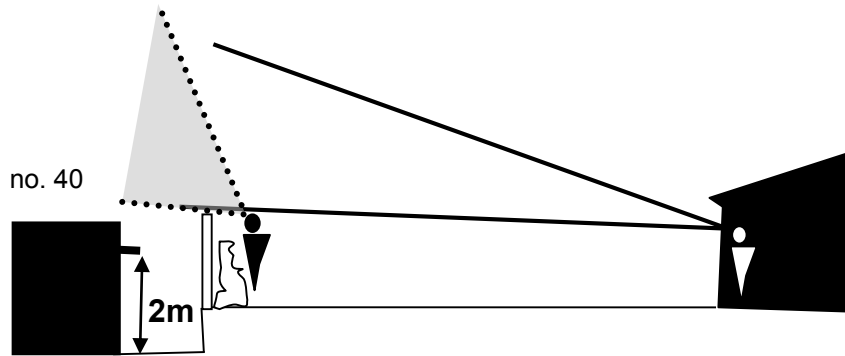


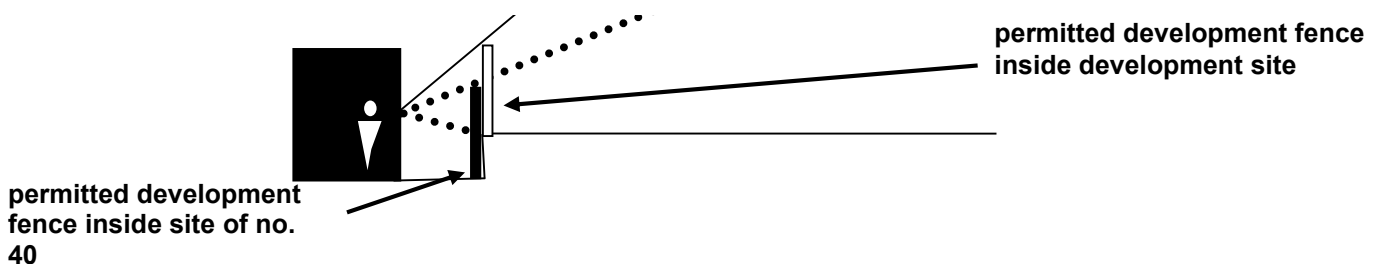
Figure 7: **Overlooking not an issue**

The proposed fence will ensure that there is no overlooking issue for the occupiers of the new development from no. 40.

d. Adverse impact on outlook from no 40

In carrying out the refurbishment of no 40 the then developer would have been aware of the ground level differential between the rear of no 40 and the higher land beyond (now the application site). In proposing the window and room arrangement that now exists they did so in the knowledge that a 2m high fence could be erected along the boundary with the application site as permitted development. It is the boundary fencing and not the proposed development that will provide the backdrop to outlook. Because of the proximity of the rear of no 40 to the boundary with the application site were the occupiers to install their own 2m high fence to provide some privacy for themselves this would be what they see from the ground floor windows at the rear. Currently a new fence exists that reaches a height of approximately equivalent to the mid-height of existing rear windows. The existing gap between the rear wall of no 40 and the boundary with the application site is only just over 2m.

Figure 8: **Illustrative Analysis of impact on outlook**



Whilst the substitution of trellis for timber panelling on the top half of the proposed fence might at first seem like a suitable compromise to allow more light into no 40 and its patio this would not negate the potential for overlooking however accidentally that might happen. If the proposed fence were to be set back from the edge of the common boundary with no 40 this would improve the situation but it

would leave an area of land belonging to the new development behind that fence that would be difficult but not impossible to maintain. This in itself could give rise to disputes. However the arrangement of windows in the rear wall of no 40 would allow for a gap in a set back fence to be created for maintenance access purposes that would not give rise to overlooking. (except when the strip is being maintained). The landscaping of this strip could be designed to be low maintenance. Position of final fencing should be conditioned as part of the reserved landscaping components of this proposal. There are no issues for nos. 38 & 42.

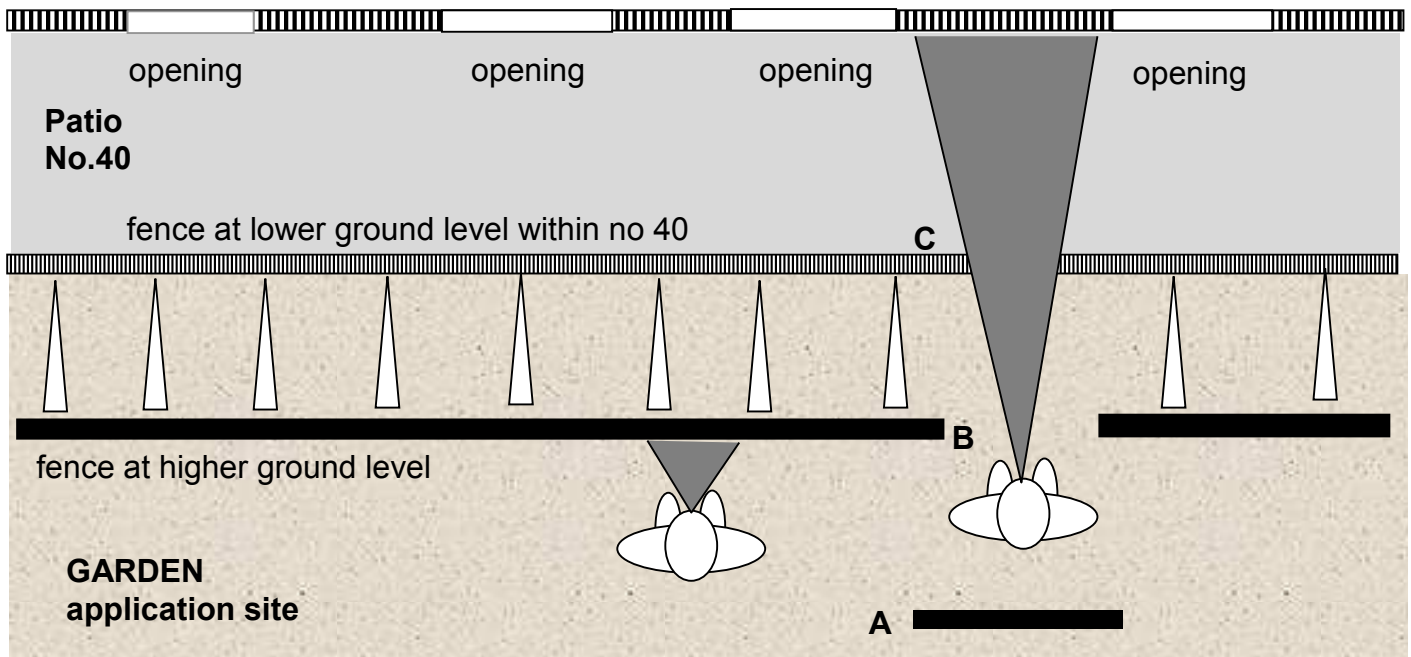
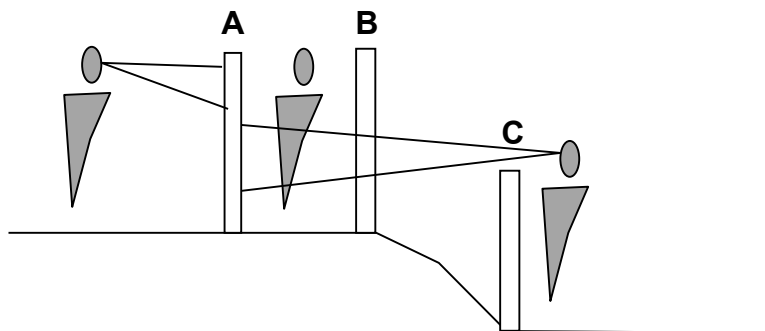


Figure 9: Possible staggered fencing with maintenance gap and screening



e. 'Retaining' land

During the refurbishment works to no 40 it was clear that the current application site was scraped by another party other than the Council as then owner. It is believed that levels may have been adjusted on the boundary.

