

Planning Committee

Town Hall, Colchester
30 June 2011 at 6.00pm

This 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

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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 meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please pick up the leaflet called "Have Your Say" at Council offices and at www.colchester.gov.uk

Private Sessions

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.

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Material Planning Considerations

The following are among the most common issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, Government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are among the most common issues that are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes
- effects on property values
- restrictive covenants
- loss of a private view
- identity of the applicant, their personality or previous history, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other legislation

Human Rights Implications

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

Community Safety Implications

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

Equality and Diversity Implications

All applications are considered against a background of the Council's 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. The legal context for this framework is for the most part set out in the Equality Act 2010.

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 30 June 2011 at 6:00pm

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Theresa Higgins.
Councillors Christopher Arnold, Peter Chillingworth,
John Elliott, Stephen Ford, Peter Higgins, Sonia Lewis,
Jackie Maclean, Jon Manning, Philip Oxford and
Laura Sykes.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Nick Barlow, Lyn Barton, Mary Blandon,
John Bouckley, Nigel Chapman, Barrie Cook, Nick Cope,
Annie Feltham, Bill Frame, Mike Hardy, Marcus Harrington,
Pauline Hazell, Michael Lilley, Sue Lissimore, Nigel Offen,
Ann Quarrie, Will Quince, Paul Smith, Terry Sutton,
Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

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 circulated at the meeting and is available on the council's website by 4.30pm on the day of the meeting (see Planning and Building, Planning Committee, Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day 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.

Pages

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 off or to silent;

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

2. Have Your Say!

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of 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.

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 and to give reasons for the urgency.

5. Declarations of Interest

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the

public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

6. Minutes

1 - 8

To confirm as a correct record the minutes of the meeting held on 16 June 2011.

7. Planning Applications

In considering the planning applications listed below, the Committee may chose 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.

1. 110981 Corner of Parsons Heath and Welshwood Park, Colchester

9 - 15

(St John's)

Application to determine whether prior approval is required for the installation of a new street works pole of 12.5 metres (to top) with 3 no. antenna located within GRP shroud at top of the pole along with one ground level streetworks cabinet measuring 1.89 metres x 0.79 metres x 1.65 metres in the location indicated on plan nos. 100, 200a, 300a and 400a.

2. 101541 Lower Park, Colchester Road, Dedham, CO7 6HG
(Dedham and Langham)

16 - 33

Full planning application for change of use of parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park, excluding riding or exercising within the parkland. The erection of a stable block with storage building and associated access and the construction of a swimming pool. Conservation area consent for the demolition of part remaining outbuilding.

3. 101543 Lower Park, Colchester Road, Dedham, CO7 6HG
(Dedham and Langham)

34 - 38

Conservation area consent for the demolition of part remaining outbuilding.

4. 102598 Land rear of 53, 53A and 55 Lexden Road, Colchester,
CO3 3PZ
(Castle)

39 - 48

Erection of new dwelling house with associated garage/parking

facilities served via an existing access road/drive.

5. 110818 33-35 Manor Road and 1A Rawstorn Road, Colchester (Castle) **49 - 59**

Proposed demolition of disused office accommodation at 33-35 Manor Road and construction of a new residential development consisting of 4x1 and 1x2 bedroom flats and associated car parking and private amenity area. Conversion and extension of existing residential office development at 1 Rawstorn Road to form 1x3 bedroom house and 2x2 bedroom flats and associated car parking and private amenity space. (Resubmission of 102618)

6. 110820 33-35 Manor Road and 1A Rawstorn Road, Colchester (Castle)

Proposed demolition of disused office accommodation at 33-35 Manor Road and construction of a new residential development consisting of 4x1 and 1x2 bedroom flats and associated car parking and private amenity area. Conversion and extension of existing residential office development at 1 Rawstorn Road to form 1x3 bedroom house and 2x2 bedroom flats and associated car parking and private amenity space. (resubmission of 102601)

7. 101901 Powerplus Engineering Limited, School Farm Buildings, School Road, Langham, CO4 5PA (Dedham and Langham) **60 - 73**

Provision of thirteen staff car parking spaces including two disabled spaces and associated hedgerow.

8. 110666 Mill House, Mill Road, Marks Tey, CO6 1EA (Marks Tey) **74 - 78**

Provision of residential annex to existing dwelling by conversion of existing garage. Resubmission of 110404.

8. Exclusion of the Public

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).

**PLANNING COMMITTEE
16 JUNE 2011**

Present :- Councillor Ray Gamble* (Chairman)
Councillors Christopher Arnold*, Peter Chillingworth*,
John Elliott*, Stephen Ford, Peter Higgins*,
Theresa Higgins*, Sonia Lewis*, Jackie Maclean*,
Jon Manning, Philip Oxford and Laura Sykes*

Also in Attendance :- Councillor Michael Lilley
Councillor Anne Turrell

(* Committee members who attended the formal site visit.)

12. Minutes

The minutes of the meetings held on 18 May and 19 May 2011 were confirmed as a correct record.

Councillor Ray Gamble (in respect of being a season ticket holder for Colchester United Football Club) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Christopher Arnold (in respect of having facilitated and attended but not taken part in a meeting between local residents and Essex County Council officers some two years ago) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Theresa Higgins (in respect of her membership of the determining body, Essex County Council Planning Committee) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

13. 110616 Park and Ride, Cuckoo Farm, Boxted Road, Colchester

The Committee considered an application for the construction of a Park and Ride facility with associated terminus building, landscaping, access road, lighting and associated infrastructure. In this case the borough council is a consultee and the decision to allow or refuse planning permission for the development rests with Essex County Council. The land is owned by Colchester Borough Council. The Committee had before it a report in which all information was set out.

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

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. He described the application for a Park and Ride facility on land allocated

for the purpose with operational hours of 7am to 7pm from Monday to Friday. He stated that if desired it could be used in conjunction with the Community Stadium on match days.

Louise Lockheart addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She objected to the proposal on the basis of pollution from light, noise and air. She referred to the otters which had been seen, and was concerned that no wildlife survey had been undertaken, and that the brook should not be polluted. Her other concerns were that the scheme was being supported with funding for three years after which it would be expected to be self-sustaining. However with the current economic climate, job losses, and council services being reduced, she was concerned it may become unviable. She quoted CPRE research which had show that if more parking was provided, more people would use their car, and if more bus routes were provided more people would use the services. The Park and Ride facility may reduce congestion but could lead to a large car park on greenfield land. Overall there would be an increase in carbon emissions at a time when there was an imperative to reduce such emissions. She referred to the footpath from the Park and Ride taking pedestrians out to Boxted Road, which currently was closed because it was unsafe for pedestrians.

Members of the committee advised Ms Lockheart to submit her concerns to Essex County Council who were the determining body in this instance. The site was allocated for this use in the Local Development Framework and this consultation by Essex County Council was in regard to the details and possible impacts on the amenity of residents. Residents were some 90 metres distant and there was a substantial bund and planting planned which may take some time to mature. They were aware that the bund for the petrol filling station was not yet in place, and they wanted a guarantee that the bund for this site would be in place before the work on the Park and Ride commenced. Members were concerned that the lighting should be sufficient to be safe for users returning to their cars in the evening but not so bright that the sky was illuminated. A Park and Ride facility on this site was only allowable because of its ability to reduce congestion which would enable objectives for green forms of travel to be met. Members did not want the facility to be open beyond the hours specified, that is after 7pm or on Sundays, this would effectively turn it into an ordinary car park in a location which would not normally be permitted on this site. Members did not support the use of the facility as an overflow car park for the Community Stadium outside the stated hours. If Essex County Council wanted the facility used in this way it should be the subject of a planning application on the basis that it would then be an ordinary car park.

The planning officer responded that the service would cease at 7pm, and any lighting after 7pm would be an issue for site security. It was recognised that lighting was critical and residents should be included in any discussions regarding the details of the lighting. The lighting could be controlled manually to maximise energy efficiency in various areas of the car park. It was confirmed that the Council has required lighting to be provided alongside the child development/mental health facility, and there was much better pedestrian lighting to the Community Stadium through Phase 2 of the Severalls development which was in prospect. There were disabled facilities in terms of toilets, parking spaces and accessible buses. Whilst the facility would be provided in two

stages, officers' view was that the bund should be provided before the first phase was operational. Whilst it was appropriate for a shared use with the Community Stadium, it was considered that the facility could only be available for Saturday afternoon matches; evening and Sunday matches would fall outside the hours of operation. An agreed Essex County Council site management plan formulated in collaboration with Colchester Borough Council and residents was recommended which would enable the level of use to be clear. Any reference to drainage could be strengthened to include measures to protect otters.

RESOLVED (UNANIMOUSLY) that Essex County Council be advised that Colchester Borough fully supports the planning application for a park and ride development on the identified site as it accords with the Council's adopted Local Development Framework Core Strategy and the Strategic Plan. In determining the proposal Essex County Council should have due regard to the points set out in the report together with the following matters:-

- Essex County Council be required to agree a Site Management Plan and Security Statement that fully describes how the Park and Ride site will be made secure and monitored outside of hours of operation. This Plan/Statement shall be agreed in collaboration with the Parish Council and local residents.
- The Borough Council is concerned that all lighting to serve the development has regard to the amenity of local residents and the environment in general and therefore the lighting scheme should be designed to protect these aspects in accordance with a detailed scheme.
- Details shall be provided that clearly demonstrate measures to control pollution of the local water environment (including oil receptors in drains). It has been brought to the Council's attention that otters may reside in the vicinity of the site and therefore any scheme to protect the water environment would have to take account of possible ecological impact.
- The Borough Council would require that all proposed planting and bunding is provided prior to the opening of the first phase of the development – that is the provision of 650 spaces.
- The Borough Council notes the hours of opening and requires written confirmation that any variation of these hours will require the submission of a new planning application and the Borough Council will be consulted in the normal way.

14. 110508 Land adjacent to and west of new Northern Approaches roundabout, A12 Trunk Road, Colchester

The Committee considered an application for a variation to Condition 3 of O/COL/01/1625 to allow application for approval of the Reserved Matters to be made to the Local Planning Authority before expiration of six years from the date of the permission. The Committee had before it a report in which all information was set out.

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

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report.

