

Planning Committee Meeting

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

Thursday, 16 March 2017 at 18:00

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

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

Information for Members of the Public

Access to information and meetings

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

Have Your Say!

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

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The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Councillors are permitted to use devices to receive messages and to access papers and information via the internet and viewing or participation in social media is at the discretion of the Chairman / Mayor presiding at the meeting who may choose to require all devices to be switched off at any time.

Access

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

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A water dispenser is available on the first floor and a vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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Colchester, CO1 1JB

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e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

Material Planning Considerations

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

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

The following approach should be taken in all planning decisions:

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

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

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

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

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

The above list is not exhaustive

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

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

- matters specifically controlled through other legislation

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

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

Planning Obligations

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

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

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

Human Rights, Community Safety and Equality and Diversity Implications

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

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

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

Using Planning Conditions or Refusing Planning Applications

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

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

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

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

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

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

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

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



Colchester Borough Council Development Management

Highway Safety Issues

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

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

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

Parking Standards

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

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

For residential schemes:

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

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

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

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

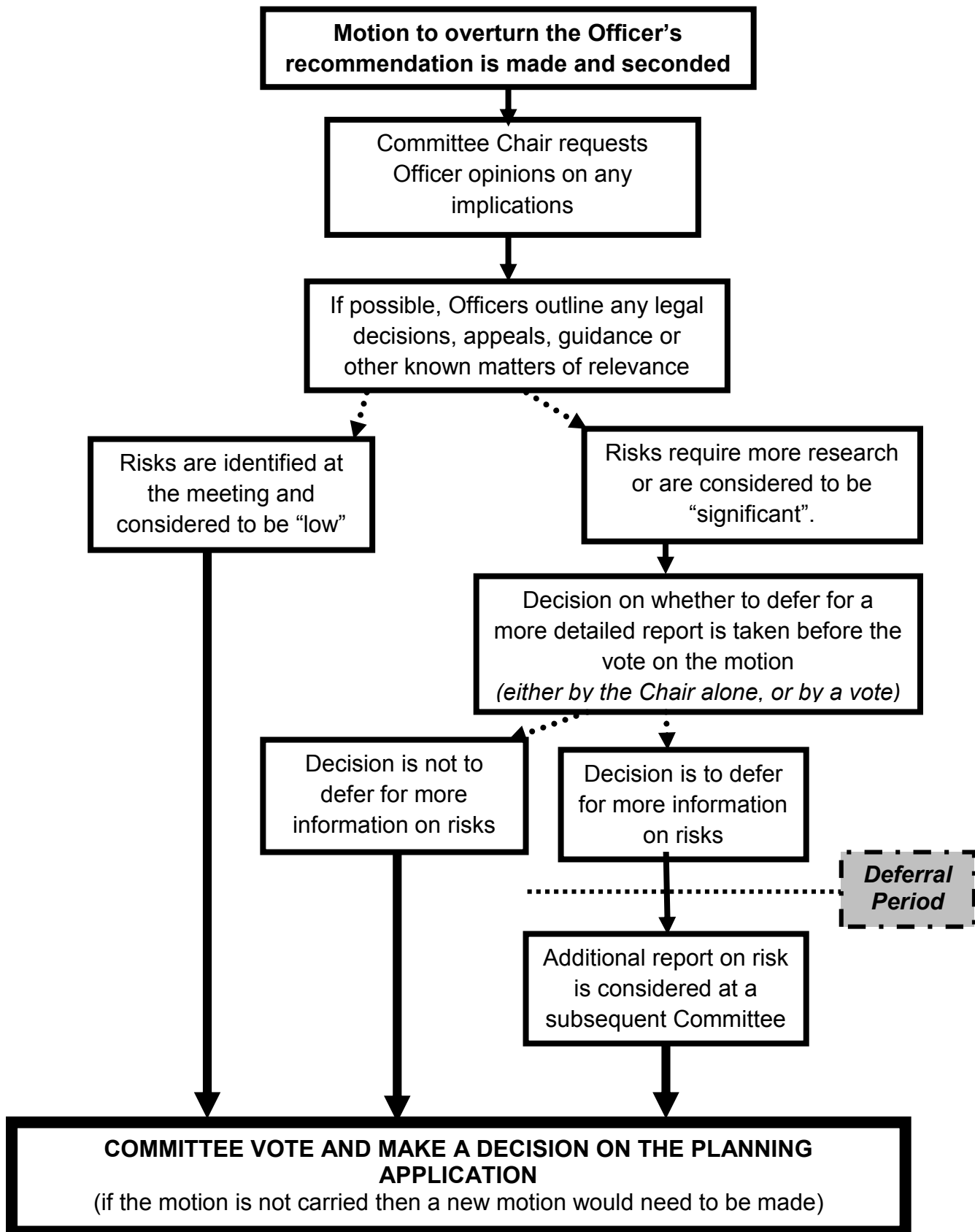
Interpretation of Class C4

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

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

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

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



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 16 March 2017 at 18:00

Member:

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

Chairman
Deputy Chairman

Substitues:

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

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

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

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

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

1 Welcome and Announcements

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

- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

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

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

3 Substitutions

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

4 Urgent Items

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

5 Declarations of Interest

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

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

interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.

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

6 Minutes of 16 February 2017 17 - 21

To confirm as a correct record the minutes of the meeting held on 16 February 2017.

7 Planning Applications

In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

7.1 163203 3 Ward Close, Belle Vue Road, Wivenhoe, Colchester 22 - 29

Application to remove condition 19 of planning permission 140208 (retrospective).

7.2 170158 St James' House and the Waiting Room, Queen Street, Colchester 30 - 41

Demolition of St James' House and the Waiting Room.

7.3 170260 8 Roman Road, Colchester 42 - 51

Demolish rear extension, build two storey rear extension and replace entrance door to front.

7.4 163120 29 The Crescent, Great Horkesley, Colchester 52 - 56

Demolition of small brick shed and new extension to rear of property.

7.5 162876 40 Heckworth Close, Colchester 57 - 62

Museum store extension.

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, 16 February 2017

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

Substitutes:

442 Minutes of 2 February 2017

The minutes of the meeting held on 2 February 2017 were confirmed as a correct record.

443 162302 Land adjacent to Axial Way, Colchester

Councillor Maclean (by reason of her acquaintance with the objector to the application) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a detailed planning application for residential development to provide 88 residential dwellings (Use Class C3), comprising 62 houses (2 - 2.5 storeys) and three buildings containing 26 apartments (3 to 4 storeys), associated car parking, cycle parking, public open space and pedestrian / cycle infrastructure, formation of pedestrian and cycle only link to public footpath / bridleway and other associated works and improvements at land north of Axial Way, Colchester. The application had been deferred at the meeting on 1 December 2016 to allow negotiations to secure a mitigation fund to address possible costs attributable to changes to the Flakt Woods operation potentially arising from possible noise complaints from future residents. In addition, clarification was sought on the location of the proposed affordable housing units. The Committee had before it a report and amendment sheet in which all the information was set out.

Sue Jackson, Principal Planning Officer, presented the report and, together with Simon Cairns, Major Development and Projects Manager and Chris Cornish, Environmental Protection Officer, assisted the Committee in its deliberations. She explained that, following advice regarding the details of the legal agreement associated with the application, the section 106 agreement and proposed conditions would need to be amended to provide for the payment of the mitigation fund prior to the occupation of any

residential units.

Ian Morehouse, Managing Director of Flakt Woods, Colchester, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He confirmed that there had been a lot of dialogue between the parties since the Committee last considered the application and that the parties continued to be engaged. However, he confirmed that he continued to oppose the application due to the need for the business to retain flexibility of operations around the clock. He confirmed that some of the practices on site generated a lot of noise which was regular in nature and, would potentially, be noticed by residents. As such, he considered there would be the risk of a statutory nuisance and the issuing of enforcement notices upon the company. He also considered the application to be contrary to planning policies for the protection and enhancement of employment uses.

David Moseley, on behalf of Persimmon Homes, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that the proposed development had been very carefully designed in the context of the environment of the area and to take account of the liveability of the houses. An assurance had been sought that Flakt Woods would not be compromised by the development which had prompted the applicants to agree to the provision of a mitigation fund in order to ensure various potential measures to alleviate potential noise problems could be explored should the need arise. He explained that, following a further recent meeting and information supplied by Flakt Woods, it had been agreed the likely cost of mitigation measures were greater than the £50k initially proposed for the fund and, accordingly, he confirmed that the value of the fund would be increased to £158k. He hoped the Committee would consider the application favourably and confirmed the intention to withdraw the appeal in relation to the previous application for the site, should the current application be approved.