In carrying out the refurbishment and extension works to no 40 it would be reasonable to assume that the developer undertook such retaining work as was necessary and as were shown on the approved drawing to ensure the physical stability of the land along the boundary. That said it is prudent to require the current applicant to provide (by condition) stability reports prior to commencement and that where required mitigation measures to ensure stability of the land to avoid any risk of the garden slipping into the curtilage of no 40.

15.4 Design, layout, scale, massing, character & density

- 15.4.1 Within the context of policy DP12 the architect for this scheme has successfully moved away from designing the ubiquitous bland 'box with a deep spanned pitched lid' style bungalow and sought to inject a contemporary twist in the design and layout that lifts it above the mediocre norm.
- 15.4.2 The bungalow on plot 2 is particularly stylish with its full length recessed slit windows front and back, the fully glazed corner overlooking a patio to the rear, crisp white render and generous and well detailed entrance.
- 15.4.3 The scale is low key and the massing is broken up by projecting forms and fully hipped roofs. The development cannot be said to have an overly dominant scale or mass relative to adjoining properties.
- 15.4.4 The development cannot be said to be overdevelopment in that it satisfies the Council's private amenity space standards, meets its off-street parking standard and does not result in harmful impacts to neighbouring amenity. The plot is capable of accommodating the proposed development without causing overdevelopment or a cramped appearance.
- 15.4 5 In terms of predominant character in this locality there is no particular sense of 'oneness' of style or character.

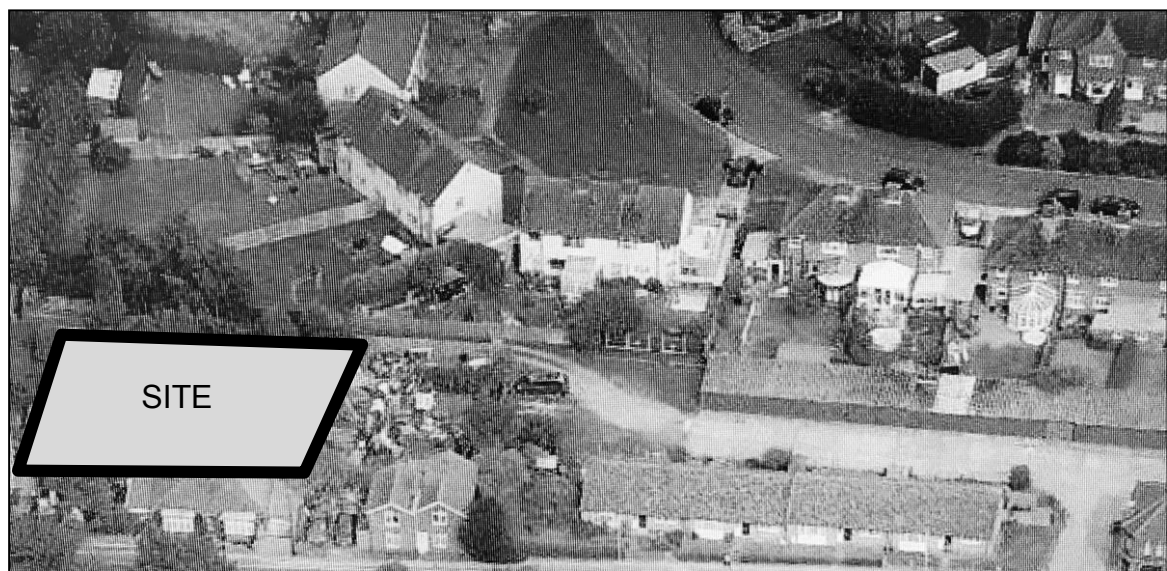


Figure 10: **Context**

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15.4.6 When judged against the Council's Backland & Infill SPD [2010] the proposal is considered acceptable as it gives no rise to significant amenity issues, is of a good design and will improve townscape hereabouts.

15.4.7 In terms of density of development the proposed two units occupy plots that are similar in size to numbers 36, 38, 40 and 44-50 Berechurch Road



Figure 11: **Comparative Plot Sizes**

15.4.8 Whilst the owner of number 40's objection and Councillor Harris's concerns are noted there are considered to be no sustainable grounds to refuse this application on poor design, inadequate layout, unsympathetic character or excessive density grounds. Final levels should however be subject to further approval by condition.

15.5 Noise

15.5.1 The issue of noise during the construction period has been dealt with within section 10 [Representations from Notified Parties] of this report.

15.5.2 It is undoubtedly true that the construction of two bungalows on this currently vacant site will introduce new human activity. Gardens are naturally to the rear of the proposed dwellings and this will mean that residents using those gardens will be adjacent to the patio and habitable rooms of no 40.

15.5.3 This may disturb the occupier of no 40 when compared to a vacant site but it is not unreasonable to expect garden space to adjoin the rear of your own property in an urban context.

15.5.4 No. 40 will already experience some disturbance from activity in the adjacent rear gardens of no. 38 and 42 as do all the properties that back onto the adjacent parking court and garages. Looking at the state of the rear garden to no. 40 there is significant merit in the application site not being left unmaintained.

15.6 Highway safety

15.6.1 It has already been reported in section 8 [Consultations] of this report that the local highway authority has no objection to this proposal on highway safety grounds and so there are considered to be no sustainable grounds to resist this development on highway safety grounds.

- 15.6.2 Councillor Harris has also rightly drawn attention to the fact that the application plots are served by a vehicular/pedestrian track that also serves the site that sits to the north of the application site. Clearly Councillor Harris wishes to ensure that this right of access remains unimpeded.
- 15.6.3 The proposal has been designed to retain an unimpeded access to the adjacent site with development being set back sufficiently to maintain easy access along the existing track. Indeed the proposal now incorporates a new turning head which represents something of an improvement. It is also proposed to improve the surface of the track with the laying of pavements. This will be a dramatic improvement in design terms and in safety terms as it is currently something of an uneven dirt track.
- 15.6.4 Any alleged dispute over access rights over this track are not a matter for the Council as planning authority as the application red line includes the track. The Council as owner of the adjacent access/parking court is aware of the proposal and has no objection as land owner. It is understood that the owner of the application site has been granted a permanent right of access (pedestrian and vehicular) over the Council's land in order to provide a permanent access to Berechurch Road.
- 15.6.5 The parking court (as accessed via associated private access road) currently comprises 30 lock-up garages and access to these will not be impaired by the proposed development. Many residents of adjacent properties also sporadically park their vehicles around the edge of the parking court (where there are no garages) and this does not impede access. The additional vehicle movements associated with the proposed development will not cause excessive traffic or pose any threat to accessibility in out or through the existing expansive parking court area.
- 15.6. It is however considered prudent to require (by condition) the implementation of the track improvements shown on the submitted drawings prior to occupation of any unit within the permission. This is in the interest of ensuring the enhanced accessibility and townscape enhancements are delivered.

15.7 Other material considerations

- 15.7.1 There are no nearby heritage assets affected by this proposal. *[DP14: Historic Environment Assets]*
- 15.7.2 The proposal does not affect a designated public footpath. [the access track is not a public footpath route]
- 15.7.3 No tree/s the subject of a Tree Preservation Order [TPO] is/are affected (directly or indirectly) by this proposal. The loss of a group of scruffy conifers trees along the frontage of this site (adjacent to access track) is welcomed as they are unsightly and do nothing to enhance the townscape hereabouts, they also grow out over the access track thereby potentially reducing its width for vehicles and they make the route dark and uninviting.