Councillor Laura Sykes (in respect of her membership of Stanway Parish Council, but not a member of its Planning Committee) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

Councillor Jackie Maclean (in respect of having a business relationship with a company which operates from the site) declared a personal interest in the following item which is also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) She made representations on the application in accordance with Paragraph 12(2) of the Code of Conduct for Members and then left the meeting during its consideration and determination.

15. 110736 Wyvern Farm, 274 London Road, Stanway, Colchester, CO3 8PB

The Committee considered a retrospective application to regularise unauthorised uses in respect of Units 17, 18, 25 and 29 for light industrial (B1c), storage use (B8), retention of existing portacabins for office use (B1a), together with storage of hardcore and occasional crushing. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to additional conditions for prior notice to be given to residents and Stanway Parish Council in respect of the crushing activity, and also for an area for crushing and an area for storage being restricted to the two areas shown on the plan. Crushing and storage uses were carried out by the mason Group for the vehicle operating centre.

Colin Sykes, Chairman of Stanway Parish Council, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to comments from Environmental Control on the Amendment Sheet supporting the application with the number of days that the crushing can take place. The Parish Council only objected to the crushing and storage, they had no objections to the other elements. Their objection was on the basis of it being an inappropriate use of the land because there were properties along the frontage of London Road which could be affected by the noise and the dust. The Parish Council supported the retention of the portacabins and the light industrial uses, but wanted the Committee to refuse the crushing and storage operations.

Councillor Jackie Maclean addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She had no objection to the entire planning application but was concerned about the hours of the

crushing element. She was more content with the revised conditions referred to and the outline conditions. She believed the applicants should respect their neighbours and she asked that Environmental Control officers notify residents of the days that the crushing activity would take place.

The site ran behind residents' gardens and members of the committee were similarly concerned with the crushing activity. Members questioned the location of the crushing activity within the site, the feasibility of residents and the parish council being given advance notice of the days when the crushing would take place, and the possibility of restricting permission for the crushing activity to one year temporary permission.

The planning officer explained that the operator had permission for three HGVs which would control the amount of traffic movement. Environmental Control were aware of the facility and could investigate any breach of their conditions and if there was a statutory nuisance they could close the operation down much quicker than planning enforcement. It would be possible to further restrict the consent for the crushing activity to a shorter period. It was suggested that a deferment would enable officers to investigate thoroughly the situation and to review the conditions to ensure they were robust, including a reworded Condition 2 to align the date with other Conditions already in force; to formulate a more tightly worded Condition 3, hours of use; to amend Condition 4 as set out on the Amendment Sheet; an extra Condition to require five clear days notice of crushing to be published to residents, ward councillors, parish council and the Local Planning Authority, and a sound level to be sought for the crushing machine.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for the following matters:-

- Details of the method of screening and dust control that Environmental Control would apply.
- The tonnage involved.
- Number of vehicle movements each day.
- The noise generated by the crushing operation in decibels.
- Measures of storage and crushing area.

Case officer to negotiate with applicant to see if an alternative location on the site is possible (further away from residential properties).

Condition 2 to be revised so the permission for storage of hardcore and crushing expires on the same date as the planning permission for the vehicle operating centre (20 August 2013).

Condition 4 to read:- The crushing shall take place no more than 4 times per year for 3 days for each episode. This shall take place solely within the hours of 8am to 6pm on Mondays to Fridays, and at no time during weekends or Bank/Public holidays.

Condition 5 to be revised to restrict storage and crushing to the specific areas shown on the drawing.

Additional condition requiring applicant to give the Local Planning Authority, Parish Councils, Ward Councillors and residents 5 working days prior to all crushing operations.

Consideration of the matter to come back to Committee.

16. 110023 21 Regent Street, Rowhedge, CO5 7EA

The Committee considered an application for a proposed new dwelling on land adjacent to 21 Regent Street, Rowhedge. The Committee had before it a report in which all information was set out.

Sue Jackson, Principal Planning Officer, and Lee Smith-Evans, Urban Designer, attended to assist the Committee in its deliberations.

Mr Morley addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He objected because of the loss of light to parts of his house. His kitchen diner was the hub of the house and the new dwelling would take out most of the light which comes from the window. The sunlight would be affected and there would be a long shadow from the proposed house. This was not a side extension. There had been trees against the boundary and when they were removed they had excellent sunlight. There is insufficient parking for the new dwelling. A parking space had been taken from no. 21 and allocated to the new property. Pedestrian access was affected.

Philip Wright addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the 2004 application. He had a note on the drawing 'a detached dwelling capable of facing the road may be an accepted form of development'. The current drawings have addressed the 45 degree overshadowing issue. The occupant of the chapel mentioned whether the client would install a sun tunnel which would resolve the matter but he did not understand what a sun tunnel was. The parking bay was slightly smaller than the standard but he could take a small wall down and make the parking bay wider. The first two panels of fencing were originally an 8' high garage which he had demolished and trees have been cut down which gives the neighbours more light.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. He stated that Rowhedge was struggling with too many cars and narrow roads and there was congestion in this road. The Highway Authority objected to the application in 2004, but that application was approved in spite of there being too many cars. Mr Wright removed the garage and replaced it with one parking space; if he could fit in two parking spaces it would be a help. The objector has gone over the light issue; the kitchen diner only really has one window so this development will affect their way of living.

Members of the Committee asserted that the parking provision for this three bedroom property was two spaces plus one visitor space. They queried whether the Highway Authority had been consulted, whether the property could be moved back into the plot

to allow two parking spaces in front which would give more light to the chapel kitchen window, and whether permitted development rights should be removed. There was some sympathy with the neighbour regarding their loss of light, but a refusal would not be sustainable at appeal. There were white lines on the road which did not permit parking so there could not be a reduction in on-street parking.

The planning officer explained that the Highway Authority appeared not to have been consulted. The site was within a Conservation Area. There was a distinctive rhythm in the street and it would be wholly out of keeping with the area to set it back to enable two parking spaces to be provided. All the parking for no.21 is on-street, while there is a single parking space for the new property. The outline permission in 2004 had expired and different parking standards now apply. Although the current proposal was for a three bedroomed property whereas the earlier outline permission was for a two bedroomed property, this did not necessarily mean the footprint had increased. She confirmed that it would be possible to remove permitted development rights.

Members of the Committee were frustrated that there were no comments from the Highway Authority. Some members were not persuaded that a building of the width proposed was typical of the street, and if the new dwelling was narrower, similar to surrounding properties, it may be possible to get more parking spaces on the site and solve the design issue.

RESOLVED (UNANIMOUSLY) that consideration of the application be deferred for the following matters:-

- for consultation with the Highway Authority;
- for the Case Officer to negotiate revised proposals to include two tandem parking spaces to meet standards and a narrower property;
- condition to remove permitted development rights for extensions on any planning permission.

17. 102685 Garage Court, Gloucester Avenue, Colchester, CO2 9AX

The Committee considered an application for the provision of four affordable dwellings with associated parking and landscaping. The Committee had before it a report in which all information was set out.

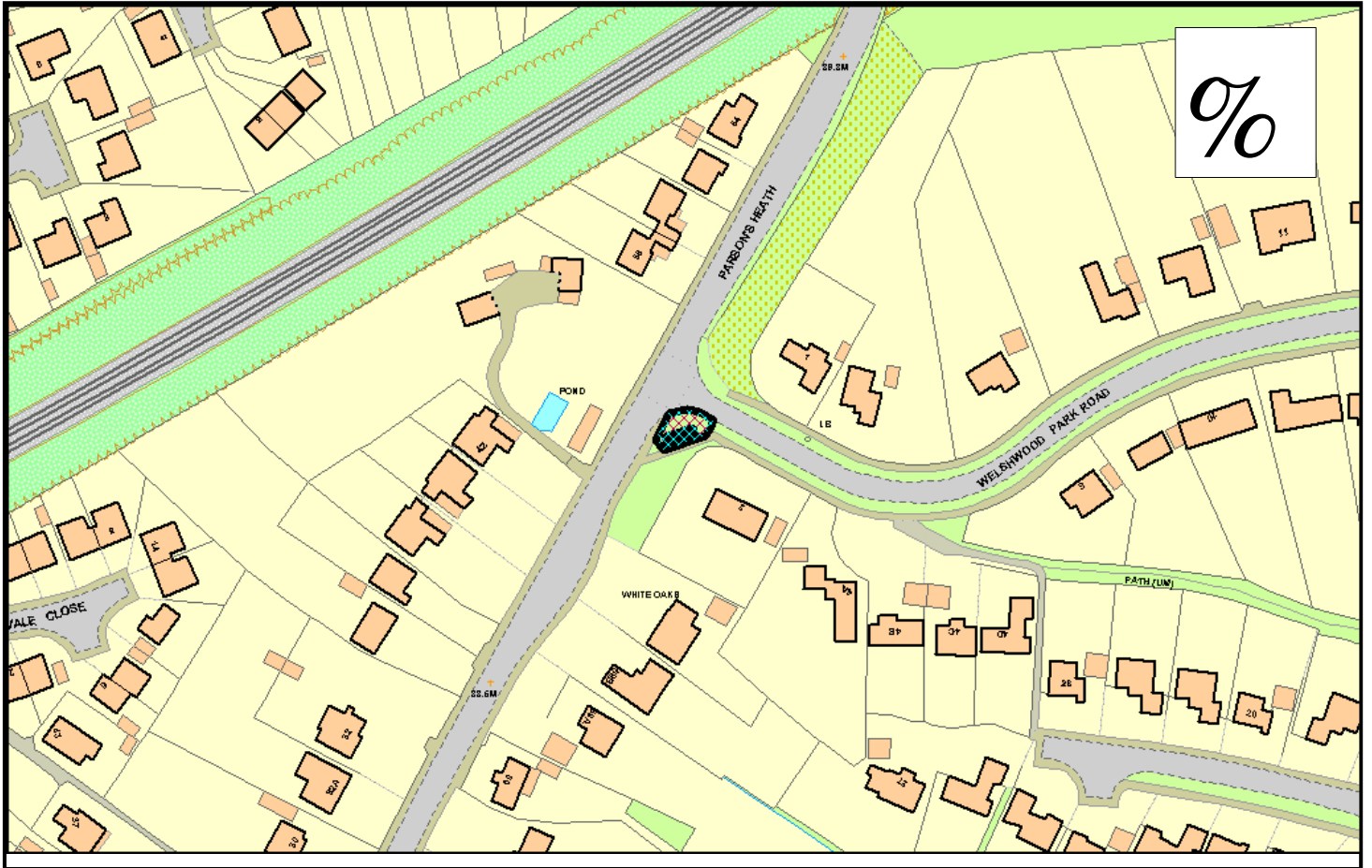
RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Legal Agreement under Section 106 of the Town and Country Planning Act 1990 to provide for contributions towards:-

- Open Space, Sport and Recreational Facilities, and
- Community Facilities

in accordance with the Council's Supplementary Planning Documents.