Councillor Graham attended and, with the consent of the Chairman, addressed the Committee. He confirmed that he was also representing his fellow Mile End ward councillors, Councillors Goss and Coleman, who were unable to attend the meeting. He confirmed that the three Mile End councillors wished to support the application. He was aware of the extensive discussions which had taken place between the parties involved and thanked them for the attention that had been given and the compromises that had been agreed. He welcomed the assurances provided as a consequence of the various practical solutions which had been incorporated into the scheme and asked the Committee members to take into account the views of the ward councillors in coming to their determinations.

The Principal Planning Officer explained that the initial planning application for the site had been refused by the Committee in June 2016 because there was considered to be insufficient mitigation. The application now before the Committee had taken the need for additional mitigation into account and, as such, could not be considered to contravene

planning policies to protect and enhance employment uses.

The Major Development and Projects Manager also advised that the previous application was quite different to the current application in that it did not include the mitigation fund and all of the mitigation measures outlined earlier. He confirmed, however, that the applicants had indicated their willingness to withdraw their appeal, should the current application be approved.

The Environmental Protection Officer confirmed that a lot of work had been done to ensure that the proposed mitigation measures would be sufficient to prevent future problems from noise complaints, highlighting the issue of the roof line windows which had been designed to ensure that noise levels would be acceptable even when these were opened. He therefore considered that as much as possible had been achieved to prevent any adverse impacts.

One member of the Committee indicated strong reservations about the effectiveness of the mitigation measures proposed and the potential impact on the operations undertaken at the adjacent Flakt Woods site.

Other members, whilst sympathising with the concerns expressed on behalf of Flakt Woods, acknowledged the progress made on the application through the various discussions and resulting compromises. In particular, agreement on the provision of a mitigation fund and confirmation that its value would be increased to match the potential cost of future mitigation measures was welcomed.

RESOLVED (SIX voted FOR, TWO voted AGAINST and TWO abstained) that the Head of Commercial Services be authorised to approve the planning application subject to the conditions set out in the report and the amendment sheet and further amendments outlined during the meeting and subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 within six months from the date of the Committee meeting, in the event that the legal agreement is not signed within six months, authority be delegated to the Head of Commercial Services to refuse the application, or otherwise to be authorised to complete the agreement to provide for the following:

- Affordable Housing – 20% which equals 18 units, six 1 bedroom apartments, three 2 bedroom apartments, three 2 bedroom houses and six 3 bedroom houses, the location of the affordable units to be in accordance with drawing dated 12 December 2016, Location of Affordable;
- Open Space, Sport and Recreation – contribution of £283,448 to fund provision of play space locally, provision of recreational facilities on land at Mill Road, provision of sport and recreational facilities on land north of the A12 and provision of sport and recreational facilities at the Northern Gateway Project;
- Community Facilities – contribution of £107,479.68 to go towards improved/extended building/facilities for the community centre that will come forward as

part of Severalls Hospital development;

- Transport Improvements –

- (a) contribution of £26,200 towards upgrades to two bus stops to include real time information boards and provision of new shelters (if a bus route is created along Axial Way);

- (b) Improvements to Public Rights of Way:

- (i) Creation of a sealed surface approximately 3 metres wide for pedestrians/cyclists;

- (ii) Type 1 hoggin surface approximately 2 metres wide for horses;

- (iii) Type 1 hoggin surface;

- (iv) Cycleway to be resurfaced and separate signage provided for the bridleway and cycleway;

- (v) Safety barrier to be provided along bridleway

- (c) Highway Works:

- (i) Traffic island upgraded to a pedestrian refuge on Axial Way;

- (ii) A dropped kerb to be relocated along Severalls Lane;

- (iii) Continuation of cycleway markings for approximately 5 metres along part of Severalls Lane to the top of the bridleway entrance

- NHS contribution of £31,832 to be used at Bluebell Surgery and Mill Road Surgery Colchester, with payment made before the development commences;

- Details of a Management Company and submission of a Management Plan to be agreed by the Local Planning Authority for all the areas which are not either adopted or form part of a private curtilage, including any non-adopted roads and open space. The management company to be responsible for the retention, maintenance, repair and replacement of the screen fencing;

- A Parking Management Plan to be submitted and agreed;

- Mitigation Fund to include a sum not exceeding £158,000 shall be paid by the applicant to Colchester Borough Council prior to the occupation of any residential units and shall be available to Flakt Woods:

- (a) In the event of a noise complaint being lodged and upheld by Colchester Borough Council (within 10 years of the substantial completion of the development) the wording of the precise trigger point to be agreed;

- (b) Costed mitigation measures having been submitted to and agreed by Colchester Borough Council to address the complaint;

- (c) The release of money being conditional upon it being spent on the purposes agreed.

444 163208 Land adjacent to 62 Head Street, Colchester

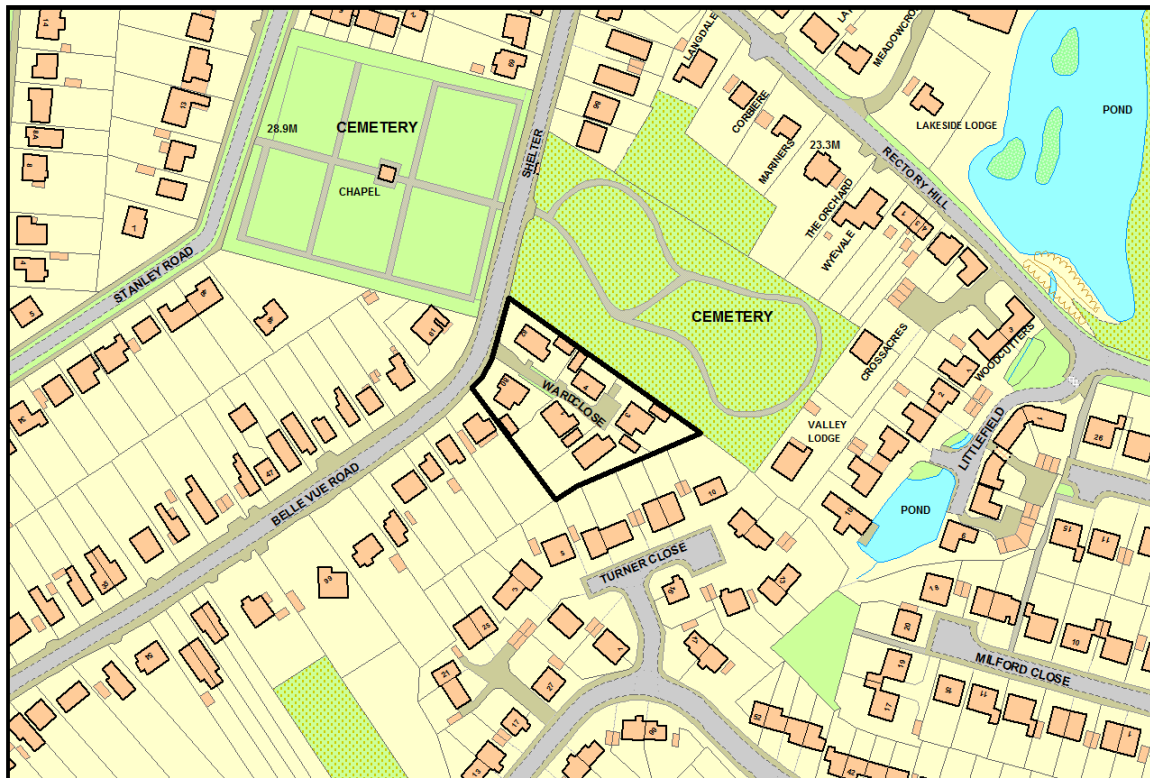
The Committee considered an application for the erection of an interpretation panel containing general historical information and logos including friends of Colchester Roman Wall at land adjacent to 62 Head Street, Colchester. The application had been referred to the Committee because the agent was Colchester and Ipswich Museum Service. The Committee had before it a report in which all the information was set out.

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

445 163110 15 Winstree Road, Stanway, Colchester

The Committee considered an application for a single storey side extension, two storey rear extension and erection of 1.2m high front garden wall/railings at 15 Winstree Road, Stanway, Colchester. The application had been referred to the Committee because the agent worked for the Council on a consultancy basis. The Committee had before it a report in which all the information was set out.

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



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Item No: 7.1

Application: 163203

Applicant: Mr George Bulmer

Proposal: Application to remove condition 19 of planning permission 140208 (retrospective).