15.7.4 The site is accessible to a refuse freighter from within the adjacent parking court.

15.7.5 Building Control has confirmed that the site can comply with fire safety/access requirements

15.8 Appropriate Conditions: to include

- Need for a Construction Method Statement Completion of track improvements prior to occupation
- Provision of further detail as to bin storage
- Submission of full landscaping detail (excluded from this outline application)
- A land stability report [with mitigation statement where necessary] Further detail as to actual materials (type, colour, composition)
- No additional rooms/ windows in the roof
- Remove domestic permitted development rights
- Retention of parking spaces for parking
- Final levels (ground and finished floor levels) to be agreed before commencement
- Fencing detail to be reserved as part of landscaping submission [RM]

16.0 Planning Balance

16.1 The proposed development will accord with the current Proposals Map land use allocation and will increase the overall housing stock by two further units within urban Colchester the main focus for residential expansion. The town centre being identified as the boroughs most accessible and sustainable location for new residential development.

16.2 Furthermore the development will, if approved, deliver 2 x bungalows - a type of development that the Committee has previously indicated that it wishes to encourage where appropriate across the borough. [because of their inherent accessibility benefits and as they may be attractive to older downsizers].

16.3 Being truly single storey the proposed units can be accommodated within an existing residential area without giving rise to unacceptable amenity infringements.

16.4 There are no highway objections

16.5 It complies with the requirements of Council policies:-

SD1: Sustainable development Locations

H1: Housing Delivery

H2: Housing Density

H3: Housing Diversity

UR2: Built Design and Character

TA1: Accessibility and Changing Travel Behaviour

TA5: Parking

DP1: Design & Amenity
DP12: Dwelling Standards
DP:16 Private Amenity Space Standards
DP19: Parking Standards

- 16.6 In conclusion it is considered that within the context of Council planning policy and the NPPF paragraph 14 ["approving development proposals that accord with the development plan without delay"] this proposal is sustainable and does not result in harm sufficient to outweigh the benefits of allowing the proposed development to proceed. In the context of NPPF paragraph 111 it represents the effective use of urban land and will increase overall housing supply by two units.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of outline planning permission subject to the following conditions:

18.0 Conditions:

1. ZAC - *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 LANDSCAPING; FINAL LEVELS (ground & finished floor) & notwithstanding such detail as has been submitted with the application further details of BOUNDARY FENCING 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. ZAD - 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. ZAE - Time Limit for Outline Permissions Part 2 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. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers :

2004_PL05a: Proposed floor plans

2004_PL06: Plot 1 Elevations

2004_PL07: Plot 2 Elevations

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

5. ZAN - Site Levels Plan

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

6 ZPA – Construction Method Statement

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

the parking of vehicles of site operatives and visitors;

hours of deliveries and hours of work;

loading and unloading of plant and materials;

storage of plant and materials used in constructing the development;

the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

wheel washing facilities;

measures to control the emission of dust and dirt during construction; and

a scheme for recycling/disposing of waste resulting from 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.

7. ZPD - Limits to Hours of Work

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

Weekdays: 08.00hrs – 18.00hrs

Saturdays: 09.00 – 13.00hrs

Sundays and Bank Holidays: at no time

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.

8. ZDA - *General Removal of Residential PD Under Schedule 2 Part 1*

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes [A-H] & Part 2 Classes [A-F] of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling shall be erected or carried out except in accordance with drawings showing the siting and design of such enlargement, improvement or other alteration which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

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

9. ZDH - * Removal of PD - No Extra Openings*

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no window, opening or other aperture shall be inserted or otherwise placed in the elevations of the NORTH and/or SOUTH elevation and no window, dormer or other opening shall be inserted or otherwise placed in any part of the roof except in accordance with details which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

10. ZCE - Refuse and Recycling Facilities

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

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

11. ZJB - Cycle Parking (as approved plan)

Prior to the first OCCUPATION/USE of the development, the bicycle parking facilities indicated on the approved plans shall be provided and made available for use. These facilities shall thereafter be retained as such.

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety.

12. ZKM - *Residential Parking Spaces Retained*

Prior to the first occupation of the development, the PARKING SPACES shown on the approved plans shall be made available for use for the parking of motor vehicles to be used solely for the benefit of the occupants of the dwelling of which it forms part, or their visitors, and for no other purposes whatsoever. The PARKING SPACES shall then be maintained free from obstruction and for this purpose at all times thereafter.

Reason: In order to ensure that the development retains adequate parking provision.

13. Non Standard Condition (Access Drive)

Prior to the first occupation of the development, the access drive shown on approved drawing number 2004_PL05a shall be constructed and surfaced as approved and shall be made available for use for the benefit of the occupants of the dwelling and such others as enjoy a legal right of access over it. The driveway shall then be maintained free from obstruction and for this purpose at all times thereafter.

Reason: In order to ensure that the development retains adequate parking provision.

14. ZBD Materials

Prior to the commencement of development, a schedule of all types and colours of external materials to be used shall have been submitted to and approved, in writing, by the Local Planning Authority and the development shall thereafter be carried out in accordance with the approved schedule.

Reason: This is a prominent site where types and colours of external materials to be used should be polite to their surroundings in order to avoid any detrimental visual impact.

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

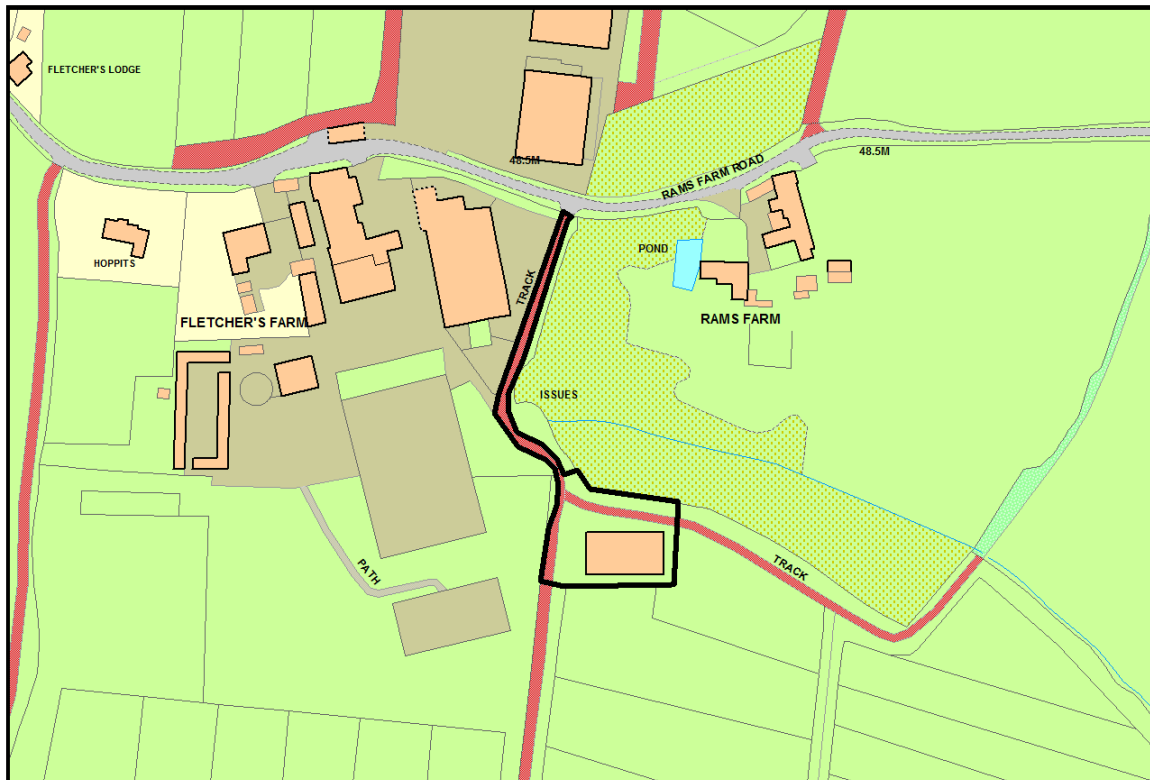
The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental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

2. ZTA Informative on Conditions Stating Prior to Commencement/Occupation

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

3. ZTB - Informative on Any Application With a Site Notice

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



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Item No: 7.5

Application: 173115

Applicant: W Bradshaw & Son

Agent: Mrs Natalie Winspear

Proposal: Conversion of agricultural barn to swimming pool and changing facilities with associated parking and ancillary works

Location: Fletchers Farmhouse, Rams Farm Road, Fordham, Colchester, CO6 3NT

Ward: Rural North

Officer: Benjy Firth

Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

- 1.1 This application has been called into Planning Committee by Councilor Chillingworth on the following basis:

The proposal is a farm diversification of an agricultural building, and is seen by the LEADER EU-funded competitive rural scheme as worthy of support and has provisional approval. Unfortunately the scheme is proposed in a building erected fairly recently under PD regulations and may be turned down for that reason. I understand there are circumstances when the Planning Committee could overcome that objection. I ask for the application to be considered by committee as the proposed swimming pool would be of community benefit in this rural area.