(b) Upon receipt of a satisfactory Legal Agreement the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.



Application No: 110981

Location: Corner of, Parsons Heath & Welshwood Park, Colchester

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **30 June 2011**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

Relevant planning policy documents and all representations at the time this report was printed are recorded as BACKGROUND PAPERS within each item. An index to the codes is provided at the end of the Schedule.

7.1 Case Officer: Simon Osborn

Due Date: 06/07/2011

OTHER

Site: **Corner of Parsons Heath & Welshwood Park, Colchester**

Application No: **110981**

Date Received: 25 May 2011

Agent: Galloways Estates Ltd Chartered Surveyors

Applicant: Vodafone Ltd & Telefonica O2 (Uk) Ltd

Development: Application to determine whether prior approval is required for the installation of a new street works pole of 12.5m (to top) with 3 no. antenna located within GRP shroud at top of the pole along with one ground level streetworks cabinet measuring 1.89m x 0.79m x 1.65m in the location indicated on plan nos. 100, 200a, 300a 400a.

Ward: St Johns

Summary of Recommendation: Prior approval is granted

1.0 Introduction

1.1 The application has been called-in by Councillor Paul Smith to allow principal objectors concern to be aired and debated and to determine whether there are special circumstances for refusal.

- 1.2 A similar proposal was considered by the Planning Committee at its meeting on 17 March 2011, when the decision was to refuse the application due to unacceptable siting of the cabinet as too prominent within the street scene. This revised application has amended the position of the cabinet.

2.0 Synopsis

- 2.1 The proposed telecommunications mast and equipment cabinet is permitted development subject to obtaining the prior approval of the Council with regard to siting and appearance. The proposed site is close to mature trees, which form part of a Tree Preservation Order, and on a wide grassy highway verge. Although visible the immediate site context will help to integrate the proposal into its surroundings. It is recommended prior approval is granted.

3.0 Site Description and Context

- 3.1 The application site concerns highway verge land close to the junction of Welshwood Park Road with Parsons Heath. The area is predominantly residential in character and the adjacent Welshwood Park estate is characterised by a well treed setting, the trees being covered by a group Tree Preservation Order.

4.0 Description of the Proposal

- 4.1 The application relates to a 12.5m high telecommunications mast, and an associated equipment cabinet (which is 1.89m x 0.79m and 1.65m in height). The mast seeks to imitate a telegraph pole in appearance, being constructed of steel with a wood effect finish and footholds on the upper section of the pole. The cabinet will be constructed of steel with a fir green colour finish.
- 4.2 The works described are permitted development and therefore do not require planning permission. The only issues the Council can consider are siting and design.

5.0 Land Use Allocation

- 5.1 Predominantly Residential
TPO 17a/97

6.0 Relevant Planning History

- 6.1 110198 refused in March 2011 because of the prominent position of the equipment cabinet.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Guidance 8: Telecommunications
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity

8.0 Consultations

8.1 Environmental Control – no comments

8.2 The Arboricultural Officer comments as follows:-

“Generally in agreement with the conclusions and recommendations made in the report. I would suggest that the power source cabinet is moved outside the root protection area of the trees to be retained. Whilst the above is my suggestion this should not prevent the proposal from going ahead. Recommended conditions imposed.”

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

9.0 Representations

9.1 Twenty objections were received to the proposal. These raised the following issues:

- Mast and cabinet will be obtrusive and detrimental to the pleasant character of the area.
- Health considerations and public concern should be taken into account. Too close to houses.
- Will impeded visibility at the junction.
- Should be moved to fields on the other side of the railway bridge, or at least further away from the road.
- Potential impact on TV and satellite aerials.
- Recent reports from the World Health Organisation that mobile phones are possibly carcinogenic.
- Could the mast be disguised to look like a metal tree.

10.0 Parking Provision

10.1 Not applicable

11.0 Open Space Provisions

11.1 Not applicable

12.0 Report

- 12.1 PPG8 seeks to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The PPG encourages sharing of masts where practicable. The operator has identified a need to improve their 3G coverage within the Welshwood Park and the north-eastern part of the Parsons Heath area. The area of poor 3G coverage centres to the north of Parsons Heath near to the railway line. The residential nature of the area and narrow pavements has meant that there are few options available. The preferred location (the application site) has relatively wide highway verges and was chosen because the site is “screened by trees and out of direct views from the majority of nearby residential dwellings”.
- 12.2 A number of alternative options were explored before this application was submitted, including several sites close to the junction of Parsons Heath with the Harwich Road (which were not suitable either because they were too close to the existing O2 rooftop radio base station, or because the site provider was unwilling to agree to a base station) and sites beyond the settlement boundary to the north of the railway line (which were discounted as they would provide little additional 3G coverage in the residential area where it is most needed).
- 12.3 Telecommunication masts under 15m in height do not require planning permission as this is deemed to be granted by the Government. Local Planning Authorities have more limited powers to influence the location of these masts on the grounds of siting and appearance only. PPG8 advises that Local Planning Authorities should not consider health implications if a Declaration of Conformity with the ICNIRP requirements is submitted with the application. Such a certificate was submitted with the application.
- 12.4 The proposed mast and equipment cabin is sited on the corner of Welshwood Park Road where it meets Parsons Heath (road). This section of the Parsons Heath road is characterised by wide grass highway verges. The proposed mast will be set 5.5m back from the edge of the Parsons Heath road and the equipment cabin would be approx 10m away, the latter being close to a line of trees close to the boundary with 2 Welshwood Park Road. The proposed mast would be sited just beyond the crown spread of a 13m high tree and the equipment cabinet below the crown spread of smaller trees. The proposed mast will be sited 5m away from a 4.5m high solar panel speed sign. On the other side of the Parsons Heath Road is a lamp column approximately 8m high. Other street furniture elsewhere on the Parsons Heath road is lower, typically 5.5m high.
- 12.5 The proposed mast will be sited 8m from the nearest residential boundary with 2 Welshwood Park Road and approx 16m from the nearest front corner of that house. The occupier of this property would have an obscure view of the mast from their house and likewise a number of other properties would have obscure views too. Nonetheless the proposed mast does not directly face any existing residential property. There is also a line of mature trees along the back edge of the highway verge of the Parsons Heath road. These will not screen the proposal from 2 Welshwood Park Road, but would help to soften the impact in visual terms. The proposed cabinet will be sited close to the side boundary with 2 Welshwood Park Road.

- 12.6 The relevant policies in the LDF include Policy UR2 in the Core Strategy, which promotes high quality design in all developments. Policy DP1 in the Development Policies requires that all development respects and enhances the character of the site, its context and surroundings. The proposed mast and cabinet will be clearly visible from a public perspective, with views from the Parsons Heath road in particular. The proposed mast is clearly taller than other highway structures and, whilst it will have a mock-effect telegraph pole appearance, it will be taller and chunkier than real telegraph poles and cannot wholly blend in with the surroundings. This part of Colchester certainly has a very pleasant appearance. Nonetheless views of the proposed mast and cabinet will be softened by the trees along the edge of the Welshwood Park estate. Whilst the overall theme of the representations was to object to the principle, 1 or 2 comments suggested the mast should take the form of a metal tree. Whilst the mock telegraph pole is utilitarian in design, it is considered that a metal tree would still appear as a man-made feature, which would have a greater visual impact.
- 12.7 An Arboricultural Implications Assessment has been submitted with the application. The Council's Arboricultural Officer has suggested the equipment would better be located close to the footpath, but nonetheless has not objected to the proposal in the position as submitted.
- 12.8 A similar proposal (but with the equipment cabinet in a different position closer to the footpath) was considered by the Planning Committee at its meeting on 17 March 2011, when the decision was to refuse the application but only due to unacceptable siting of the cabinet as too prominent within the street scene. Members did not object to the telecommunications mast. This revised application has amended the position of the cabinet, so that it is sited further away from the road.

13.0 Conclusion

- 13.1 The proposed mast and cabinet are sited on a relatively wide highway verge, close to the well-treed residential area known as Welshwood Park. It is considered that the design and siting of the proposal is appropriate to the contextual appearance of the surrounding area. Whilst the Council's Arboricultural Officer has suggested the equipment cabinet would better be located further from the trees, he has not objected to the position shown – in this position the proposed cabinet will be less obtrusive.