Location: 3 Ward Close, Belle Vue Road, Wivenhoe, Colchester, CO7 9LD

Ward: Wivenhoe

Officer: Eleanor Moss

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because Cllr Scott called it in for the following reason:

Neighbours are concerned that this change will detract from their amenity and privacy. They feel replanting has been delayed to the detriment of their borders and therefore of their gardens and homes.

2.0 Synopsis

- 2.1 This application has come about because the majority of a conifer hedge at 3 Ward Close has been removed. This hedge was originally conditioned to be kept in place as part of a previous Planning permission for new housing (reference 140208). It is proposed to remove the remainder of this and the hedging at 2 Ward Close, leaving a 1.8 metre high fence which is already in place.
- 2.2 The key issue for consideration is the impact upon residential amenity with regard to the Council's adopted planning policies and SPD. The report considers that the removal of the conifer hedge is in compliance with planning policy.
- 2.3 The application is consequently recommended for approval.

3.0 Site Description and Context

- 3.1 Condition 19 relates to conifer hedging which was imposed under application 140208. The conifer trees are at the rear boundary of No. 2 and No. 3 Ward Close. These properties share a common boundary with Nos. 6, 7, 8, 9 and 10 Turner Close.
- 3.2 This report will detail the impact upon residential amenity to residents in Turner Close, in relation to the loss of boundary conifer trees.

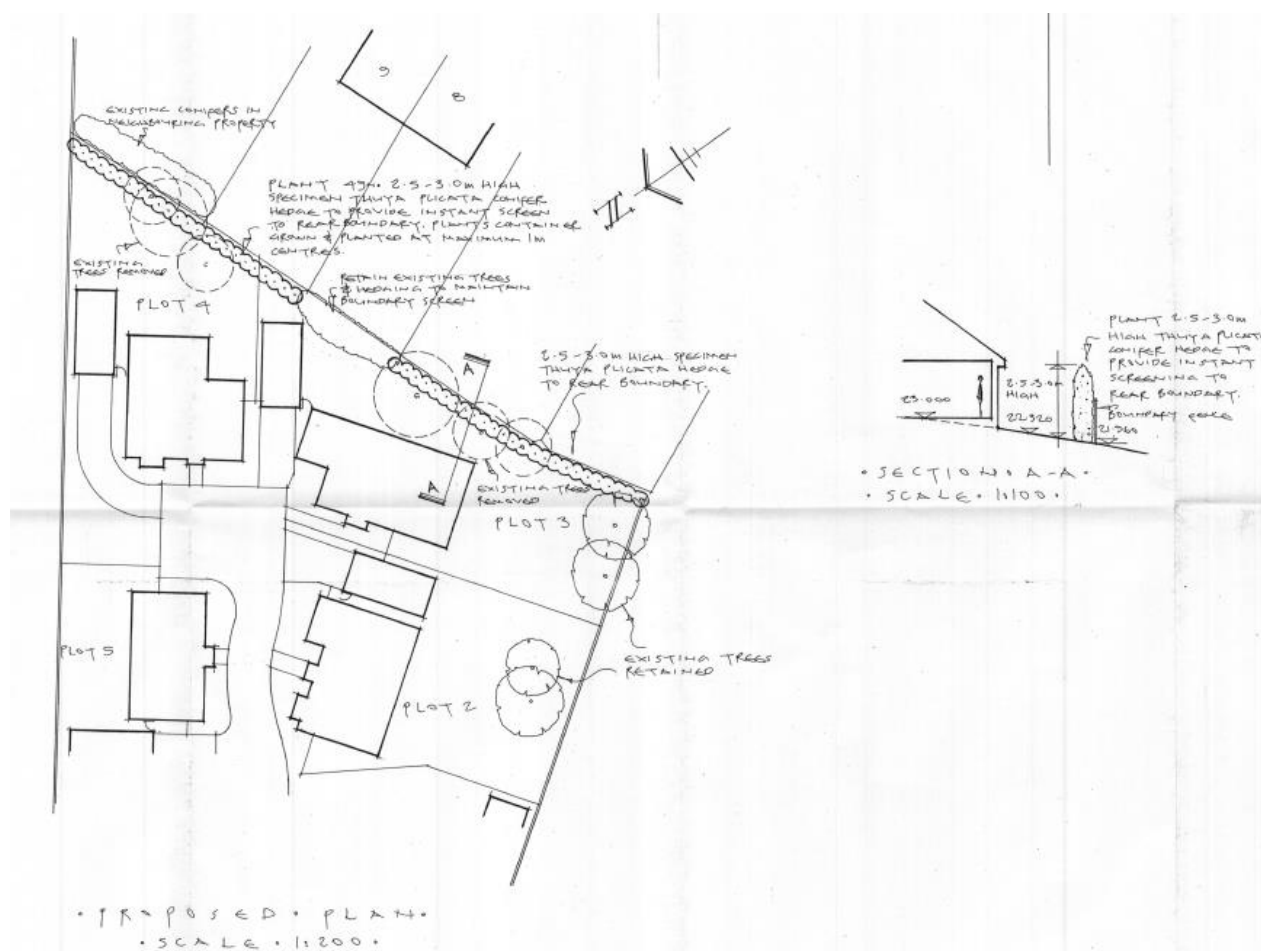
4.0 Description of the Proposal

- 4.1 This application seeks planning permission for the removal of condition No.19 (Landscaping) of application 140208, which reads as follows:

The replacement instant hedge shown in principle on the Landscape Plan drawing 01 shall be provided along the southern boundary of the application site within the first planting season following substantial completion of either the plot 3 or the plot 4 dwelling (whichever is completed soonest) and as soon as practicable after the removal of the existing hedge, unless otherwise agreed in writing by the Local Planning Authority. The hedge shall thereafter be permanently retained and maintained at a height not less than 2.5 metres above ground level. In the event that any part of the hedgerow (or its replacements) die, are removed, destroyed, fail to thrive or are otherwise

defective, they shall be replaced during the first planting season thereafter to specifications to be agreed in writing by the Local Planning Authority. Any works agreed shall be carried out in accordance with BS3998. Reason: In the interests of local residential amenity and to secure the privacy of adjoining occupiers.

4.2 The Landscape drawing 01 is as follows:



4.3 The removal of condition No.19 (Landscaping) relates to No. 2 and No. 3 Ward Close (Plots 3 and 4 in the above drawing). The removal of this condition would remove the requirement for No. 2 and No.3 Ward Close to retain conifer trees, of at least 2.5 metres in height, along their rear boundary.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 140208 - Proposed demolition of existing two bedroom bungalow and construction of 1 x 2 bedroom and 5 x 3 bedroom detached bungalows and associated garages. Approved 17 April 2014.

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

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

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

DP19 Parking Standards

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 Town Plan and emerging Wivenhoe Neighbourhood Plan are 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):

Backland and Infill
Community Facilities
Vehicle Parking Standards
Open Space, Sport and Recreation
The Essex Design Guide
Wivenhoe Town Plan and Executive Summary

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 Landscape Planning Officer – No objection

The landscape works proposals lodged on 22/12/16 would appear satisfactory in terms of their having no detrimental impact on public amenity. This with the proviso that there is no longer any requirement 'to maintain a screen' as originally proposed under application 140208 under drawing 578/9 lodged 16/01/14, above the agreed 1.8m high boundary fence agreed under drawing 578/1.D lodged 19/08/14, as would appear evident by Vaughan & Blyth's letter of 13/12/16.

In conclusion, there are no Planning Projects Team objections to this application on landscape grounds subject to the above.

8.3 Highway Authority – No objection

8.4 Environmental Protection – No objection

9.0 Parish/Town Council Response

- 9.1 Wivenhoe Town Council has stated the following:

Members expressed concerns regarding the privacy of neighbouring properties and recommend that the hedge is re-instated and temporary fence installed until the hedge has re-grown.

Officer response: It is worth noting that a boundary fence is already existing and will remain in perpetuity

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 concerns is given below:

- Impact upon residential amenity
- Loss of view due to residential development
- Appearance of constructed residential development

Officer response:

A number of concerns raised are in relation to views of the roof tops and garages of the constructed development, the loss of a private view is not a material planning consideration and therefore not taken into account within this report.

A number of objectors also raised the point that the conifer trees are to 'soften' the appearance of the constructed residential development. As the conifer trees are at the back of the properties, there will be no impact on the character of the area.

11.0 Parking Provision

11.1 The parking provision on site complies with the adopted car parking standards; the removal of condition 19 would not affect the parking provision.