2.0 Synopsis

- 2.1 The key issues for consideration are whether this application provides the evidence base required to justify that the proposed development should be considered acceptable in principle.
- 2.2 Beyond this, it should be considered whether it is evidenced that the development within this application is being proposed in an acceptable manner and preferably in the most appropriate manner for the site.
- 2.3 It is concluded that the development is not acceptable in principle, given that the building was granted Prior Approval so recently; it is also concluded that the proposal is not acceptable in terms of Development Management considerations.
- 2.4 The application is subsequently recommended for refusal.

3.0 Site Description and Context

- 3.1 The application site forms part of a wider agricultural holding of 67 hectares, located to the south east of Fordham within the countryside. It is understood from previous applications that the agricultural enterprise based within the holding is responsible for the farming of a substantial area of land beyond the holding and also accommodates a substantial equestrian enterprise. The site as outlined within this application contains an access track and an open sided barn, with a footprint in excess of 400m², located to the rear of the equestrian yard.

4.0 Description of the Proposal

- 4.1 The proposal seeks permission for the conversion of part of the existing open sided barn to a swimming pool and changing facilities with associated parking and ancillary works.

5.0 Land Use Allocation

- 5.1 The site sits beyond any settlement boundary and is considered agricultural land.

6.0 Relevant Planning History

- 6.1 The building subject of this application was granted prior approval under application 131158 and built under permitted development rights on the basis that it was required for the purposes of agriculture.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
SD3 - Community Facilities
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

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

DP1 Design and Amenity
DP4 Community Facilities
DP8 Agricultural Development and Diversification
DP10 Tourism, Leisure and Culture
DP17 Accessibility and Access
DP19 Parking Standards

8.0 Consultations

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

- 8.2 Following amendments to the application the Highways Authority made the following comments:

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

The development shall not be occupied until such time as the vehicular passing places and parking and turning areas have been provided in accord with the details shown in Drawing Numbered 868-02-02B. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety and in accordance with Policy DM 1 and 8 of the Highway Authority’s Development Management Policies February 2011.

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

Reason: To promote the use of sustainable means of transport in accordance with Policy DM 1 and 9 of the Highway Authority’s Development Management Policies February 2011.”

- 8.3 The Environment Agency refrained from commenting on the application.
- 8.4 The Council’s Listed Building Officer stated that with acceptable materials they would support approval of the application.
- 8.5 The Council’s Environmental Protection Team requested a condition regarding site boundary noise levels be attached to any approval.

9.0 Parish Council Response

- 9.1 No comments have been received from the Parish Council.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

- 10.2 The Council received comments from one member of the local community supporting the application and the benefits it would bring to the local community.

11.0 Parking Provision

- 11.1 The proposal includes 11 parking spaces, including one disabled space and one minibus space. This complies with the adopted EPOA Parking Standards SPD.

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 Planning Obligations

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

15.0 Report

The description of the proposal:

- 15.1 The proposal is described as the conversion of an agricultural barn, however this is contested on two fronts:
- 15.2 Firstly, on the basis that the barn subject of this application is open-sided on all sides. As a result, the works required to facilitate this development would, in your Officers’ opinion, be so extensive as to comprise of the rebuilding of the building.
- 15.3 This judgement is in accordance with case law established in the case of *Hibbitt v Secretary of State for Communities and Local Government [2016] EWHC 2853*. In light of this judgement the proposal should more accurately be described as the construction of a new building, or at least the rebuilding of a building.
- 15.4 Additionally, the barn subject of this application was constructed under permitted development rights granted by Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order (as amended). This allowed for the construction of the barn on the basis that it was reasonably necessary for the purpose of agriculture. This legislation goes on to state, under paragraph A.2. (5) -

Where development consists of works for the erection, significant extension or significant alteration of a building and —

(a) the use of the building or extension for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed; and

(b) planning permission has not been granted on an application, or has not been deemed to be granted under Part 3 of the Act, for development for purposes other than agriculture, within 3 years from the date on which the use of the building or extension for the purposes of agriculture within the unit permanently ceased, then, unless the local planning authority have otherwise agreed in writing, the building or, in the case of development consisting of an extension, the extension, must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition

- 15.5 On this basis, if the building is no longer reasonably necessary for the purposes of agriculture then, unless otherwise agreed by the Local Planning Authority, the building should be removed from the land. As a result, if the building is no longer required for agriculture then the Council could seek the removal of the building. As such, any approval of this application would justify the retention of the building and would therefore be tantamount to approving a new building. In light of the above, the proposal should again more accurately be described as the construction of a new building or at least the retention of a building that should otherwise be removed.
- 15.6 It should be noted that the applicant's agent contends that, should this application fail, then the building will be put to an agricultural use once more. However, the application does state within the design and access statement that the "existing barn is redundant for agricultural use" as it was previously used for the storage of small bales of hay but the farm now produces larger bales that are wrapped and stored outside.
- 15.7 Whether the barn is required for the purpose of agriculture or not, it is held that the proposal could not be considered as the conversion of an existing barn. Instead for the purposes of determining this application it would be more appropriately considered as comprising of the construction of a new building.

Principle of development:

- 15.8 The proposed swimming pool building would provide a community facility and policy SD3 (Community Facilities) states that facilities for local communities should be provided based on an analysis of need. It is considered that the proposed facility could potentially make a positive contribution to the community. However, no analysis of need has been provided within this application and as a result the provision of this facility has not been justified in this regard. The same adopted policy requires that community facilities be located in centres or other accessible locations. In this instance, the site is located in an isolated position detached from the defined settlement by a country lane and a farm track. On this basis, the application site is not considered accessible or particularly sustainable and the application is thus contrary to policy SD3.

- 15.9 Policy ENV2 (Rural Communities) requires leisure schemes outside village boundaries, such as the one proposed within this application, to be of appropriate scale, help local employment needs and harmonise with the surrounding natural environment. No assessment of the impacts of the proposal in terms of traffic generation have been provided and as such the scale of the development cannot be justified as appropriate. In this instance, it is considered that the scale has the potential to be quite substantial, based on the size of the facilities and the fact it is expected to generate five full time jobs. Additionally, were the proposal to be approved and the facility to be used to the full capacity as outlined within this application it could generate in excess of 200 visitors to the site per day. On this basis, the impacts of the proposal should be assessed appropriately, particularly those that may cause detriment to the character of the site and the surrounding natural environment. In light of the above, the application fails to comply with adopted policy ENV2.
- 15.10 Policy DP8 (Agricultural Development and Diversification) does not support the creation of separate enterprises unrelated to the existing agricultural use and states development should be secondary to the main agricultural use. Uses similar to that proposed have provided a successful means of farm diversification on other sites locally. However, in this instance, the application proposes a third use at the site, in addition to the agricultural and equine uses and is silent on how the new use would relate to the existing uses. Policy DP8 also requires proposals such as this to be accompanied by a satisfactory diversification plan which describes how it will assist in retaining the viability of the farm. This application is again silent in this regard and as such lacks the appropriate assessment and justification for the proposed development, contrary to policy DP8.
- 15.11 Policy DP10 (Tourism, Leisure and Culture) states that proposals for leisure in rural areas should comprise of the conversion of suitable existing rural buildings. Having previously established that the development subject of this application is considered to include a new building, the proposal is contrary to this requirement. Additionally, the proposed development is isolated from other structures at the site and as such is contrary to policy DP8 which states farm diversification developments should be well related to existing buildings.
- 15.12 In conclusion, the proposed development is not acceptable in principle. There is no assessment, appraisal or justification for the proposal evident within this application. As a result, the application is rendered contrary to numerous adopted policies, as outlined above.