14.0 Background Papers

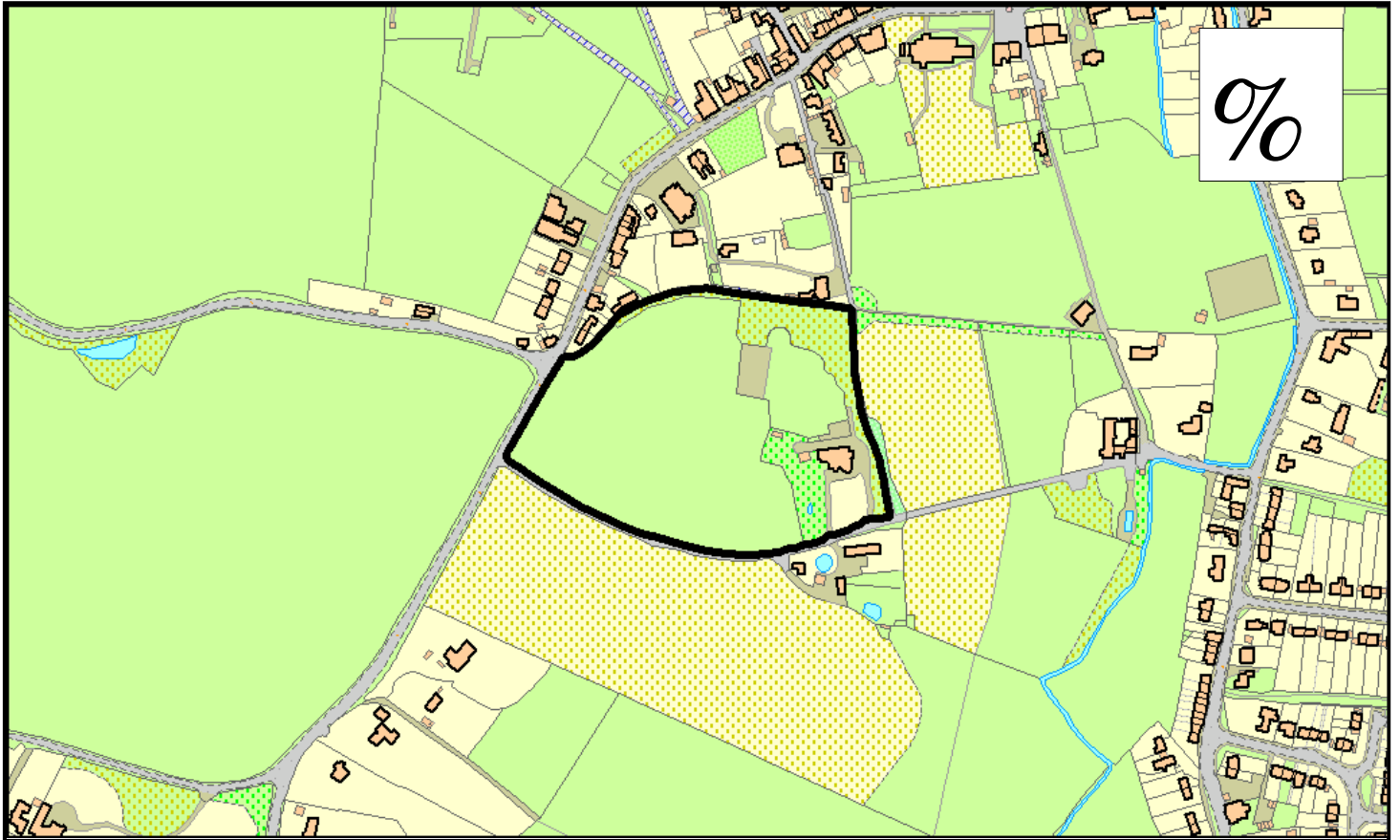
- 14.1 PPG; Core Strategy; CBDP; HH; AO; NLR

15.0 Recommendation

Prior approval be granted in full accordance with the application and specification dated 19 May 2011 submitted, which includes the Arboricultural Implications Assessment dated 10 January 2011.

Informatives

- (1) The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.
- (2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.
- (3) Prior approval is granted on the basis that the mast has a wood-effect finish, the cabinet a fir-green finish and that the proposal is constructed and implemented in full accordance with the Arboricultural Implication Assessment submitted, including the provision of the protective fencing.



Application No: 101541

Location: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Scale (approx): 1:1250

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7.2 Case Officer: Simon Osborn

MINOR

Site: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Application No: 101541

Date Received: 29 March 2011

Agent: Mr Bryn Jones

Applicant: Mrs Anne Fletcher

Development: Full planning application for change of use of parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park, excluding riding or exercising within the parkland. The erection of a stable block with storage building and associated access and the construction of a swimming pool.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

- 1.1 The proposal subject of this application was first submitted in July 2010 and brought to the Planning Committee at its meeting of 3rd February 2011; however, subsequent legal advice was given that the application as originally submitted was invalid. New application forms and additional information were submitted on 29th March 2011, and a full new consultation process was undertaken. The application was scheduled to be heard by the Planning Committee at its meeting on 19th May 2011 and a Committee site visit was undertaken. However, the application was withdrawn by the Head of Environmental and Protective Services to clarify various matters. Further amendments were received first on 23rd May 2011 and secondly on 8th June 2011 to revise the position of the red line so as to include all of the parkland to the west of Lower Park (within the ownership of the applicant) within the red-lined application site. The description of the application has also been amended to include the change of use of the parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park (excluding for riding or exercising within the parkland). The application is referred to the Planning Committee because objections have been received to the proposal and in view of its previous consideration by the Committee.
- 1.2 Whilst the application was only validated on the 29th March 2011, the comments received by the Council prior to this have been reported in Sections 8, 9 and 10 below and have been taken into consideration in putting forward this recommendation.
- 1.3 A document entitled 'Heritage Statement' compiled by the agent for the application was submitted with the application validated on the 29th March 2011. A further independent study (labelled Statement of Significance) was received on 9th May 2011.

2.0 Synopsis

- 2.1 The proposal is sited within a sensitive area, outside of the settlement boundary of Dedham, and within the Conservation Area and Dedham Vale AONB and close to Lower Park a listed building. The architectural style of the proposed building is considered to be acceptable in its own right and having regard to this setting. The application is recommended for approval.

3.0 Site Description and Context

- 3.1 Lower Park comprises a very large listed house, constructed of gault grey bricks and slates, and private residential grounds immediately adjacent to a distinctive private parkland setting. The application site comprises the house and private grounds and adjacent private parkland to the West. The property is accessed from the Colchester Road by a long private drive, which also serves Park House and Lower Park Cottage (listed and curtilage listed buildings), immediately to the south of the application site. The application site is within both the Dedham Conservation Area and the Dedham Vale AONB.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the construction of a stable and storage building and an outdoor swimming pool. A Design and Access Statement (DAS) was submitted with the application along with a Heritage Statement, an Arboricultural Assessment and a Landscape Impact Assessment. The amendment submitted on 8th June 2011 relates to the change of use of the parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park (excluding for riding or exercising within the parkland).
- 4.2 The proposed building has a reverse L-shaped form and will accommodate three stables within one wing, and a storage building for carts, trailers and hay within the other. The two wings are linked by an area that will provide changing facilities in association with the outdoor pool. The building is located partly within the existing domestic curtilage of the house and partly within the adjacent parkland. The proposed building faces outward, away from the house and 9m from the proposed pool (which is located wholly within the existing domestic curtilage). A courtyard is to be formed by the two wings of the building for use as a general yard area and wash down area adjacent to the stables. The three stables are to be formed within a single-storey wing constructed of natural brown feather-edged boarding under a slate roof. The storage building has a higher form (6.2m to the ridge) and will be constructed of black feather-edged boarding under a clay pantile roof. It is intended to store hay straw within the loft space with space beneath for carts/trailers and agricultural/garden machinery.

4.3 The courtyard to the proposed stable block/storage building is to be accessed by extending an existing track from the driveway to the front of the house. The extension to the track will be partly within the parkland setting and around a small group of trees. This requires special precautions to ensure the root protection of these trees. An Arboricultural Assessment and Landscape Impact Assessment were submitted by the applicant. The proposal requires the removal of a line of small conifers and silver birches within the vicinity of the proposed building and around part of the boundary to the domestic curtilage. Some new planting within the adjacent parkland is also proposed as part of the application.

4.4 The proposal also includes the demolition of an almost derelict concrete block structure. An application for Conservation Area Consent for the demolition and removal of this has also been submitted; this is the subject of the following Committee report.

5.0 Land Use Allocation

5.1 Conservation Area
Area of Outstanding Natural Beauty
Lower Park is a Grade II listed building
The site is outside the settlement boundary of Dedham
TPO 06/99 and 15/63

6.0 Relevant Planning History

6.1 090661 – stable block with storage building and swimming pool, withdrawn 2009

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 7: Sustainable Development in Rural Areas

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP22 Dedham Vale Area of Outstanding Natural Beauty
DP24 Equestrian Activities

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 English Heritage stated we do not consider it is necessary for this application to be notified to English Heritage.
- 8.2 The Environment Agency had no objections to the proposal subject to a planning condition with regard to a scheme being submitted to prevent pollution of the water environment. It would be helpful if the applicant provided information on the working practices and measures proposed to prevent pollution – we do not doubt the feasibility of putting into place such measures, which would be the subject of planning conditions, but the provision of information at this stage should help allay the concerns of local residents.
- 8.3 The Dedham Vale Society stated the size of the building was excessive and does not make a positive contribution to the landscape as required by Policy DP20.
- 8.4 The Dedham Vale AONB and Stour Valley Project stated that a single storey building would more easily be integrated into the landscape. Little information was available on proposed exterior lighting and fencing. Any new planting should reflect the parkland quality of the landscape.
- 8.5 The National Trust stated its concern regarding the visual impact of the building on the AONB and the setting of the listed buildings, loss of trees, and the impact of lighting and fencing.
- 8.6 Environmental Control recommended conditions be imposed requiring the stables to be used for domestic purposes only and a scheme for the storage and disposal of manure to be submitted and approved by the LPA.
- 8.7 The Council's Design and Heritage Unit considered that the proposal would appear as an appropriate building in the context of a large rural house and the architectural style would not be detrimental to the location or the setting of the listed building. Appropriate hard and soft landscape conditions should be imposed.
- 8.8 The Council's Tree Officer agreed to the arboricultural content of the proposal subject to the retention of an arboricultural consultant to monitor the works and to appropriate conditions.
- 8.9 The Council's Landscape Officer stated:
- "Colchester Borough's Landscape Character Assessment (CB LCA) identifies the attractiveness of Dedham as a 'key characteristic' (further supported under LDF policies DP22 (i & ii) & DP24 (iii), to which the parkland setting of Lower Park forms a valuable element. It goes on to identify a strategic objective to conserve and enhance the landscape and identifies horse paddocks as potentially visually intrusive. Any fragmentation of the parkland associated with the development through increased equine usage (e.g. fencing or taping off) would necessarily have considerable visual

impact as well as landscape impact, it is recommended therefore that this be conditioned against in order to retain the integrity and character of the parkland.

The CB LCA also within its management guideline looks to 'conserve and restore pasture' (further supported under LDF policy DP15 (ii), however the proposed development appears to impact quite strongly visually on the pasture area of the parkland and will, under condition, at detail stage require filter screening to reduce this dominance. Also under condition the proposed parkland planting will need to be revised to single specimen trees characteristic to parkland setting and any lighting associated with the development confirmed as according with E1 of the Institute of Lighting Engineers Guidance notes for the obstruction of obtrusive light."

The Landscape Officer concluded that the landscape content of the proposal was satisfactory subject to conditions.