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

Impacts on Neighbouring Properties

- 15.1 A number of concerns have been raised regarding impact upon residential amenity due to the proposed loss of boundary conifers from residents at Turner Close, these concerns have been noted.
- 15.2 The case officer has visited No. 2 and No. 3 Ward Close, where a number of the conifer trees have been removed from No. 3's rear boundary. The case officer has also visited a number of the rear gardens within Turner Close which could to be affected by the removal of condition 19.
- 15.3 Both No. 2 and No. 3 Ward Close contain an existing boundary fence which measures approximately two metres in height. This fence runs along the entire length of the rear boundary. It is evident that the existing fence protects the current levels of residential amenity and the removal of conifer trees would not result in a detrimental impact upon residential amenity. There would be no overlooking issues resulting in the loss of conifer trees. As such, no concerns are raised regarding the removal of these trees as the impact on the amenity of neighbouring properties is considered to be acceptable.

The use of Planning Conditions

- 15.4 Paragraph 203 of the National Planning Policy Framework states "Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions"
- 15.5 Paragraph 206 of the National Planning Policy Framework states "Planning conditions should only be imposed where they are:
1. Necessary;
 2. relevant to planning and;
 3. to the development to be permitted;
 4. enforceable;
 5. precise and;
 6. reasonable in all other respects."
- 15.6 In relation to condition 19, the case officer has assessed this condition against paragraph 206, the advice contained within the Planning Practice Guidance (PPG).
- 15.7 As noted above, the existing boundary fence provides for sufficient screening between the Ward Close and Turner Close common boundaries and, as such, residential amenity is not altered by the imposition of condition 19. As the original condition fails to serve its original and intended purpose, the condition is not considered to be reasonable, relevant to the previously permitted residential development or necessary.
- 15.8 Although condition 19 is worded in a manner in which it is enforceable, discussions have been undertaken with the Enforcement Manager. These

discussions have confirmed that it is not considered to be expedient to enforce a replanting of the trees, as the boundary fencing is sufficient to protect residential amenity.

15.9 Additionally, although the condition states that the conifers must be kept at a minimum height of 2.5 metres, no upper height limitation has been imposed.

15.10 Therefore, Planning enforcement action would not be able to be taken should the imposed conifers grow to their theoretical maximum height of 35 metres (although there would be the option of neighbours taking action under the high hedges legislation).

15.11 Overall, condition 19 is considered to be unnecessary to protect residential amenity and is could potentially lead to harm.

15.12 Therefore it is not considered that the original condition as worded would meet the Framework tests and would fail at an appeal.

16.0 Conclusion

16.1 To summarise, the removal of condition 19 is considered to be acceptable as the existing boundary fence is sufficient to retain existing residential amenity.

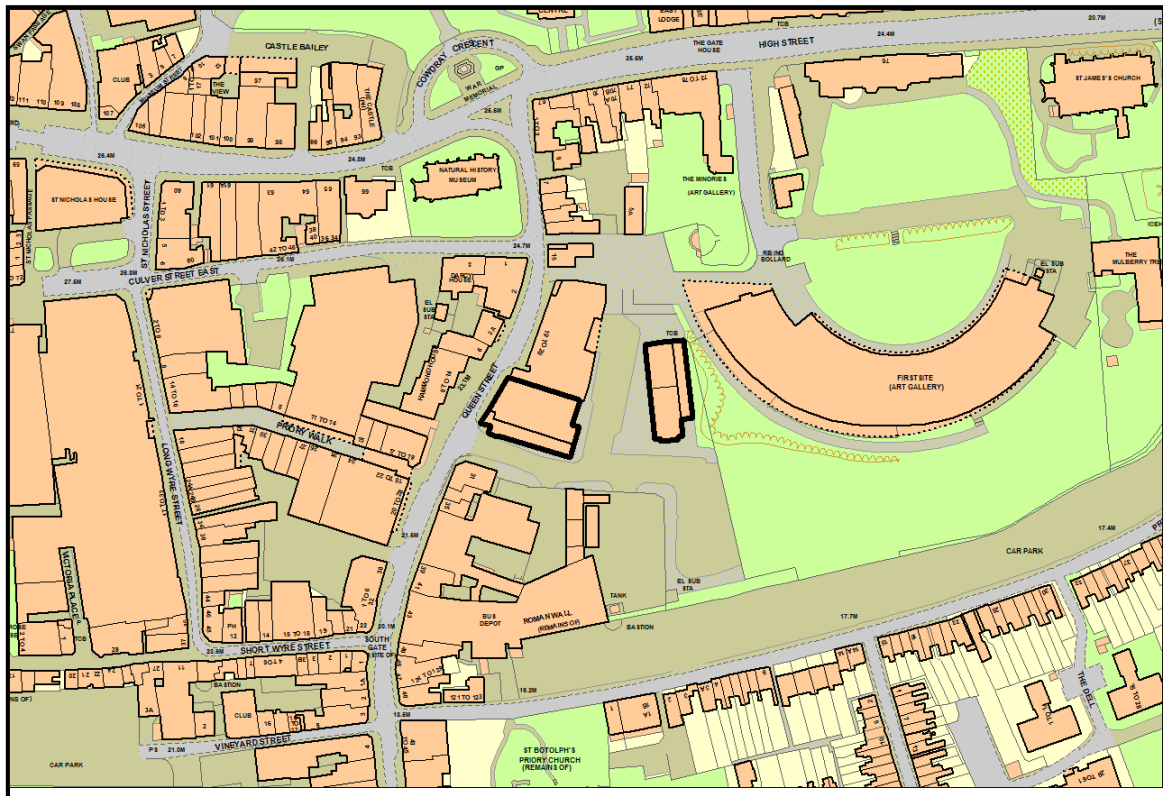
17.0 Recommendation to the Committee

17.1 APPROVAL of planning permission subject to the following condition:

1 – Non Standard Condition - Removal of Condition(s) Approval

With the exception of condition 19 of Planning Permission 140208 which is hereby removed, the requirements of all other conditions imposed upon planning permission 140208 remain in force and shall continue to apply to this permission, including the details and provisions of any approved matters discharging any condition(s) of that permission.

Reason: To avoid any doubt that this application only applies for the removal of the stated condition of the previous planning permission as referenced and does not seek the review of other conditions, in the interests of proper planning and so that the applicant is clear on the requirements they need to comply with.



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Item No: 7.2

Application: 170158

Applicant: Elizabeth Flood, Colchester Borough Council

Proposal: Demolition of St James' House and the Waiting Room.

Location: St James' House And The Waiting Room, Queen Street, Colchester, CO1 2PQ

Ward: Castle

Officer: Simon Cairns

Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council and the site is owned by the Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of demolition on the character and appearance of this part of the Colchester Town Centre Conservation Area and how the site will be treated pending redevelopment.
- 2.2 The application is subsequently recommended for approval subject to conditions.

3.0 Site Description and Context

- 3.1 This application seeks the demolition of two buildings. The first, known as St James' House is a prominently sited corner building on Queen Street dating from 1968 and designed in a brutalist idiom that rises above the surrounding townscape with five stories of accommodation crowned by a water tank. The building was formerly a department store (Keddies) and has been disused throughout the last decade. Attached to the north is a brick building known as St James' House that is currently undergoing conversion to a boutique cinema and restaurants.
- 3.2 The second building is the former Waiting Room last used as a community arts centre and café in association with Firstsite. This building, as its name suggests, was formerly a passenger waiting room associated with the bus station use of the site. The building adjoins the Berryfield playing field to the rear and west which was created three years ago to provide a school facility by importing growing medium over the former bus station yard area. The waiting room together with the disused bus workshop buildings on the Queen Street frontage to the south (close to the junction with Priory Street) now provide the last evidence of the former bus station use.

4.0 Description of the Proposal

- 4.1 The proposal seeks the complete demolition of both St James' House and the Waiting Room buildings pending the redevelopment of the site.

5.0 Land Use Allocation

- 5.1 The site forms part of the mixed use central area allocation

6.0 Relevant Planning History

- 6.1 This redundant 1960's block has been empty for a number of years and has been extensively vandalised. The adjacent building Roman House is currently being converted into an arthouse cinema. Discussion is currently ongoing to redevelop the site of St James' House and the immediate surrounding area.

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
CE2 - Mixed Use Centres
CE2a - Town Centre
UR1 - Regeneration Areas
UR2 - Built Design and Character
ENV1 - Environment

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
DP6 Colchester Town Centre Uses
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets

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

SA CE1 Mixed Use Sites
SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area

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

The Essex Design Guide
Managing Archaeology in Development.
St Botolph's Masterplan
Air Quality Management Guidance Note, Areas & Order

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 **Historic England:** offer the following advice.