Design:

- 15.13 The site layout and the design of the proposal within this application have been dictated by the structure currently existing at the site. Having established that the proposal requires a new building it is evident that the opportunity to adopt a high standard of design has not been embraced. No appraisal of the site has been provided as justification for the proposed layout of the development and

the proposed building demonstrates a lack of consideration to the achievement of a high standard of design.

- 15.14 In conclusion, the design of the proposal is contrary to policy UR2 (Built Design and Character) which states design should be informed by context appraisals and requires developments to enhance the character, quality or function of an area. Likewise high quality design is required by policy SD1 (Sustainable Development Locations) and DP1 (Design and Amenity). These policies also require proposals to sustain, respect, conserve and enhance the character of the surrounding countryside, in conjunction with policy ENV1 (Environment). The design of the proposal is therefore contrary to numerous adopted policies.

16.0 Conclusion

- 16.1 To summarise, although the proposed development could potentially provide a valuable community facility there is a lack of justification for its provision or design within this application. It has not been evidenced within this application that the proposed development is acceptable in principle. Additionally, it has not been demonstrated that appropriate consideration has been given to the design of the proposal and the potential impact it may have on the site and surrounding area. As a result, the proposal provides a substandard level of design and fails to provide mitigation measures for the adverse impacts of the proposal. On this basis the application should be refused.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

REFUSAL of planning permission for the reasons set out below:

The barn the subject of this application is open-sided on all sides; as a result, the works required to facilitate the proposed development would be so extensive as to comprise of the rebuilding of the building. Additionally, the barn the subject of this application was constructed under permitted development rights granted by Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order (as amended). In light of this fact, if the building is no longer reasonably necessary for the purposes of agriculture, then the building should be removed from the land. On this basis, the proposed development is considered to seek permission for a new building and should be assessed in this manner.

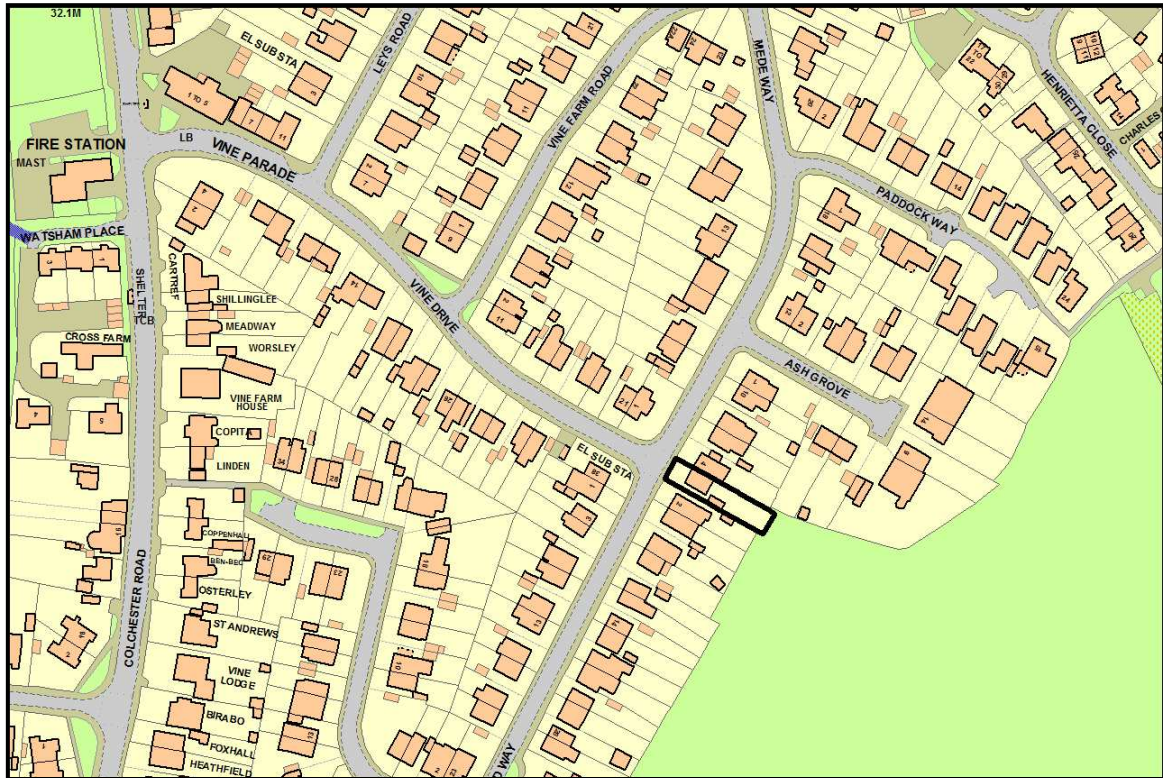
No analysis of the need for the proposed community facility has been provided within this application and as a result the provision of this facility has not been justified in this regard, contrary to policy SD3 (Community Facilities). The site is located in an isolated position detached from the defined settlement by a country lane and a farm track. As such, the application site is not considered accessible or sustainable and the application is thus contrary to policy SD1 (Sustainable Development Locations) and SD3.

No assessment of the impacts of the proposal on the site and surrounding area have been provided within the application. As a result, the scale of the development cannot be justified as appropriate and it has not been demonstrated that the proposal will harmonise with the surrounding natural environment, contrary to policy ENV2 (Rural Communities).

The application proposes a third use at the site, in addition to the agricultural and equine uses and is silent on how the new use would relate to the existing uses. The application also fails to provide a satisfactory diversification plan which describes how it will assist in retaining the viability of the farm. On this basis, the application lacks the appropriate assessment and justification for the proposed development, contrary to policy DP8 (Agricultural Development and Diversification).

Policy DP10 (Tourism, Leisure and Culture) states that proposals for leisure in rural areas should comprise of the conversion of suitable existing rural buildings. Having previously established that any building resulting from this application would not be considered existing, the proposal is contrary to this requirement. Additionally, the proposed development is isolated from other structures at the site and as such is contrary to policy DP8 which states farm diversification developments should be well related to existing buildings.

No appraisal of the site has been provided as justification for the proposed layout of the development and the proposed building demonstrates a lack of consideration to the achievement of a high standard of design. On this basis, the proposal is contrary to policy UR2 (Built Design and Character) which states design should be informed by context appraisals and requires developments to enhance the character, quality or function of an area. Similarly, high quality design is required by policy SD1 (Sustainable Development Locations) and DP1 (Design and Amenity). These policies also require proposals to sustain, respect, conserve and enhance the character of the surrounding countryside, in conjunction with policy ENV1 (Environment). The design of the proposal is therefore contrary to policies UR2, ENV1, SD1, and DP1.



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Item No: 7.6

Application: 180478

Applicant: Mr Gavin Short

Agent: Mr Michael Bowler

Proposal: Proposed extension and alterations

Location: 2 Mede Way, Wivenhoe, CO7 9HP

Ward: Wivenhoe

Officer: Eleanor Moss

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

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

the loss of residential amenity – especially affecting number 4 Mede Way and loss of light to the same adjacent property. I also feel that it should be discuss this area. The harmful impact upon residential amenity - mainly affecting 4 Mede Way, but also 2 Field Way. Impact upon street scene and the out of keeping nature of the development with surrounding properties - such a development of this size to these bungalows is not in-keeping with the properties in adjacent area.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact upon character and appearance of the area and impact upon neighbouring amenity. It is considered the proposal does not create a harmful impact upon the character of the area nor does it breach the loss of light tests within the Essex Design Guide.
- 2.2 The proposal also benefits from a realistic ‘fallback position’ under Permitted Development. The proposal is considered to be acceptable and therefore your Officer recommends approval.