8.10 The Council's Conservation Officer comment as follows:-

"The development proposal is for a stable block and store building that would be of a traditional (vernacular) form / design. The main conservation issues raised by this application are the effect that the proposed development would have on the setting of the Lower Park, a grade II listed building, and the character and appearance of the Dedham Conservation Area.

The Statement of Significance describes the historic development of Lower Park and concludes that it is a fine C19 house that stands in a largely parkland setting. The west side of the Lower Park is described as lacking the visual qualities of the south and east elevations; I would not disagree with this view.

The proposed stables are located some 44m to the northwest of the house and straddles the boundary between the house and the adjacent parkland. Given the distance between the house and the proposed stable block, and the fact that the existing mature trees will act as a screen, it is not considered that the proposed development will have a significant impact on the immediate surroundings (setting) of the listed house.

The silver birch and conifer trees proposed for removal do not reflect the parkland character of the site and, as such, there is not an objection to their removal.

The proposed stable block will be visible across the parkland from the private drive. It is noted that additional tree planting is proposed within the parkland and this will help to filter these views of the proposed development. The planting of a hedge along the west boundary of the development would help to further visually soften views of the stable block. The existing established planting surrounding Lower Park and its parkland setting is such that views of the proposed development will not be visible from public rights of way. Given the above, it is not considered that the proposed development would have a significant impact on the wider setting of the Dedham Conservation Area.

Ancillary development and other paraphernalia associated with the proposed stable block (for example lighting, storage of equipment, erection of fences etc) could potentially compromise the setting of Lower Park and that of the conservation area. Appropriate conditions will accordingly need to be attached to the grant of any planning permission. "

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

9.0 Parish Council's Views

9.1 The Parish Council originally commented:

“The scale and appearance of the proposed building has been reduced as requested in the previous application no. 090661 and the whole unit is now more compact; however this proposal still intrudes into the park land as previously stated. The applicant has moved the proposal somewhat into the garden area but we feel it could go further minimising the impact into the park. With regard to screening of this proposed property a fuller screening proposal we feel would be more appropriate.”

9.2 Additional comments were received on 3rd June 2011:

“No objections to the change of use of the existing parkland to private equestrian use. We would like to draw your attention to the fact that we have still not received any indication of how the manure from this equestrian use is: (a) to be stored/ contained; (b) how the storm water to the Blackbrook is to be protected from contamination. *Officer Comment: Environmental Control and the Environment Agency recommended that (a) be subject of a planning condition – see condition no. 5; the Environment Agency has also recommended conditions with regard to (b) – see condition nos. 3 and 4.*

10.0 Representations

10.1 Five representations in support of this application were received and objections from 7 parties. The following issues were raised by the objectors:

1. The proposed building is too large and out of keeping with the character of the area and the setting of the three listed buildings;
(Officer Comment: see main body of report)
2. The proposed building will be visible from the road and footpaths;
(Officer Comment: see main body of report)
3. Loss of trees;
(Officer Comment: The trees to be removed are a line of conifers and silver birch that do not reflect the parkland character of the site)
4. Smells from horse manure; no details of mobile trailer for storage of horse manure;
(Officer Comment: Environmental Control and the Environment Agency have suggested this is dealt with by condition – see condition 5)
5. Impact of lighting in the countryside;
(Officer Comment: This is controlled by condition 17)
6. Question validity of justifying barn on basis of demolishing the concrete block structure;
(Officer Comment: The structure has no visual merit or usefulness)
7. Waste water from the pool and stables should not discharge into neighbouring drainage system;
(Officer Comment: The Environment Agency has recommended conditions be imposed to prevent pollution of the water environment and to control surface water drainage – see conditions 3 and 4)

8. The building could easily be converted to residential/staff/holiday accommodation if it becomes redundant;
(Officer Comment: This would require an application for planning permission, which would then be within the control of the Council)
 9. Pool house and pool should be located behind the main house.
(Officer Comment: The pool is located within the residential grounds of the house; the pool house is located within the proposed building and does not require an additional building)
 10. The Heritage Statement/ Statement of Significance primarily explains the significance of Lower Park and largely ignores the Conservation Area, the parkland, Park House and Lower Park Cottage. The parkland forms part of the historic setting of Lower Park and the impact on the parkland has not been properly assessed.
(Officer Comment: see main body of report. The Statement should be proportionate and the LPA consider that this in conjunction with the Landscape Assessment are sufficient to understand the potential impact of the proposal on the heritage assets)
 11. Application fails to take into account the need for the change of use of the adjoining parkland for the keeping and exercising of horses – the Council will not have taken all material considerations into account, which could lead to a Judicial Review if approval is granted.
(Officer Comment: The adjacent parkland is not to be used for the riding or exercising of horses; however, it is now accepted the keeping of horses amounts to a material change in use of the land. The latest amendment received on 8th June 2011 revises the position of the red line to include this proposed change of use)
 12. Condition 16 is ultra vires and unenforceable.
(Officer Comment: This land is within the ownership of the applicant and has now been included within the revised application site are, so is enforceable)
- 10.2 A Heritage Impact Assessment has been submitted by Purcell Miller Tritton on behalf of Mr de Muscote Morris. The report concludes that the proposed development will have a moderately adverse impact, as the location of the buildings as well as their typology will detract from the setting of the main house and parkland. A copy of the full report and conclusions are available on the Council's website.

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

11.0 Parking Provision

- 11.1 The existing house has a large area available for off-street parking, which is not visible from outside the site. The proposed facilities are to be constructed in association with the existing house and the proposal raises no parking provision issues.

12.0 Open Space Provisions

- 12.1 These facilities are proposed in association with an existing house, which has a large domestic curtilage, and the proposal raises no open space provision issues.

13.0 Report

Policy Principles

- 13.1 Policy HE6 of Planning Policy Statement 5 for the Historic Environment (PPS5) states local planning authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. This information together with an assessment of the impact of the proposal should be set out in the application (within the design and access statement when this is required) as part of the explanation of the design concept. It should detail the sources that have been considered and the expertise that has been consulted. Local planning authorities should not validate applications where the extent of the impact of the proposal on the significance of any heritage assets affected cannot adequately be understood from the application and supporting documents.
- 13.2 LDF Policy DP14 (Historic Environment Assets) states, 'Development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment in the first instance'.
- 13.3 LDF Policy DP22 (Dedham Vale Area of Outstanding Natural Beauty) states, 'Development will only be supported in or near to the Dedham Vale AONB that: (i) makes a positive contribution to the special landscape character and qualities of the AONB; (ii) does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement; and (iii) supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan'.

Impact on the Grade II Listed Buildings

- 13.4 The Historic Environment Record indicates that Lower Park is a Grade II listed building (along with the Coach House to the south and garden wall south of the Coach House). The list description for Lower Park describes this as an early nineteenth-century house of complex plan, built in grey gault brick laid in English bond with slate roof, of 2-storeys with attics and round-headed dormers; the southern elevations being much altered.
- 13.5 The proposed building will be positioned 40m from the house (and the outdoor swimming pool 35m away). The intention is to provide stabling for 3 horses, with a storage building to accommodate carts and trailers with a hay loft within the roof space above. The storage part of the building has the greater visual impact; being 5.8m in width (and 11.5m long), with eaves at a height of 2.5m and a roof pitch of 50 degrees, resulting in an overall height of 6.25m. The proposal has the appearance of a traditional barn and stables, with clay pan-tiles for the taller part of the structure and slate to the lower part, with stained boarding. The detail of the proposal is considered

appropriate to the location at the interface of garden curtilage with more open parkland beyond. The proposed palette of materials is considered appropriate for the building and provides an appropriate contrast to the gault bricks on the main house. A view has been expressed that the proposed building should be a brick-built formal Georgian stable; this was considered during consideration of the application, but the Conservation Officer considered that this might cause confusion with the historic buildings elsewhere on the site.

- 13.6 The DAS stated that the separation distance (*from the listed building*) and the layout ensure that the proposal does not compromise the listed building or detract from it. The presence of equestrian related buildings is entirely appropriate to a house of this significance. It was also considered that an attempt to recreate an arrangement of buildings that purports to be of the same origins as the main house might compromise or devalue these assets. The Council's DHU concur with this approach, stating that 'the proposed facilities for Lower Park appear in appropriate places within the site. The architectural style of the equestrian building would not be detrimental in this location and would appear as an appropriate building in the context of a large rural house. The swimming pool is in a discreet place'. English Heritage has advised they did not consider it necessary for this application to be notified to English Heritage.
- 13.7 The Statement of Significance received from the specialist, on behalf of the applicant, advises that the south and east elevations of the house have greater historic interest. The proposal relates to land to the northwest of the house. Inappropriate tree planting in the form of a line of leylandii conifers and silver birches on the edge of the garden curtilage to Lower Park will be removed to make way for the proposed stable and storage building. A small group of trees will be retained, situated between the proposed building and the house. These help to ensure that the proposed building will be discreetly situated in relation to the main house; the proposed building will in fact be at least 40m from the house (and the outdoor swimming pool 35m away). The Council's Conservation Officer has stated the proposed stable and store building would be traditional in form, and it is not considered that the proposed development will have a significant impact on the immediate surroundings (setting) of the listed house (see section 8.10 of the report for the Conservation Officer's comment). The proposed building would also be sited 100m from the Coach House and further to the garden wall to the south. Another dwelling, known as Lower Park Cottage, is not listed in its own right but as pre-1948 is considered to be a curtilage-listed. The proposed building will be sited 100m from Lower Park Cottage. Given the traditional form of the buildings and its distance from the original listed buildings, it is the Officer recommendation that the proposal will not adversely affect the character and setting of either the listed building on this site, or that on the adjacent site to the south.

Impact of Proposed Built Development on the Conservation Area and Dedham Vale AONB

- 13.8 The proposal is sited within the Dedham Conservation Area and the Dedham Vale AONB. The Conservation Area extends well beyond the built limits of the historic part of Dedham village and includes the whole of the application site. The character of this part of the Conservation Area is rural in nature, with a mix of open fields, hedgerows and a loose scatter of mainly traditional buildings. Much of the application site, including the land to the south and east of the proposed building, can be described as parkland, with meadow land sweeping down from the Colchester Road populated by distinctive mature trees. The Dedham Vale AONB includes all of the Conservation

Area and a much wider area beyond; some of the most attractive attributes of the Dedham Vale AONB are the extensive vistas especially from the valley sides, across large fields bounded mainly by hedges, areas of woodland, and scattered houses and farms.