Summary

Planning permission is sought for demolition of the 1960s St James' House and the bus Waiting Room as part of major redevelopment proposals for the former bus station site, now known as St Botolph's Quarter in the Colchester Area One Conservation Area, that are currently at pre-application stage. The buildings are unlisted and have a negative impact on the character and appearance of the conservation area. Historic England would not - under normal circumstances and in accordance with guidance in the NPPF- wish to see the demolition of any building in a conservation area without an acceptable scheme for redevelopment being in place. However, in this specific instance we acknowledge that there would be no benefits to be gained by their retention and potential re-use and also that the future demolition of St James' House could impact on the adjacent Curzon Cinema development that is currently in progress. Historic England therefore have no objections to the application for demolition on heritage grounds.

Historic England Advice

Major redevelopment proposals comprising a mixed use scheme with a hotel, cinema, student accommodation and cafe/restaurant provision are at pre-application stage for the bus station site, now known as St Botolph's Quarter which lies between the Firstsite Gallery and Queen Street, the southern boundary of which is delineated by the Scheduled Town Wall. The site is in a sensitive position within the Colchester Area One Conservation Area and there are a number of important highly graded assets in close proximity. The site is also prominent in long views across the town, particularly from the south, and the tower of St Botolph's Priory is clearly visible from the site. The development will be prominent in reciprocal views from the Priory. The buildings that form the subject of this application are the five-storey 1960s red brick St James' House on the Queen Street frontage and the 1960s single-storey former bus station Waiting Room to the rear. Historic England, in accordance with paragraph 136 of the NPPF would normally expect the local planning authority not to permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the redevelopment will proceed after the loss has occurred.

However, unusually we are of the view that this part of the conservation area would be enhanced by their removal. Due to the Curzon Cinema scheme that is currently underway adjacent to St James' House, we are satisfied that there is clear and convincing justification for its demolition at this stage rather than following the approval of planning permission for the overall development, which will offer the opportunity to better reveal the significance of nearby heritage assets.

Recommendation

In this specific instance, Historic England would have no objections should your authority be minded to approve the application for planning permission for demolition of St James' House and the Waiting Room in advance of ensuring an acceptable replacement development is in place, as we consider their removal would enhance the appearance of the Colchester One Conservation Area.

8.3 **Contaminated Land Officer**, Environmental Protection comments

"I have no comments with respect to the *demolition only* of these buildings. Should there be any groundworks, or when the site is redeveloped, Environmental Protection would expect to see the minimum of an unexpected contamination condition included in any permission granted, suggested wording as below:

Reporting of Unexpected Contamination

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

Reason – The site lies on or in the vicinity of a former bus depot, garage and car park, where there is the possibility of contamination."

8.4 **Highway Authority** comments

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

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
- v. HGV Routing plan
- vi. the means or method of protecting the travelling public within the highway whilst working from height above and adjacent to the highway

DC0901MWeV9.3

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

Informative1: 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."

8.5 Archaeological Advisor comments

"This proposal is located in an area of high archaeological interest, defined in the Colchester Historic Environment Record (HER), within the historic walled town. The below-ground remains of Roman buildings are recorded on the sites of both St James' House and The Waiting Room. Any groundworks relating to the proposed development (i.e. removal of foundations) have the potential to damage any archaeological deposits that exist.

I have no objection to the demolition of the standing buildings down to ground level only, but no ground works should be undertaken until a full programme of archaeological investigation has been undertaken.

In this case, a trial-trenched archaeological evaluation will be required, once the existing buildings have been reduced to ground level, to establish the archaeological potential of the site.

Decisions on the need for any further investigation (likely to be full excavation before any groundworks commence) will be made on the basis of the results of the evaluation.

9.0 Parish Council Response

9.1 The area is not parished.

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 A single representation was received on behalf of the Colchester Cycle Campaign. (Will Bramhill). This raised no objection to the proposed demolition but requested:

- Replacement of bus shelter and lay by (in front of Roman House/Curzon Development;
- Enlarged layby given that the demolition permits the layby to be extended southwards at full width (and the current top end can then be a widened out pavement by the cinema entrance).
- Also necessary in public safety terms are:
- Restoration to use of the pelican crossing;

- Widening of the very narrow pavement on the east side of Queen Street between the top of the layby and the old Tourist Office.

(Officer comment: Given that this application only seeks the demolition of a long disused building, it would be unreasonable to seek unconnected improvements to the public realm and these improvements should in turn form part of future proposals to redevelop the site)

11.0 Parking Provision

- 11.1 Not applicable as demolition only is proposed.

12.0 Open Space Provisions

- 12.1 The demolition does not create a requirement for open space but will create a temporary space pending redevelopment.

13.0 Air Quality

- 13.1 The site is within an Air Quality Management Area and will generate a positive impact by opening up the eastern frontage of Queen Street thereby increasing air circulation and diluting particulates/pollutants.

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 main issues in this case are:
- The Principle of Demolition;
 - Impact on the Surrounding Conservation Area;
 - Impacts on Neighbouring Premises;
 - Impact on Archaeology;
 - Mitigating unforeseen impacts.

Principle of Demolition

- 15.2 The application site is prominently located within the area of the historic walled town and within the Colchester No.1 Conservation Area. The statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of that area is the overriding consideration in the determination of this application for demolition. It is established practice that in the case of buildings that are judged to make a neutral contribution to character that the principle of demolition should be contingent on a satisfactory scheme for the redevelopment of the site. In rare cases where a building is judged to detract from the special character

of the area then demolition can be supported to deliver an enhancement without the provision of a replacement scheme. The principle of demolition is also established by the adopted St Botolph's Masterplan that anticipated the reinstatement of traditionally-scaled frontage development to the Queen Street frontage.

Impact on the surrounding Conservation Area

- 15.3 The uncharacteristic height, scale and brutalist architectural character of St James' House is considered to detract materially from the special character and appearance of the wider conservation area that is characterised by traditionally scaled and detailed buildings, lively roofscapes and fine grained, plot-derived development. In this case, St James' House intrudes upon the skyline by reason of its excessive height and blocky form in direct conflict with the traditional established pattern of development. It is for this reason that Historic England support the demolition even in the absence of a scheme for the redevelopment of the site. Whilst the Waiting Room building is set to the rear of frontage development to Queen Street and does not contribute to the townscape quality or historic character of the area. Hence the demolition of this relatively modest single storey structure is not considered material.

Impact on neighbouring premises

- 15.4 St James' House is attached to Roman House on its northern boundary. Roman House is in process of conversion to a Curzon boutique cinema and restaurants at ground floor level. It is considered that the early removal of the attached building will avoid future disturbance and disruption to the future operation of the Curzon Cinema associated with the demolition process. Curzon cinemas have in the past voiced concern over this possibility and the intention to proceed to demolition should help mitigate this eventuality. It is not yet known whether a fair-faced party wall exists between the two premises and for this reason a condition is proposed that would require an appropriate architectural treatment should the demolition expose an unsightly south gable façade.

Potential impact on archaeology

- 15.5 The application site lies within an area of known high archaeological potential. The Council's Archaeological Advisor has confirmed that no ground works should be undertaken until a full programme of archaeological investigation has been undertaken. The demolition process should not give rise to the need for ground works but should any be required then a condition is proposed that will require an appropriate scheme of archaeological investigation and mitigation. In this case, any redevelopment or ground works will require In this case, a trial-trenched archaeological evaluation will be required, once the existing buildings have been reduced to ground level, to establish the archaeological potential of the site in advance of redevelopment proposals.

Mitigating unforeseen impacts

- 15.6 Whilst the application seeks only demolition of unsightly buildings it is possible that there may be limited potential for ecological (Bats, nesting birds), archaeological and architectural impacts and conditions are proposed to address these eventualities.

16.0 Conclusion

- 16.1 To summarise, the proposed demolition would serve to enhance the character of this part of the Town Centre Conservation Area in conformity with relevant local plan policies, statute and best practice. Approval is consequently 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. 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. Non Standard condition - Demolition Method Statement

No demolition or on site works whatsoever shall take place until such time as a Demolition Method Statement been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition period. The Statement shall provide details of:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading, unloading and storage of plant, materials and demolition arisings;
- iii. Hours of operation;
- iv. wheel and under body washing facilities;
- v. HGV Routing plan;
- vi. the means or method of protecting the travelling public within the highway whilst working from height above and adjacent to the highway;
- vii methods of dust control;
- viii noise and vibration control including maximum permissible noise levels measured at the site boundary;
- ix) demolition programme together with method and extent of demolition and details of any enabling works..

Reason: To ensure that the amenities of the area are protected during demolition and that on-street parking of associated vehicles in the adjoining streets does not occur, in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

3. Non standard condition - Reporting of Unexpected Contamination

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

Reason: The site lies on or in the vicinity of a former bus depot, garage and car park, where there is the possibility of contamination.