3.0 Site Description and Context

- 3.1 The application site relates to a semi-detached bungalow within Wivenhoe, located towards the eastern side of Mede Way. The properties along this side of the road have south-easterly facing gardens. A number of properties within the area have extended within the rear gardens. The application site retains its original garage, however this is undersized and as such does not constitute a car parking space. This garage is due to be removed. Within the rear garden there is an existing tree which is due to be kept, with safeguarding measures proposed.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for a single-storey rear extension, the demolition of the existing garage and the extension of the existing 1.8 metre side boundary fence.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 None relevant to this application

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

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

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

N/A

7.5 The Wivenhoe Neighbourhood Plan is currently emerging and can be afforded some limited weight.

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Wivenhoe Town Plan and Executive Summary

8.0 Consultations

8.1 The stakeholders who have been consulted and letters from the neighbouring properties responses are as set out below. More information may be set out on our website.

Archaeological Officer – No objection
Contamination Officer – No comments
Tree Officer – No comments

9.0 Parish Council Response

9.1 None received at the time of writing.

10.0 Representations from Notified Parties

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

- Noise
- Car parking
- Sewer blockages
- Removal of asbestos
- Soak away
- Concrete and mortar dust
- Increase in size of bungalow
- Health issues
- Undermining of neighbouring garage
- Increasing two bed bungalow into a four bed family home
- Quality of life
- Loss of privacy
- Overbearing effect
- Loss of light

Officer response: The concerns from the neighbours are acknowledged however a number of concerns raised are not considered to be material planning considerations and thus will not be discussed within the below report. Included below are non-material planning considerations which were raised in the responses:

- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of working – These are covered a number of Acts including Environmental Protection Act 1990 and Control of Pollution Act 1974.
- Matters controlled under building regulations or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- Applicant's personal circumstances

Please note; if any asbestos is detected the applicant is urged to contact Environmental Protection or the HSE for further guidance.

11.0 Parking Provision

11.1 Complies with car parking standards

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

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

14.0 Planning Obligations

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

15.0 Report

Principle of Development:

- 15.1 This application is located within the settlement limits of Wivenhoe. The proposed extension will be located on the rear elevation of the dwelling where alterations and additions are acceptable in principle and the impact on the character and appearance of the surrounding area will be minimal.

Design:

- 15.2 In this instance, the proposed extension will be flat roof in design and covering the rear garden area. The floor area covered by the proposed new extension is very minor and the design and proposed materials are in keeping with the age and character of the property.

Impact upon Surrounding Area:

- 15.3 The application site itself is large enough to accommodate the proposed development. The proposed extension would not be visible from the road and the overall size in terms of height, width and depth ensure that the proposed extension will appear in keeping with the character of the property and the surrounding area where there are other rear extensions.

Impact upon Neighbouring Properties:

- 15.4 The extension proposed is part width and is set away from the side boundary with No.4 Mede Way by approximately 1 metre and No.2 Field Way by approximately 2.4 metres. Due to the physical separation of the application site and No.2 Field Way and the positioning of No. 2 Field Way's detached outbuilding within the rear garden and along the side boundary with the application property, it is considered that the proposed extension would have a minimal impact on the occupiers of No.2 Field Way. It is noted the proposal includes a side-facing window within the existing ground floor. Given that this is not located within an upper-floor side elevation, this is considered to be permitted development and can be undertaken at any time without formal notification or permission from the Local Planning Authority.

- 15.5 The proposal includes the extension of the existing 1.8 metre side boundary fence along the common boundary of No.2 Field Way, this has been included in order to screen the proposal further from the neighbouring property. The proposed boundary fence is not considered to have a harmful impact upon the neighbouring properties.
- 15.6 In terms of the impact upon the occupiers of No.4, the rear gardens of the properties on this side of Mede Way are south-easterly facing. As stated above, the extension would be positioned approximately one metre away from the side boundary with No.4 Mede Way. No.4 has been extended by way of a three-metre deep, single-storey rear extension which forms a conservatory. Due to the orientation of the property's rear gardens any potential impact on the occupiers of No.4 Mede Way would be felt in the late afternoons/evenings. Guidance in the Supplementary Planning document 'The Essex Design Guide' is that a 45-degree angle from the mid-point of windows is required in order to preserve outlook. This proposal complies with this test. Due to the half a metre distance involved between the proposed extension and No.4, however, it is considered that any loss of light impact to the occupiers would be negligible and does not breach the adopted SPD guidance. Furthermore, an approximately 1.8 metre high fence exists along the shared boundary between the application property and No.4 Mede Way and to the side of where the extension is proposed. It is considered that the fence would further preclude any impact upon the occupiers of No.4 Mede Way. In summary, it is not considered that there would be any loss of light to or harm to the outlook from neighbouring properties and any impact on residential amenity would be negligible.
- 15.7 An objection has been made to the height of the extension. The proposal is not considered to be excessively high at approximately three metres (maximum height) and, as such, is considered to be acceptable.

Permitted Development 'Fall-Back':

- 15.8 Legislation allowing larger single-storey rear extensions to be built under permitted development rules came in to force on 30 May 2013, and was subsequently updated by new legislation which came into effect on 6 April 2016. Until 30 May 2019 a single storey extension can be larger than previously allowed under permitted development rights. In order to benefit from these larger permitted development rights, the proposal must not extend beyond the rear of the original house by more than 8 metres if a detached house, or by more than 6 metres in any other case. These larger extensions are not allowed for houses on article 2(3) land (a conservation area, AONB, Broads, National Park or World Heritage Site) or on a site of special scientific interest (SSSI). The height of the extension must not be more than 4 metres. In this instance, the proposal complies with the permitted development fallback position as it complies with the size and height requirements and does not fall within 2(3) land or in a SSSI.

- 15.9 That said, the applicant would still need to apply (free of charge) under the “larger homes” procedure, with neighbours being consulted and any objection based on amenity would need to be considered by the Local Planning Authority. Issues of design, however, would not be considered.

Trees and Hedges:

- 15.10 Whilst there is a tree within the rear garden, this is not protected and could be removed at any time without the Council’s permission. In any case, none of the vegetation on site is such that it could not be easily replaced with something of similar or better quality. The submitted drawings detail protective tree fencing in line with BS 5837 and this is considered to be adequate protection. As such, the proposal is considered to be acceptable in this regard.

Highways and Parking:

- 15.11 The proposal removes the existing garage from the site, this is currently considered to be undersized and therefore does not constitute a car parking space. As the proposal does not seek the removal of any off road parking, the proposal is considered to be acceptable in this regard.

16.0 Conclusion

- 16.1 To summarise, the design of the proposed extension is appropriate and minimises its impacts upon the neighbouring properties. No test for overbearing, overshadowing or overlooking as laid out within the “Essex Design Guide” guidance document has been infringed and no unacceptable impacts have been identified. The proposed single storey rear extension would not appear out of character in the street-scene or as an overly-prominent addition. Your Officer therefore recommends approval.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 5529/18/2 and SK/1 Revision A dated 4 April 2018.