- 13.9 A Tree Survey, with associated tree protection measures, together with a landscape assessment and tree planting proposal were prepared in consultation with an arboricultural expert and submitted with the application. The Tree Report accepted that the 'proposed development encroaches slightly on the park, an important feature in the Dedham Vale AONB. However, it is located in a part of the site where it will have very limited visual impact'. The Landscape Assessment concluded, 'Lower Park is well screened by the landform and surrounding vegetation, and although surrounded by public rights of way, views into the site are restricted to occasional glimpses through hedges and tree belts. Thus the proposed development will have no significant impact on the local landscape as viewed from publicly accessible spaces. Furthermore, the design of the building is similar to a traditional Essex barn, not inappropriate in a pastoral setting'.
- 13.10 The proposed building does encroach within the parkland (half of the building is within the garden cartilage and half within the parkland), the fenced courtyard fronting the proposed stables, together with part of the extended access drive are also situated within the parkland. The Conservation Officer commented the proposed stable block will be visible across the parkland from the private drive (which connects Lower Park, Park House and Lower Park Cottage with the Colchester Road) and that additional tree planting within the parkland would help to filter these views. The Conservation Officer added that other development such as the erection of fences could potentially compromise the setting of Lower Park and should be controlled by condition. Whilst the remainder of the parkland is intended for mixed use (agriculture and the keeping of up to 3 horses), it is not the intention to divide this area into separate paddocks. This matter is dealt with by condition 16, which imposes appropriate controls over this area.
- 13.11 There are a number of public footpaths within the vicinity of the application site, as well as Colchester Road to the east. These include a footpath known as Pennypot immediately to the north of the application site, the Essex Way path 150m to the east of the proposed building, and a path which connects the Essex Way with the Colchester Road 300m to the south of the proposed building. Tree belts lie along the northern and eastern margins of the application, comprising a mix of mature deciduous and evergreen trees effectively screen Lower Park from the Pennypot footpath and the Essex Way, and there is a lower field hedge between the site and the footpath to the south. A high bank with trees on along the Colchester Road to the west of the application site restricts views into the site from the road.
- 13.12 The Landscape Assessment gives full consideration to the impact of the proposal from these public viewpoints. This report was compiled during the summer months and concluded there would only be occasional glimpses into the parkland from these public perspectives. There would be of course be more glimpses during the winter months; however, the presence of evergreen species within the tree belts along the northern and eastern margins of the application site, effectively reduce these to partial glimpses. There would be more views toward the parkland from the footpath to the south during the winter months, but the proposed building will be 300m away and seen within the context of mature vegetation to the north and within a patchwork landscape of trees, hedgerows and other occasional buildings.

- 13.13 The Dedham Vale AONB and Stour Valley Partnership acknowledged some changes had been made to an earlier application 090661 (which was withdrawn) but expressed disappointment that the height of the building had not been reduced from that shown in the original design. They suggested more consideration be given to landscape planting and that if the Council was minded to grant consent conditions should be imposed to ensure that any paddock fencing is not visually intrusive in the overall parkland landscape and that any exterior lighting should be carefully designed to reduce intrusion and keep light leakage to a minimum. Lighting is to be limited to low wattage bulkhead type fittings located under the walkway of the stables at ceiling level to down light over the doors and the storage building is to have two 150 watt external fittings, mounted under the eaves with a covered top; condition 17 requires full details to be submitted.
- 13.14 The Council's Arboricultural Officer is satisfied the proposed works will not cause significant harm to the trees to be retained. The line of conifers and silver birches to be removed to make way for the proposed building are not particularly appropriate for the parkland setting. The proposed works include an extension to the access drive from Lower Park to the proposed stable block. This involves part of the access drive being taken into the existing parkland, around a small group of trees to be retained within the garden curtilage, so as to ensure tree roots are not damaged by compaction. The drive will be enclosed from the parkland by a post and rail fence and will have little material impact on the parkland setting.
- 13.15 It is acknowledged that there will be glimpses of the proposed building from a number of public perspectives within the Conservation Area and the AONB. Nonetheless, these views will be limited, at some distance away and seen within a patchwork landscape. The building itself is of traditional design and appearance and is the sort of building that might be associated with a rural area such as this. The Conservation Officer advised that the proposed development would not have a significant impact on the wider setting of the Dedham Conservation Area. It is the Officer recommendation that the proposal will be sympathetic to the character and appearance of the Conservation Area and the AONB.

Impact of the Change of Use on the Parkland Setting

- 13.16 The Council has accepted that there are legal precedents for considering the keeping of horses on land as a non-agricultural use. The amended application revises the position of the red line to include the parkland to the west of Lower Park within the application site and amends the description of the application to include change of use of the parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park, excluding riding or exercising within the parkland. Planning Policy Statement 7 (PPS7) – Sustainable Development in Rural Areas, paragraph 32 states that 'horse riding and other equestrian activities are popular forms of countryside that can fit in well with farming activities and help to diversify rural economies'.

- 13.17 The Council's Landscape Officer has referred to Colchester Borough's Landscape Character Assessment (CB LCA). This identifies the attractiveness of Dedham as a 'key characteristic' to which the parkland setting of Lower Park forms a valuable element. It goes on to identify a strategic objective to conserve and enhance the landscape and identifies horse paddocks as potentially visually intrusive. Any fragmentation of the parkland associated with the development through increased equine usage (e.g. fencing or taping off) would necessarily have considerable visual impact as well as landscape impact. The Landscape Officer recommended therefore that this be conditioned against in order to retain the integrity and character of the parkland. The CB LCA also within its management guideline looks to 'conserve and restore pasture'; the proposed development appears to impact quite strongly visually on the pasture area of the parkland and will, under condition, at detail stage require filter screening to reduce this dominance. Also under condition the proposed parkland planting will need to be revised to single specimen trees characteristic to parkland setting and any lighting associated with the development confirmed as according with E1 of the Institute of Lighting Engineers Guidance notes for the obstruction of obtrusive light.
- 13.18 PPS7 paragraph 21 advises that the conservation of the natural beauty of the countryside should be given greater weight in development control decisions in areas such as AONB's. Whilst the application includes the change of use of the parkland to a mixed use (to include agriculture and the keeping of up to 3 horses), it does not propose its division into smaller paddocks, nor does it propose an outdoor manege or jumps or indeed any form of riding, which are elements that can potentially be more damaging to the natural beauty of the countryside. These elements are in any case controlled by proposed condition nos. 16 and 17.

14.0 Conclusion

- 14.1 Objections have been received to the effect that the Heritage Statement/ Statement of Significance do not adequately consider the impact of the proposal upon the listed buildings and the parkland setting and the wider Conservation Area. Such a Statement should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the asset. The Council has considered the Statement of Significance submitted along with the Landscape Assessment and considers they are sufficient.
- 14.2 The proposed stable and storage building is of traditional form and design and is to be sited at least 40m from Lower Park and a further distance from Park House and Lower Park Cottage. The proposed building is partly within a parkland setting, with characteristic mature single specimen trees and other belts of trees along its margins. The proposal will remove a line of trees that are inappropriate to the parkland setting and provide new specimen planting. The Officer recommendation is that the proposed development will not adversely affect the setting of the listed building on either the application site or the listed building to the south. The design and location of the proposed built development is considered to be sympathetic and appropriate and more specifically will either preserve or enhance the landscape qualities of the Conservation Area and the AONB. Furthermore, the proposed change of use of the parkland to a mixed use to include the keeping of up to 3 horses is considered acceptable as it will not fragment the parkland into separate paddocks and is not for the exercising or riding of horses.

14.3 It is considered that the proposal will have an acceptable impact upon the heritage assets at Lower Park and will not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas. The officer recommendation is therefore one of approval.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; EH; NR; DVS; OTH; National Trust; HH; DHU; TL; LO; Conservation Officer; PTC; NLR

16.0 Recommendation - APPROVE subject to the following conditions

Conditions

1 – A.15 (Time limit for commencement of Development)

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

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

2 – Non Standard Condition

The development hereby permitted shall be constructed strictly in accordance with the approved plan nos. site plan (received 8 June 2011), 5192/01M, 5192/03/LAND, 5192/03/N (received 8 June 2011), 5192/08E, 5192/09E and 5192/10D, unless otherwise agreed in writing by the Local Planning Authority.

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

3 – Non Standard Condition

Prior to the commencement of the development hereby permitted, a scheme for the provision and implementation of pollution control to the water environment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans/ specification in accordance with the times specified in the approved scheme and shall thereafter be retained.

Reason: To avoid pollution of the water environment.

4 - Non Standard Condition

Prior to the commencement of the development hereby permitted, a surface water management scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first use of the development and shall thereafter be retained.

Reason: To ensure satisfactory arrangements are made for the disposal of surface water drainage.

5 - A4.5 (Scheme for Manure Storage and Disposal)

Prior to the commencement of any work on site a detailed scheme for the storage of manure within the site and its subsequent disposal shall be submitted to and approved in writing by the Local Planning Authority. The storage and disposal of manure shall be carried out in accordance with the approved scheme.

Reason: To ensure satisfactory provision is made for the storage and disposal of manure.

6 – A4.3 Stables (domestic use only)

The building/s hereby permitted shall be used solely for the stabling of a maximum of three horses and storage of associated equipment and foodstuffs in connection with and for the private and personal enjoyment of the occupants of the application property. No commercial uses including a livery, riding school, industrial or other storage uses shall take place whatsoever.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure that the use does not cause harm to the amenity of the surrounding area.

7 - C10.15 (Tree & Natural Feature Protection: Protected)

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, and within the vicinity of the proposed areas of construction, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

8 - C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

9 - C10.18 (Tree and Hedgerow Protection: General)

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

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

10 – Non Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would affect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

11 - C11.11 (Landscape Design Proposals)

No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4).

These details shall include, as appropriate:

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

Reason: To safeguard the provision of amenity afforded by appropriate landscape design.

12 - C11.12 (Landscape Works Implementation)

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

13 - C11.17 (Landscape Management Plan)

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by the landscape.