4. Non Standard Condition - Ecological mitigation

Prior to the commencement of demolition an ecological survey shall be undertaken to ascertain the presence of bats or nesting birds. In the event that their presence is confirmed, a mitigation strategy shall be submitted to and agreed in writing by the local planning authority and thereafter be implemented strictly in accordance with the agreed timetable.

Reason: To ensure that no adverse impact results to protected species having regard to the lpa's duty under the NERC Act 2000 and in conformity with policy ENV1 of the Adopted Core Strategy (2010, Revised 2014).

5. Non Standard Condition - Architectural mitigation

A detailed programme of works to make good all newly exposed surfaces of the adjacent building (Roman House) shall be submitted to and agreed in writing by the local Planning authority within one month of the commencement of development or in accordance with such other date as shall be agreed. The scheme shall include full details of materials (including colour, finish and method of fixing) and the detailed architectural treatment. The approved scheme shall be implemented strictly in accordance with the agreed programme and details.

Reason: The site is prominently located within the Colchester No.1 Conservation Area and it is essential that newly exposed surfaces of the attached building are made good to avoid any adverse visual impact pending redevelopment in accordance with policies UR1, ENV1 of the Adopted Core Strategy (2008, Revised 2014) and Adopted Development Policies DP1, DP14 (2010, Revised 2014).

6. Non Standard Condition - Scheme for intermediate use of site

Prior to the commencement of demolition, a scheme for the presentation of the site and maintenance programme following demolition shall be submitted to and agreed in writing by the local planning authority. The scheme shall provide full details of hard and soft landscaping proposals

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(including all means of enclosure, surfacing, lighting, seating and street furniture) and a detailed planting schedule (including details of all ground preparation). The approved scheme shall be implemented within 3 months of the completion of on-site demolition (or such other date as shall be agreed in writing) and shall be implemented entirely in compliance with the approved scheme and thereafter maintained in accordance with the approved maintenance programme. Any planting that does or fails to become established within five years following planting shall be replaced with similar or in accordance with a variation agreed in writing by the local planning authority.

Reason: The site is prominently located within the Colchester No.1 Conservation Area and it is essential that this site is suitably presented and maintained pending redevelopment in accordance with policies UR1, ENV1 of the Adopted Core Strategy (2008, Revised 2014) and Adopted Development Policies DP1, DP14 (2010, Revised 2014).

7. Non Standard condition - Archaeological Mitigation

No ground works shall be undertaken otherwise than in accordance with the details agreed in discharge of condition 2 above as part of the Demolition Method Statement.

Reason: The site is known to have a high archaeological potential and it is essential that any ground works are strictly controlled to ensure that the heritage resource is not prejudiced in accordance with Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough SPD titled Managing Archaeology in Development.

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.

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

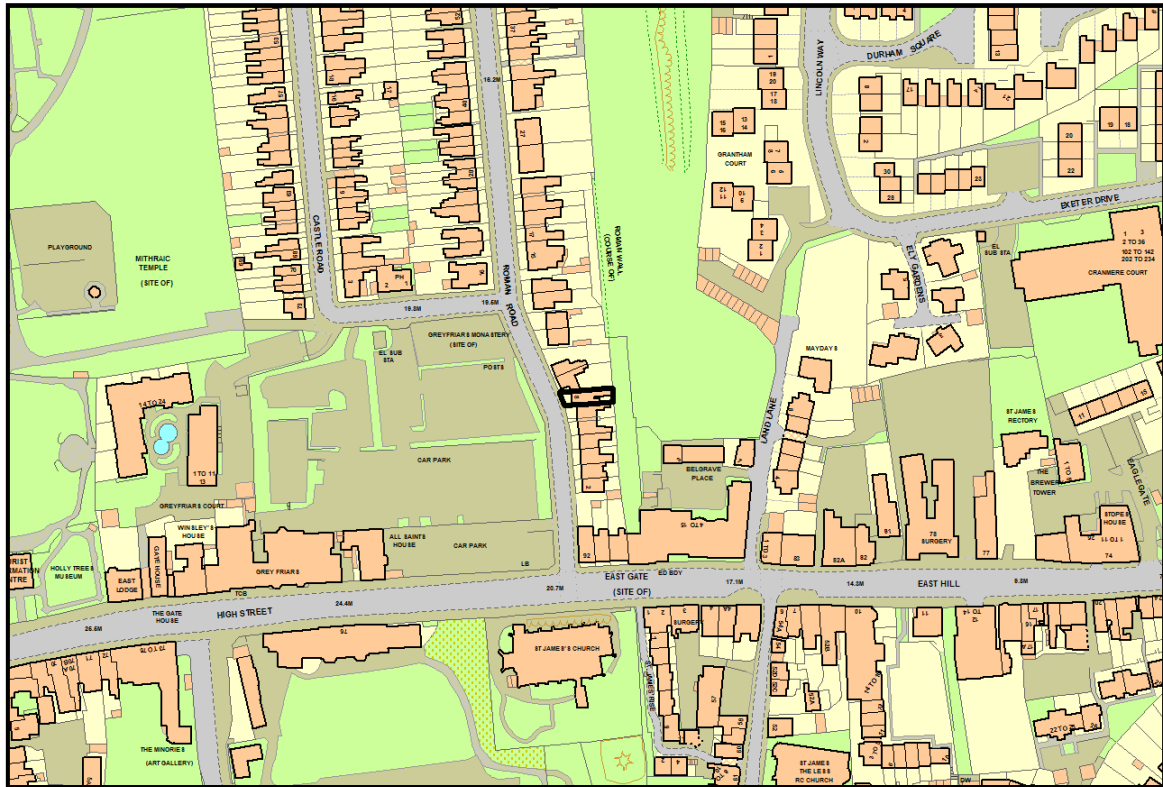
PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4 - 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>.

5 - Highways Informative:

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



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Item No: 7.3

Application: 170260

Applicant: Mr Bruce O'Brien

Proposal: Demolish rear extension. Build two storey rear extension.
Replace entrance door to front

Location: 8 Roman Road, Colchester, CO1 1UR

Ward: Castle

Officer: Daniel Cameron

Recommendation: Defer for submission of amended drawings for one month period and delegate approval to case officer. Should revised drawings not be forthcoming within this period, then refuse the application.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an employee of Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the design of the proposed extension, its impact upon the character and appearance of the conservation area and whether it would have any unacceptable impacts upon the amenities of neighbouring prosperities.
- 2.2 The application is recommended for conditional approval subject to receipt of revised drawings showing acceptable materials and windows details. Should the revised drawings not be forthcoming within a period of one month from the date of this resolution to delegate to the case officer refusal of the application.

3.0 Site Description and Context

- 3.1 The application site lies within the historic town centre of Colchester, a short walk from the junction of High Street and Roman Road. It lies immediately to the east of Castle Park and Castle Road and to the immediate west of the remains of the town wall and then a small section of Castle Park behind. This location provides for public views of both the front and rear of elevations of the property.
- 3.2 The area is wholly residential in appearance in contrast to the mixed commercial, retail and residential uses evident on High Street and within the commercial town centre. The properties within the area are a mixture of early and later Victorian vernacular styles and are typically composed of terraces. They are finished in red and Gault clay brick, originally with subdivided wooden box sash windows and slate roofs.
- 3.3 This area lies within the town centre conservation area and is subject to an Article 4(2) Direction governing alterations to windows, doors or openings on street facing elevations, the changing of roofing materials, demolition of chimney stacks or pots, the rendering or painting of brickwork and the demolition, alteration and erection of front boundary gates, walls, fences or other means of enclosure (except hedges) is in place for the properties on both Roman Road and Castle Road.

4.0 Description of the Proposal

- 4.1 The application proposes the demolition of a series of existing rear extensions at the property and the erection of a part single storey, part two storey rear extension. The proposed extension would project some 3.3m into the existing rear garden of the property and across the full width of the existing rear wall. A small single storey element would be located close to the neighbouring property to the north, 9 Roman Road, while the remainder would be two storeys in height. This would lead to a reorganisation of the existing rear garden at the property and would give slightly more useable outdoor space to the applicants.

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- 4.2 The property has previously been extended at the rear with first a small lean-to extension, and later two catslide roofed extensions. The piecemeal nature of the existing extensions, along with the mixture of facing materials within them negatively affect the character of the conservation area and the quality of the views of the rear of the buildings visible from Castle Park. An existing mature Yew tree set in the public open space behind the house does currently offer some screening of the rear. However, this cannot be relied upon as a permanent feature and whilst it is currently offered some protection through the conservation area designation and is in the Borough's ownership, it could still be removed if it became damaged or diseased.
- 4.3 It is proposed to clad the majority of the proposed extension in vertical Cedar boarding, with a small section on the northern side elevation to be faced in brick. The roof is proposed to be tiled in slate and the rainwater goods and joinery are to be powder coated aluminium.