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

3. ZBB - Materials As Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

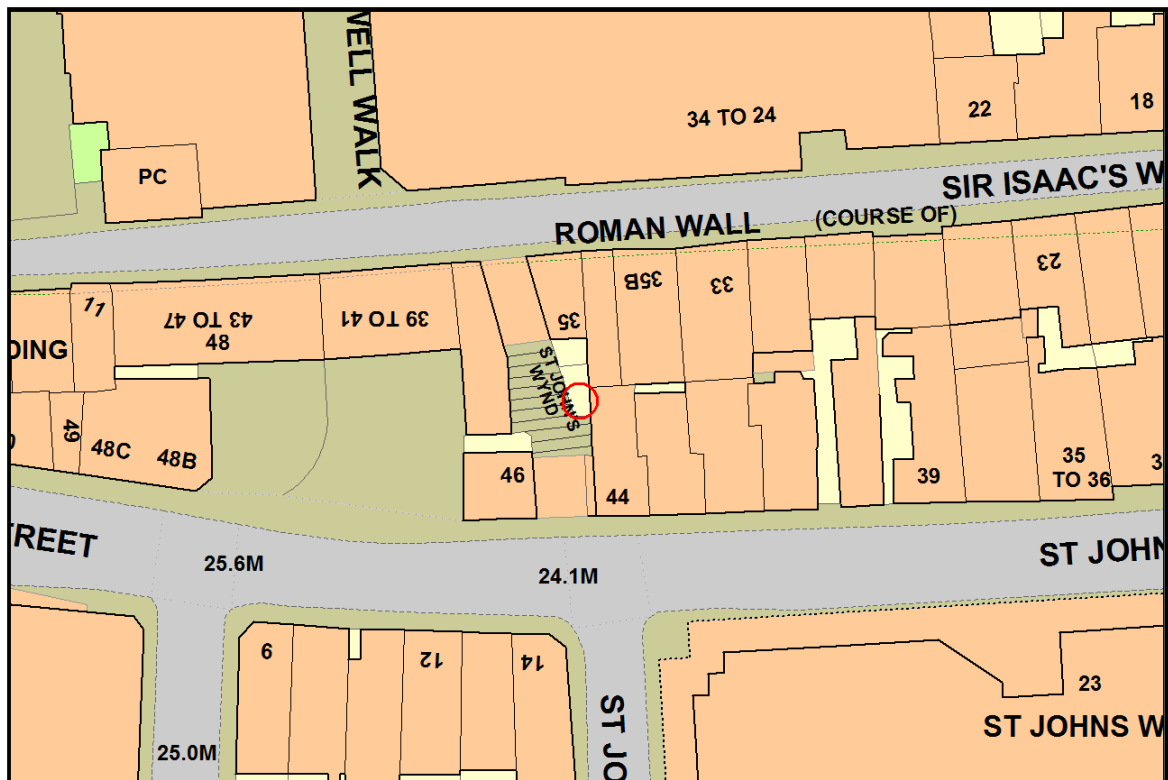
Reason: To ensure that materials are of an acceptable quality appropriate to the area.

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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



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Item No: 7.7

Application: 180102

Applicant: Mr Henry Spyvee

Agent:

Proposal: Interpretation panel containing general historical information and logos including friends of Colchester Roman Wall.

Location: Side wall of, 44 St Johns Street, Colchester, CO2 7AD

Ward: Castle

Officer: Ishita Sheth

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an Alderman.

2.0 Synopsis

- 2.1 The key issues for consideration are the design, impact on the character of the area and public safety.
- 2.2 The application is subsequently recommended for APPROVAL.

3.0 Site Description and Context

- 3.1 This interpretation panel is proposed to be mounted on a modern brick wall at the side of a rear extension to No. 44 St. John's Street.

4.0 Description of the Proposal

- 4.1 This application comprises part of a group of advert consents for interpretation panels to be erected around Colchester Town Centre. The submitted Heritage Statement states that as a part of the wider heritage component of the Colchester Castle Redevelopment Project it is intended to replace the existing interpretation panels at the Balkerne Gate and Duncan's Gate and introduce new panels at up to seven locations around the circuit. These interpretation panels form part of that project.

5.0 Land Use Allocation

- 5.1 The site is located in the outer retail core.

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

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

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

UR2 - Built Design and Character

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

DP1 Design and Amenity
DP10 Tourism, Leisure and Culture

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 Archaeological Officer - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

- 9.1 Non-parished

10.0 Representations from Notified Parties

- 10.1 No public representations were received as part of the application.

11.0 Parking Provision

- 11.1 Not applicable.

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 Planning Obligations

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

15.0 Report

- 15.1 Para 67 of the NPPF states “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.” Para 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Local policies UR2 and DP1 support this aim and give greater detail on the high quality design required from applications.
- 15.2 In assessing an advertisement's impact on "amenity", regard has to be had to the effect on the appearance on visual amenity in the immediate neighbourhood where it is to be displayed. It is therefore necessary to consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The surrounding area is an access way and is functional in appearance. The design of the interpretation panel is pleasant and informative, adding visual interest to the area. Overall, it is considered to have a positive impact on the amenity of the immediate area.
- 15.3 In assessing an advertisement's impact on "public safety", regard has to be to the effect upon the safe use and operation of any form of traffic or transport. In assessing the public safety implications of an advertisement display, one can assume that the primary purpose of an advertisement is to attract people's attention; therefore it should not automatically be presumed that an advertisement will distract the attention of passers-by. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. The form of the interpretation panel would not impede access, and moreover would not create such a distraction that pedestrian movement would be hindered.

16.0 Conclusion

- 16.1 To summarise, the application accords with the relevant national and local Planning policy considerations and will help to maintain and provide information on a valued cultural feature of the townscape, as such it is subsequently approved.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZQA - 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. ZQB - Limited Period Advertisements

The period of display of the advert hereby consented shall run for 10 years from 8th March 2018 until 8th March 2028 in line with the period of time requested by the applicant.

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings.

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

4. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an Alderman.

2.0 Synopsis

- 2.1 The key issues for consideration are the design, impact on the character of the area and public safety.
- 2.2 The application is subsequently recommended for APPROVAL

3.0 Site Description and Context

- 3.1 This interpretation panel is proposed to be erected on a lectern in the soft landscaping close to a path inside Upper Castle Park, opposite the access to service yard and children's playground. The land is a Scheduled Ancient Monument.

4.0 Description of the Proposal

- 4.1 This application comprises part of a group of advert consents for interpretation panels to be erected around Colchester Town Centre. The submitted Heritage Statement states that as a part of the wider heritage component of the Colchester Castle Redevelopment Project it is intended to replace the existing interpretation panels at the Balkerne Gate and Duncan's Gate and introduce new panels at up to seven locations around the circuit. These interpretation panels form part of that project.

5.0 Land Use Allocation

- 5.1 The land is allocated as Public Open Space.

6.0 Relevant Planning History

- 6.1 None.

7.0 Principal Policies

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

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

UR2 - Built Design and Character

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

DP1 Design and Amenity
DP10 Tourism, Leisure and Culture

8.0 Consultations

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

- 8.2 Archaeological Officer – Makes the following comments:

This proposal is located in, and has the potential to impact upon, a designated heritage asset (Colchester Castle, NHLE no. 2015031). There is, therefore, high potential for encountering below-ground archaeological remains at this location. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist.

There are no grounds to consider refusal of permission in order to achieve preservation in situ of any important heritage assets. However, in accordance with the National Planning Policy Framework (Paragraph 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.

The following archaeological condition is recommended:

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

I will, on request of the applicant, provide a brief for the archaeological investigation. In this case, continuous archaeological monitoring will be required during all groundworks relating to the consent.

Informative on Archaeology:

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

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

8.3 Historic England – Supports the proposal.

8.4 The Garden Trust – Does not wish to comment.

9.0 Parish Council Response

9.1 Non- parish

10.0 Representations from Notified Parties

10.1 No public representations were received as part of the application.

11.0 Parking Provision

11.1 Not applicable

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 Planning Obligations

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

15.0 Report

- 15.1 Para 67 of the NPPF states “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.” Para 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Local policies UR2 and DP1 support this aim and give greater detail on the high quality design required from applications.
- 15.2 In assessing an advertisement's impact on "amenity", regard has to be had to the effect on the appearance on visual amenity in the immediate neighbourhood where it is to be displayed. It is therefore necessary to consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The panel is located within a park in a location near the monument where the best view may be obtained of the historic features being interpreted. The design of the interpretation panel is pleasant and informative, adding visual interest to the area. Overall, it is considered to have a positive impact on the amenity of the immediate area.
- 15.3 In assessing an advertisement's impact on "public safety", regard has to be to the effect upon the safe use and operation of any form of traffic or transport. In assessing the public safety implications of an advertisement display, one can assume that the primary purpose of an advertisement is to attract people's attention; therefore it should not automatically be presumed that an advertisement will distract the attention of passers-by. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. The form of the interpretation panel would not impede access, and moreover would not create such a distraction that pedestrian movement would be hindered.
- 15.4 The In-house archaeologist's comments are noted but as an application for Advertisement Consent it would not be appropriate to impose an archaeology condition. The scheme will require Monument Consent from Historic England and that will deal with these matters. On that basis an informative will be imposed for information purposes.