14 - C3.4 (Samples of Traditional Materials)

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: To harmonise with the character of the nearby listed building and the adjacent parkland and Conservation Area setting.

15 - Non Standard Condition

The development shall not take place except in accordance with full details of the hard landscaping proposals, which shall first have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the proposed fencing and surface treatment for the new access, the stable courtyard, and paving areas associated with the pool, shown in principle on drawing no. 5192/03/TEMP/N.

Reason: To safeguard the setting of the listed building and the Conservation Area.

16 - Non Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no riding or exercising of horses shall take place within the parkland, no jumps shall be installed, nor shall any form of paddock fencing or taping-off be constructed or provided within the parkland, without the prior approval in writing of the Local Planning Authority.

Reason: In accordance with the application documentation submitted and to prevent the fragmentation of the parkland and thereby to safeguard the setting of the listed building and the Conservation Area.

17 - B3.3 Light Pollution

No external lighting fixtures for any purpose shall be constructed or installed until details of all external lighting proposals have been submitted to and approved by the Local Planning Authority; and no lighting shall be constructed or installed other than in accordance with those approved details.

Reason: To reduce the undesirable effects of light pollution on the amenity of the countryside.

18 – Non Standard Condition

Prior to the first use of the development hereby permitted the existing block building (shown by dotted lines on drawing no. 5192/03/M) shall be demolished and removed from the site to the satisfaction of the Local Planning Authority.

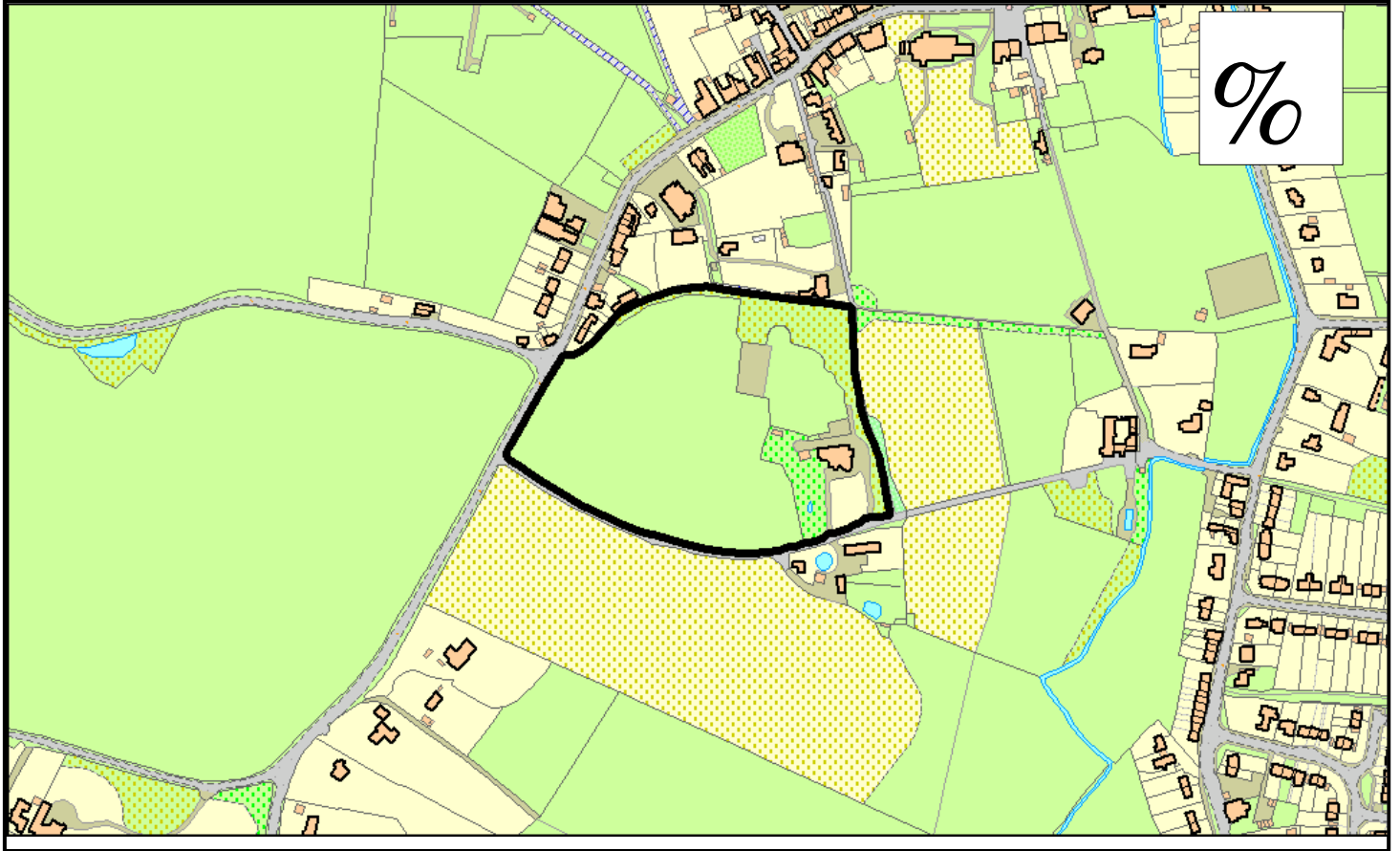
Reason: To safeguard the setting of the listed building and the Conservation Area.

Informatives

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.

(3) In respect of condition no. 16, the only circumstances in which the Local Planning Authority might agree to taping-off of parts of the adjoining parkland, is if this was required for a temporary period for animal welfare purposes.



Application No: 101543

Location: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Scale (approx): 1:1250

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7.3 Case Officer: Simon Osborn

OTHER

Site: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Application No: 101543

Date Received: 29 March 2011

Agent: Mr Bryn Jones

Applicant: Mrs Anne Fletcher

Development: Conservation area consent for the demolition of part-remaining outbuilding

Ward: Dedham & Langham

Summary of Recommendation: Conservation Area Consent

1.0 Planning Report Introduction

1.1 This application is for conservation area consent to demolish the remaining part of an outbuilding within the grounds of Lower Park. The application is brought to the Planning Committee in conjunction with application 101541, because objections have been received to the proposal.

2.0 Synopsis

2.1 The proposal is sited within a sensitive area, outside of the settlement boundary of Dedham, and within the Conservation Area and Dedham Vale AONB and within the domestic curtilage of a listed building. The removal of the remains of this concrete structure is wholly acceptable and the application is recommended for approval.

3.0 Site Description and Context

3.1 The application site comprises a very large listed house, constructed of Suffolk white bricks and slates, and grounds immediately adjacent to and partly within a distinctive parkland setting. The property is accessed from the Colchester Road by a long private drive, which also serves Park House and Lower Park Cottage (also listed, or curtilage listed buildings), immediately to the south of the application site. The application site is within both the Dedham Conservation Area and the Dedham Vale AONB.

4.0 Description of the Proposal

4.1 The part of the proposal relating to the conservation area consent application is the proposal to remove the remains of a concrete block detached outbuilding.

5.0 Land Use Allocation

- 5.1 Conservation Area
Area of Outstanding Natural Beauty
Lower Park is a Grade II listed building
The site is outside the settlement boundary of Dedham.

6.0 Relevant Planning History

- 6.1 090661 – stable block with storage building and swimming pool, withdrawn 2009
- 6.2 101541 - Full planning application for change of use of parkland to mixed use I I including agriculture and the keeping of up to 3 horses by residents of Lower Park, excluding riding or exercising within the parkland. The erection of a stable block with storage building and associated access and the construction of a swimming pool – Application reported on this agenda.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 5: Planning for the Historic Environment
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 English Heritage stated we do not consider it is necessary for this application to be notified to English Heritage.
- 8.2 The Council's Design and Heritage Unit considered that the proposed demolition was acceptable.

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

9.0 Parish Council's Views

- 9.1 The Parish Council have stated that:

“The scale and appearance of the proposed building has been reduced as requested in the previous application no. 090661 and the whole unit is now more compact; however this proposal still intrudes into the park land as previously stated. The applicant has moved the proposal somewhat into the garden area but we feel it could go further minimising the impact into the park. With regard to screening of this proposed property a fuller screening proposal we feel would be more appropriate.”

10.0 Representations

10.1 Most of the representations received appeared to relate to the application for planning permission 101541 for this site. The following comments related more specifically to this application:

1. The structure was a series of bays for storage of compost etc. on a pre-existing base, rather than an outbuilding. There is no objection to its removal but it should not form a quid pro quo for the new application building.

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

11.0 Parking Provision

11.1 The existing house has a large area available for off-street parking, which is not visible from outside the site. The proposed facilities are to be constructed in association with the existing house and the proposal raises no parking provision issues.

12.0 Open Space Provisions

12.1 These facilities are proposed in association with an existing house, which has a large domestic curtilage, and the proposal raises no open space provision issues.

13.0 Report

13.1 The previous report for 101541 relates to the planning considerations with regard to the proposed swimming pool, stables storage barn and use of the parkland.

13.2 The application has been submitted for the demolition of part of an outbuilding. The former owner of the house disputes that it was an outbuilding and maintains it was a series of bays for composting. The precise purpose and origins of the structure cannot be ascertained from what remains, except that it was a structure formed from concrete blocks and that it is within the domestic curtilage of Lower Park, and having a footprint of 12m by 6m. It has no viable use or visual merit; rather it is more of an eyesore. There is no objection to its removal; indeed one of the proposed conditions for the related planning application is that the structure is removed if the development subject of the planning permission is implemented.