5.0 Land Use Allocation

- 5.1 The land is currently zoned as predominantly residential within the current Local Plan.

6.0 Relevant Planning History

- 6.1 There is no relevant planning history for this site.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must 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
ENV1 - Environment

- 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
DP14 Historic Environment Assets

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

The Essex 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 *Archaeological Advisor* – The site lies within the area of the Roman town and backs onto a Scheduled Monument. Groundworks related to this application would cause ground disturbance that has the potential to damage any archaeological deposits that exist. However, archaeological investigation can be adequately dealt with through condition and subject to the agreement of a foundation design that minimises ground disturbance, and therefore, impact upon buried archaeological remains.
- 8.3 *Historic Buildings and Areas Officer* – The principle of the extension is acceptable and similar rear extensions are evidenced throughout the area. The character and appearance of the original rear elevation of the property should be retained and expressed through the proposed extension. As such the following revisions are recommended; that the extension be finished in brick with details to match the existing rear elevation and the fenestration at first floor level is too wide and should be no more than two lights wide. The replacement door and fan light to the front elevation are acceptable.
- 8.4 Discussions with the applicant were opened following the recommendations made by the Historic Buildings and Areas Officer. In response the applicant has stated that they feel their proposed extension represents good design and that the chosen materials give the extension a modern appearance in stark contrast to the appearance of the wider conservation area; although one which is sympathetic to the parkland setting to the rear of the property. As such they do not feel that the extension would harm the character of the conservation area. The applicant is unwilling to make the changes requested and is confident of their chances of overturning any refusal of the application at appeal.

9.0 Parish Council Response

- 9.1 The application site lies within an unparished town centre ward.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations were received.

11.0 Parking Provision

11.1 The property does not currently benefit from any off-street parking, although a residents parking scheme is in effect. This application would not impact upon the level of parking currently available in the area.

12.0 Open Space Provisions

12.1 A modest garden exists at the property, as a result of the proposed works the size of the garden would increase from 15 sq. metres to 20 sq. metres.

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 The main issues in this case are:

- The Principle of Development
- Design and Layout
- Scale, Height and Massing
- Impact on the Conservation Area
- Impacts on Neighbouring Properties

15.2 The government is clear on the significance of achieving good design through the planning system. Paragraph 56 of the NPPF states that ‘...good design is a key aspect of sustainable development...’ and ‘...is indivisible from good planning...’ It goes further in paragraph 64: ‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.’

15.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 echoes the importance of good design and of taking the opportunity presented through development to improve the character of a given conservation area. Paragraph 72 of that Act places a general duty on Local Planning Authorities to pay special attention to the preservation or enhancement to the character of a conservation area. This general duty is reflected within the NPPF which at paragraph 131 states that planning applications must be weighed against ‘...the desirability of sustaining and enhancing the significance of heritage assets...’ and ‘...the

desirability of new development making a positive contribution to local character and distinctiveness...' The existence of an Article 4(2) Direction for this part of the conservation area underlines the importance to the Council of maintaining the character and appearance of the area as it currently exists.

- 15.4 These policies are reflected within the currently adopted Local Plan. Core strategy policy UR2 states that '...the Borough Council will promote and secure high quality...design in all developments to make better places...' Further, it requires that development be informed by the context of its location and also states that '...developments which are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.' This policy, along with policy ENV1 goes on to highlight the importance of preserving and safeguarding the unique historic character of the Borough.
- 15.5 These aims are furthered within the relevant development policies. DP13 on dwelling alterations, extensions and replacement dwellings states that applications which propose residential extensions to properties within the existing settlement boundaries will be supported where other policy requirements are met. With reference to this application design and the conservation of heritage assets are clearly relevant. Regarding the design and layout of the extension, development policy DP1 requires that all development be designed to a high standard and avoid unacceptable impacts upon amenity. Development proposals should respect and enhance the character of the site as well as its context and surroundings. If possible it should also remove unsightly features as part of the overall design proposal. Finally, DP14 states that development proposals which adversely affect a heritage asset, including conservation areas, will not be supported.
- 15.6 As seen above the principle of the development is clearly predicated on the application conforming with policies governing good design and on the preservation or enhancement of heritage assets, in this case the character of the conservation area. Further, attention should be paid to any harmful impacts upon the amenity of neighbouring properties caused through either loss of light or privacy.
- 15.7 The overall design submitted by the applicant is broadly accepted. The height, scale and massing of the extension clearly shows it as being subservient in terms of hierarchy to the parent building. However, reservations have been raised regarding the width of the window on the proposed eastern elevation at first floor level. Its width is considered to detract from the cohesive Victorian character of the area and the characteristic vertical emphasis of fenestration and the brick to void ratio. The proposal creates a more visually bulky effect, making the extension appear top heavy. As a result its width should be reduced from three lights to two which would result in a more visually pleasing design that is characteristic of the Victorian character of the area and parent artisan cottage.
- 15.8 In terms of the character of the conservation area, the built form is typified by simple artisan cottages and lower middle class housing of the period, which in this vicinity are mainly mid to late nineteenth century, two storey, terraced and semi-detached properties finished in red or Gault clay brick. As such, any extension should be informed by this context. As recommended by the Historic

Buildings and Areas Officer the material choices for the rear extension should allow for the form of the original building to be read through the extension itself. The use of vertical boarding on a publically visible elevation would appear alien and incongruous.

- 15.9 The removal of the existing rear extensions from the property, which by virtue of their form and piecemeal construction, are a weak addition to the rear, is clearly of benefit to the building, the character of the conservation area and to the amenity enjoyed from the area of Castle Park at the rear of the property. However, this benefit is more than offset by the harm associated with the use of inappropriate facing materials and the proportion/size of the large first floor window relative to the gable as a whole. Whilst many of the neighbouring properties have been extended in the past, these are conventional in form, fenestration and materials and consequently do not detract from the character/appearance of the area.
- 15.10 The two neighbouring properties, 7 Roman Road to the south and 9 Roman Road to the north would not be affected by the proposed rear extension through either loss of light or loss of privacy. A rear extension already exists at the side of the neighbouring property at 7 Roman Road, nearest to the proposed extension. This extends some distance into their existing rear garden. The proposed extension at 8 Roman Road would not extend beyond this meaning there would be little impact upon the privacy enjoyed at the property currently. The orientation and location of the dwellings relative to each other would mean that there would also be no impact through the loss of light. With regards to the northern neighbouring property at 9 Roman Road, again the location and orientation of the buildings and relationship between them means that the proposed extension would have no impact upon the amenity or privacy enjoyed at this property either.
- 15.11 With regards to the replacement front door and fanlight to the property frontage, no objections are raised to the proposed replacements, which are considered appropriate to the area in both their traditional design and materials.

16.0 Conclusion

- 16.1 To summarise, the Council has sought a collaborative approach to this application and has identified a clear and positive route forward should the applicant be willing to cooperate. At present, the submitted scheme is considered unacceptable in terms of the design of the proposed rear pattern of fenestration and the proposed facing materials. It is considered that the current detailed proposal would harm the character and appearance of the conservation area. Should these issues be resolved successfully, it is recommended that the application could be approved. Should the applicant not be willing to submit amended drawings it is recommended that the application should be refused.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for deferral to provide the applicant with the opportunity to amend their drawings within a one month period

from of the date of this resolution. Should acceptable drawings be received within this time frame, the delegated approval of the application is recommended subject to the conditions outlined below. However, should acceptable drawings not be received within this time frame, it is recommended the case officer be given delegated powers to refuse the application for the reasons outlined in the report (alien and incongruous materials and fenestration that would harm the conservation area).

17.2 For the avoidance of doubt, the amended drawing should show:

- The rear extension finished in clay brick so as to maintain the character of the wider conservation area; and
- The first floor window serving the master bedroom on the eastern elevation of the property reduced in width to from three to two lights as to provide a more contextually compatible design solution.

17.3 Approval 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 Agreed Plans*

The development hereby permitted shall be carried out in accordance with the plans submitted to and agreed with the Local Planning Authority.

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

3. ZBC - *Materials To Be Agreed*

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

Reason: In order to ensure that suitable materials are used on the development as there are materials identified within the submitted planning application are incompatible with the character of the conservation area.

4. Z00 – Matching Brickwork

The new facing brickwork shall match the existing brickwork in respect of colour, texture, face bond and pointing unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of preserving the character of the conservation area from materials alien to it.