16.0 Conclusion

- 16.1 To summarise, the application accords with the relevant national and local planning policy considerations and will help to maintain and provide information on a valued cultural feature of the townscape, as such it is subsequently approved.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:
APPROVAL of planning permission subject to the following conditions:

1. ZQA - 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. ZQB - Limited Period Advertisements

The period of display of the advert hereby consented shall run for 10 years from 8th March 2018 until 8th March 2028 in line with the period of time requested by the applicant.

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings.

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

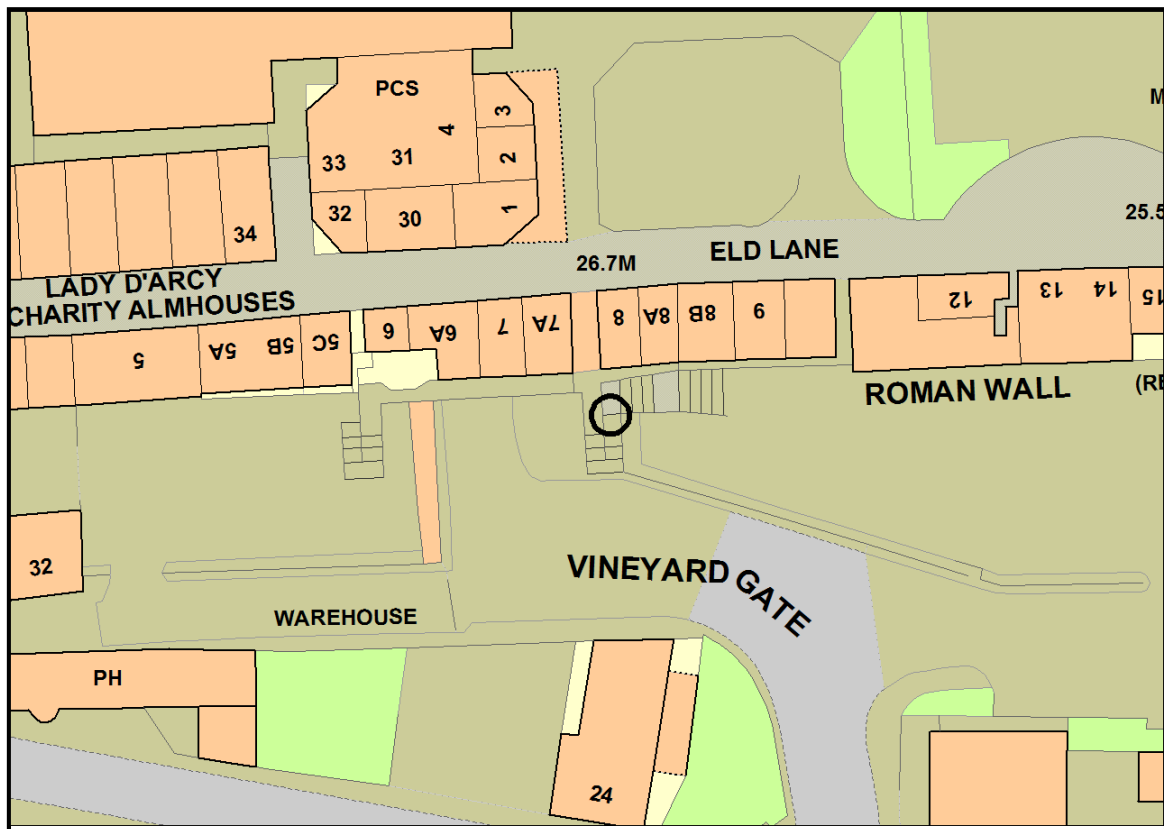
4. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

18.0 Informatives

- 18.1 This proposal is located on a Scheduled Ancient Monument and therefore will need Monument Consent from Historic England. Historic England can be reached on 0370 333 0607, via customers@HistoricEngland.org.uk or www.historicengland.org.uk.



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Item No: 8.9

Application: 180106

Applicant: Mr Henry Spyvee

Agent:

Proposal: Interpretation panel containing general historical information and logos including friends of Colchester Roman Wall.

Location: Vineyard Street Carpark, Vineyard Street, Colchester, CO2 7DG

Ward: Castle

Officer: Ishita Sheth

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an Alderman.

2.0 Synopsis

- 2.1 The key issues for consideration are the design, impact on the character of the area and public safety.
- 2.2 The application is subsequently recommended for APPROVAL

3.0 Site Description and Context

- 3.1 This interpretation panel is proposed to be erected on a lectern in the hard landscaping close to the steps giving access from the Vineyard Street Car Park to Lion Walk at the western end of the car park. As a part of this project, the existing black orientation panel will be relocated from the foot of the steps to a location some 2m further west to allow the interpretation panel to be installed at the most advantageous position to view the historic features being interpreted.

4.0 Description of the Proposal

- 4.1 This application comprises part of a group of advert consents for interpretation panels to be erected around Colchester Town Centre. The submitted Heritage Statement states that as a part of the wider heritage component of the Colchester Castle Redevelopment Project it is intended to replace the existing interpretation panels at the Balcerne Gate and Duncan's Gate and introduce new panels at up to seven locations around the circuit. These interpretation panels form part of that project.

5.0 Land Use Allocation

- 5.1 The site is located in the inner retail core.

6.0 Relevant Planning History

- 6.1 None.

7.0 Principal Policies

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

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

UR2 - Built Design and Character

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

DP1 Design and Amenity
DP10 Tourism, Leisure and Culture

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 Archaeological Officer - No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.

9.0 Parish Council Response

- 9.1 Non-Parish

10.0 Representations from Notified Parties

- 10.1 No public representations were received as part of the application.

11.0 Parking Provision

- 11.1 Not applicable

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 Planning Obligations

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

15.0 Report

15.1 Para 67 of the NPPF states “poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.” Para 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.” Local policies UR2 and DP1 support this aim and give greater detail on the high quality design required from applications.

15.2 In assessing an advertisement's impact on "amenity", regard has to be had to the effect on the appearance on visual amenity in the immediate neighbourhood where it is to be displayed. It is therefore necessary to consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The surrounding area is a car park and is functional in appearance. The design of the interpretation panel is pleasant and informative, adding visual interest to the area. Overall, it is considered to have a positive impact on the amenity of the immediate area. The relocation of the orientation panel is not considered to be detrimental to the amenity of the area.

15.3 In assessing an advertisement's impact on "public safety", regard has to be to the effect upon the safe use and operation of any form of traffic or transport. In assessing the public safety implications of an advertisement display, one can assume that the primary purpose of an advertisement is to attract people's attention; therefore it should not automatically be presumed that an advertisement will distract the attention of passers-by. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. The form of the interpretation panel would not impede access, and moreover would not create such a distraction that pedestrian movement would be hindered.

16.0 Conclusion

16.1 To summarise, the application accords with the relevant national and local planning policy considerations and will help to maintain and provide information on a valued cultural feature of the townscape, as such it is subsequently approved.

17.0 Recommendation to the Committee

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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. ZQB - Limited Period Advertisements

The period of display of the advert hereby consented shall run for 10 years from 8th March 2018 until 8th March 2028 in line with the period of time requested by the applicant.

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

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

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings.

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

4. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

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

Supreme Court Decision 16 October 2017

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

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

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

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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