5. ZME - Sample Panel

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

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

6. ZMM - Additional Detail on Windows & Doors etc

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

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Z00 – Archaeological Investigation

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

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

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

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

development, in accordance Colchester Borough Council's Core Strategy (2008).

17.4 Delegate refusal based on the following *grounds if revised drawings not received within one month:*

- Harmful impact of the proposed alien facing materials (timber boarding) on the character and appearance of the conservation area; and
- The uncharacteristic first floor fenestration of the proposed extension on the eastern elevation in terms of its excessive width in relation to the parent building and proposed gabled extension.

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.

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.

4. ZTZ - Informative on Trees in Conservation Area

PLEASE NOTE that the site lies within a Conservation Area where the topping, lopping, felling or uprooting of most trees cannot be carried out without first giving the Local Planning Authority six weeks notice. Failure to comply with this statutory requirement may result in prosecution.



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Item No: 7.4

Application: 163120

Applicant: Gordon Phillips

Agent: Mr Mike Fawcett

Proposal: Demolition of small brick shed and new extension to rear of property

Location: 29 The Crescent, Great Horkesley, Colchester, CO6 4EH

Ward: Rural North

Officer: Ishita Sheth

Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an employee of Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are Design and Layout and Impact on the neighbouring properties. The design is considered to be acceptable taking into consideration the location of the proposed extension to the rear. Furthermore, it is not considered that the proposal would result in any detriment to the amenity of the neighbouring residents.
- 2.2 The application is subsequently recommended for APPROVAL.

3.0 Site Description and Context

- 3.1 The application site is located on the western side of The Crescent (at the end of the cul-de-sac) and is occupied by a two storey end-terrace dwelling. The property currently has a small conservatory to the rear. A brick shed is located to the rear of the property along the southern boundary of the application site.
- 3.2 The adjoining property at No. 28 is located to the south of the application site and open fields are located to the north of the application site.

4.0 Description of the Proposal

- 4.1 The proposal seeks to provide a single storey flat roofed rear extension having a maximum depth of some 4.5m, a width of some 5.87m and a maximum height of some 3m from the ground level. The proposed extension would provide a living area and a kitchen extension.

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 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
ENV1 - Environment

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

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

The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 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 No response has been received

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No responses have been received from them.

11.0 Parking Provision

- 11.1 There are no implications in respect of car parking provision.

12.0 Open Space Provisions

- 12.1 There are no implications in respect of Open Space provisions

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 The main issues in this case are:

- Design and Layout
- Impacts on Neighbouring Properties
- Private Amenity Space Provisi

15.2 The proposed extension is of a simple flat roofed design. By virtue of its location to the rear, it is not considered that the proposal would result in any detriment to the character of the area or the streetscene.

15.3 The proposed extension has a depth of some 4.5m. Consideration has been given to the relationship of the application dwelling to the neighbours and also on whether the proposed extension would result in significant harm to its immediate neighbours.

15.4 It is noted that a brick shed is located along the party wall boundary with the adjoining property at No. 28. The proposed extension would extend by some 0.7m beyond the rear wall of this brick shed. It is not considered that a further projection of this depth would result in significant harm to the amenity of its immediate neighbour to the south at No. 28.

15.5 All other neighbours are too remote to be affected by the proposal.

15.6 Taking into consideration the above matters, it is not considered that the proposed extension would be overbearing to the neighbours.

15.7 The Council policy sets out that a 45 degree angle of outlook from the mid-point of the nearest neighbouring windows should be preserved and it is considered that this proposal satisfies this requirement.

15.8 Similarly, there are no concerns regarding loss of light. The combined plan and elevation tests are not breached and the proposal therefore satisfies the Council's standards for assessing this issue as set out in the Essex Design Guide.

- 15.9 Additionally, the proposal is only a single storey level and does not include any new windows at first floor level that would offer an unsatisfactory angle of overlooking that harmed the privacy of the neighbouring properties, including their protected sitting out areas.
- 15.10 The proposed development would still retain a garden area of some 170m² and it is not considered that the proposal is an overdevelopment of the site.
- 15.11 Finally, in terms of other planning considerations (e.g. damage to trees or highway matters), the proposed development does not raise any concerns.

16.0 Conclusion

- 16.1 To summarise, the proposal accords with the Council's Policies and is considered to be acceptable.

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. ZBA – Matching Materials

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

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



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Item No: 7.5

Application: 162876

Applicant: Mr Tom Hodgson

Agent: Mr C Egonu

Proposal: Museum store extension.

Location: Colchester Borough Council, 40 Heckworth Close,
Colchester, CO4 9TB

Ward: Highwoods

Officer: Bruce O'Brien

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 Colchester and Ipswich Museum Service and the agent is Colchester Borough Homes.

2.0 Synopsis

- 2.1 The key issues for consideration are an extension to the front of an industrial unit and its possible effects on visual amenity and parking layout and provision.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The site is a large triangular-shaped site containing a low rise industrial unit. It is located within the Colchester Business Park amongst other industrial sites. To the North side of the site there is some amenity space that separates the building from a boundary wall. To the front of the industrial building, the East, there is further space for parking and container storage.
- 3.2 The use of the site is B8 (storage and distribution) and is currently occupied by the Colchester and Ipswich Museum Service.

4.0 Description of the Proposal

- 4.1 The proposal is for a single-storey extension to the front of the building.
- 4.2 The extension is in two parts: A main section with a shallow-pitched roof and a front entrance porch section.
- 4.3 The main section would measure 3.2 metres high to the ridge, be 19 metres wide and 9.7 metres deep. It would have aluminium, powder-coated, casement windows to the front and sides. External materials would be a membrane roof and brick facings.
- 4.4 The front porch section would be 3.7 metres squared and 2.8 metres high. It would have double entrance doors to one side (South), a flat membrane roof and external brick facings.

5.0 Land Use Allocation

- 5.1 The site is within an industrial area and is designated as B8 use.

6.0 Relevant Planning History

- 6.1 There is no relevant planning history.

7.0 Principal Policies

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

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

SD1 - Sustainable Development Locations
CE1 - Centres and Employment Classification and Hierarchy
CE2 - Mixed Use Centres
CE3 - Employment Zones
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
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP19 Parking Standards

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

SA CE1 Mixed Use Sites

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Sustainable Construction

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 Environmental Health were consulted and have not objected to this application.

- 8.3 The Highway Authority was consulted and, after negotiation with the applicant, agreed to a revised parking layout.

9.0 Parish Council Response

- 9.1 The site is in the ward of Highwoods, a non-parish area.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. No representations were received.

11.0 Parking Provision

- 11.1 Parking provision and layout at the site are acceptable. The proposal would retain five existing car parking spaces, eight cycle spaces, one disabled parking space, one LGV space and one Powered Two Wheeler space. This provision would be in excess of the maximum number of vehicle parking spaces, which was introduced in order to prevent leisure and retail facilities supplying acres of car parking space.

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

- 15.1 The main issues in this case are:

The Principle of Development

- 15.2 The principle of the development is acceptable. The scheme would allow the building to become an integrated, dual use facility in which Colchester and Ipswich Museum Service would be able to store and access archives and artefacts whilst carrying out administrative duties.

Design and Layout

- 15.3 The design and layout of the proposed buildings are acceptable. The almost flat-roofed, main extension is unremarkable and would integrate with the surrounding industrial units. The layout of the scheme overall, needs to be revised in order that safe parking arrangements are provided.

Scale, Height and Massing

- 15.4 The scale of the proposed building extension is insignificant in comparison with other buildings in the vicinity, which comprise large industrial units.

Impact on the Surrounding Area

- 15.5 It is not considered that the proposed extension would have any harmful impacts on the surrounding area or the amenity of other users within the industrial estate.

Landscape and Trees

- 15.6 The landscape of the area is that of an urban, industrial site. There are few areas of greenery and it is not considered that the proposal would have an undue effect on any landscape features.

Highway Safety and Parking Provisions (including Cycling)

- 15.7 The site will provide above the maximum parking and cycling standards that are required. A revised layout has been deemed acceptable by the Highways Authority.

Parking Provision

- 15.8 An adequate amount of parking has been proposed within the scheme as has been demonstrated within paragraph 11 above.

16.0 Conclusion

- 16.1 To summarise, the proposal is acceptable in terms of design, impact, amenity, parking provision and external layout.

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 COR 299759 DD02 Rev B, DD07 Rev A and DD08 Rev A.

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

18.0 Informatives

18.1 The following informatives are also recommended:

ZT0 – Advisory Note on Construction & Demolition

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