14.0 Conclusion

14.1 The remains of this structure have no merit and there is no objection to its removal

15.0 Background Papers

15.1 PPS; Core Strategy; DPD; EH; NR; DVS; OTH; NT; DHU; AO; PTC; NLR

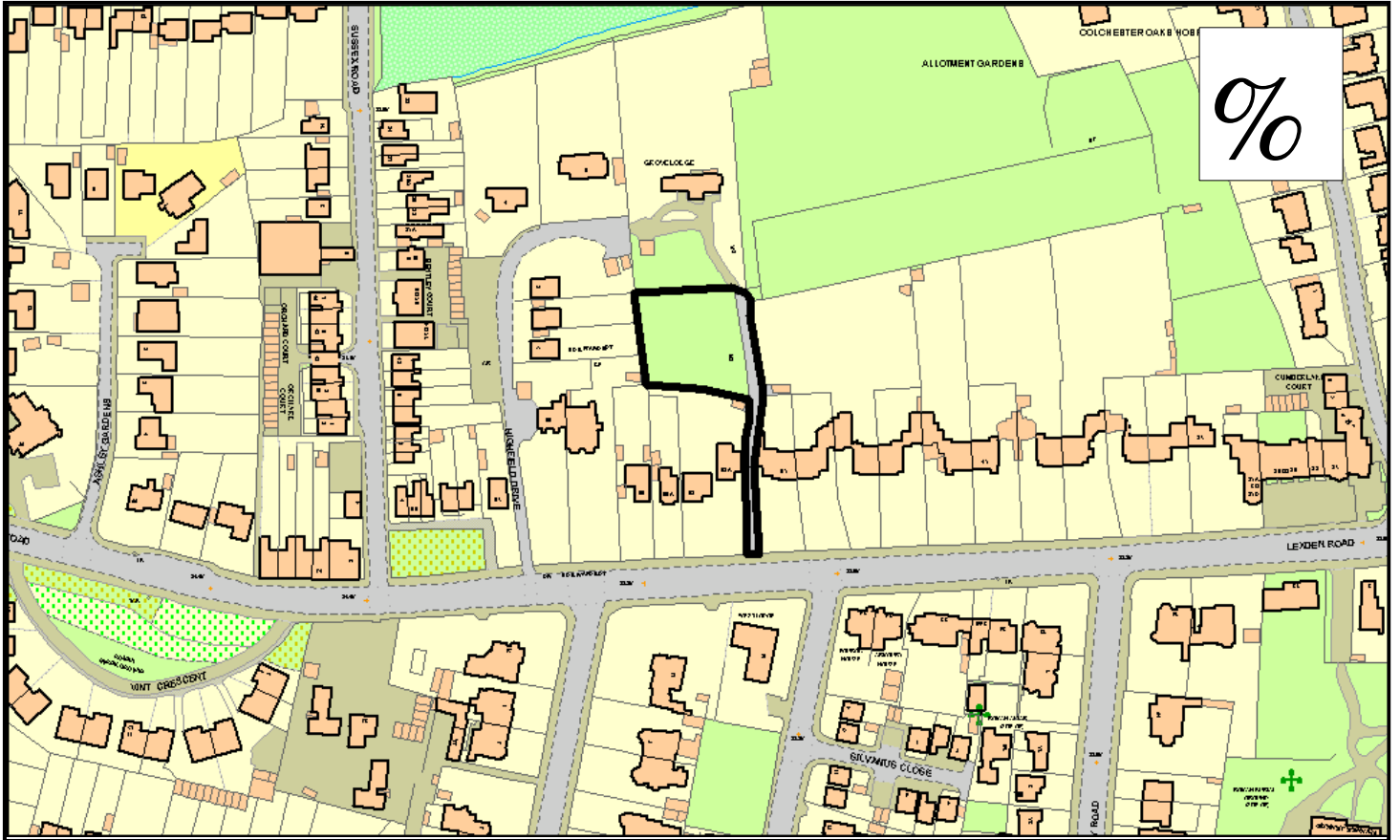
Recommendation – Conservation Area Consent

Conditions

1 - A1.6 LBs & Con Area Consents-time lim for comm of development

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

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



Application No: 102598

Location: Land Rear of, 53, 53A, 55 Lexden Road, Colchester, CO3 3PZ

Scale (approx): 1:1250

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7.4 Case Officer: Mark Russell

MINOR

Site: Land rear of 53, 53A, 55 Lexden Road, Colchester, CO3 3PZ

Application No: 102598

Date Received: 11 January 2011

Agent: Mr Steve Norman

Applicant: Kmc Management

Development: Erection of new dwelling house with associated garage/parking facilities served via an existing access road/drive

Ward: Castle

Summary of Application: Conditional Approval subject to signing of Unilateral Undertaking

1.0 Introduction

1.1 This application has been called in to the Planning Committee by Councillor Bill Frame.

2.0 Synopsis

2.1 The following report sets out the proposal for a five bedroom house. The consultation replies are then considered. These largely relate to highways and amenity issues as well as the effect on the character of the area. Reference is made to the previously refused scheme from 2005, and it is explained that issues of highway safety and the setting of the Conservation Area have been overcome. Approval is recommended.

3.0 Site Description and Context

3.1 The site is to the rear of 53, 53a and 55 Lexden Road, and is just outside of Colchester Conservation Area 2. It comprises part of the former garden of Grove Lodge which is a large house to the north. To the west are the gardens of 57 Lexden Road and 1 and 2 Highfield Drive; to the east is an unmade track locally known as "The Chase" which leads to allotment gardens further north. Across The Chase is the extensive garden of 47 Lexden Road.

3.2 The site is 1,300m² and is fringed with trees on all sides five of which are under Tree Preservation Orders either individually or in groups. The middle of the site is an open space which was once lawn and has now turned to scrub.

4.0 Description of the Proposal

4.1 The proposal is for a five-bedroom house in a 'period pastiche' style.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 92/0798 - Outline application for the erection of two dwellings. Refused 10th August 1992. F/COL/05/1258 - Erection of dwelling with improved access. Recommended for refusal, but withdrawn 6th September 2005. F/COL/05/1521 - Erection of detached dwelling. Refused 8th November 2005.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 9: Biodiversity and Geological Conservation
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
H1 - Housing Delivery
UR2 - Built Design and Character
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 The Arboricultural Planning Officer makes the following comments:

‘Regarding the Tree Survey & Arboricultural Implication Assessment:

Generally I am in agreement with the conclusions and recommendations made within the report. However, during the construction process the following will be required:

A full schedule of implementation and monitoring needs to be submitted as part of the arboricultural report. This programme (reporting to the Council’s Planning and Arboricultural Officers) should (as applicable):

- Confirm that the setting out and maintenance of tree protection will be regularly monitored by the relevant qualified professional, i.e. the Arboricultural Consultant.
- Include full contact information (e.g. the developer) for inspecting arboricultural consultants and a site specific inspection programme
- Confirm that a pre-commencement site meeting between all relevant parties including the, arboricultural consultant, site manager, tree surgeon, and engineer to clarify responsibilities will take place prior to works starting.
- Confirm that appropriate protective fencing is in place before any works commence on site (including soil stripping and demolition) in accordance with BS 5837:2005 point 3.1.2 and part 9. Any subsequent reports should confirm all landscape & tree protection is still accordance with these recommendations.
- Agree to notify the Council of development start date
- Agree timetable monitoring of tree feature protection by the relevant professional (arboricultural consultant), e.g. monthly.
- Notify the Council through written report any arboricultural issues/compromises that occur during development
- Agree areas of no-dig construction and/or decompaction treatment will be signed off by the inspecting professional as implemented in accordance with agreed methodology and the Councils Planning and Arboricultural Officers accordingly notified on completion of any such works (on completion of site or by phase).

In conclusion, I am satisfied with the arboricultural content of the proposal subject to the above.’

Conditions are listed at the foot of this report.

8.2 The Urban Design Team made the following comments:

‘The main element of this backland house is well proportioned and of merit as a period pastiche. The wings are somewhat problematical however and make the application unacceptable as a design concept.

The summer house is visually competing with the front elevation of the house. The gable and large glazed areas are crude and unsympathetic to the main part of the house. The fully glazed gable should face the garden on the rear of the room and the front should be simply fenestrated with two small sash windows. The roof would benefit from being hipped, tying the style of the wing to the style of the house.

The garage block is most unsatisfactory having a totally inappropriate scale and mass to read as a wing to the main element. As there is sufficient car parking space in front of the building the garages do not need to be built to the 7m depth required by our adopted parking standards. This element of the building should be reduced to two smaller garages spaces under a much smaller scaled roof. The ideal would be to create symmetry with the garden room wing in size and proportion, this would complement the strong and considered symmetry of the main building.'

8.3 The Highway Authority makes the following comments:

'This proposal has been the subject of recent discussion with regard to the access drive and its potential use. This Authority has been advised that the previous right of access controlled by Grove Lodge has been removed and as such this proposal does not materially affect the level of traffic using the drive. In this regard the Highway Authority would not wish to raise an objection to the above'

Conditions relating to turning and parking, and informatives relating to loading are included at the foot of this report.

8.4 The Archaeological Officer recommends the standard Watching Brief Condition be attached to any permission granted.

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

9.0 Representations

9.1 8 letters of objection have been received. The planning reasons for objecting can be summarised thus:

- Loss of privacy to dwelling/overlooking of rear garden
- Harm to the rural character of Highfield Drive
- The Highway Authority's opinion is based on inaccurate information. The former access to Grove Lodge was probably never used, therefore the proposed dwelling would increase vehicle movements in The Chase.
- Harm to highway safety due to lack of sight lines onto Lexden Road and the narrowness of the drive.
- The Chase is narrow and vehicle cannot pass. This could lead to vehicles reversing out onto Lexden Road.
- Resurfacing of The Chase would be unsightly and harm the Conservation Area. It would also increase surface water runoff onto Lexden Road and neighbouring properties.
- Proposed dwelling is too big and a pretentious style.
- Increase build density close to nature reserve.
- The site is a wildlife haven.
- Disturbance of tranquil character of allotment site.
- Should be refused as it was in 2005.
- Increased noise and disturbance in general and from traffic using The Chase.
- Large construction vehicles would experience problems accessing the site and could damage neighbouring properties.

- Emergency vehicles may be able to turn in the proposed driveway but they would struggle to get that far up The Chase without damaging neighbouring properties.
- Proposed tree planting could impede visibility at access and lead to overshadowing of neighbouring gardens.
- Access to the allotments could be impeded during the construction process.
- The proposal would increase the use of the access during the hours of darkness when allotment holders would not be on site, thereby causing an unexpected danger to users of the footpath on Lexden Road.
- Impact on the setting of the Conservation Area.
- Overbearing impact on rear garden.
- The proposed development has been refused and dismissed at appeal a number of times.

10.0 Parking Provision

10.1 Five spaces are proposed which is far in excess of adopted standards.

11.0 Open Space Provisions

11.1 A standard unilateral undertaking in respect of open space and recreation accompanies the application.

12.0 Report

Design and Layout.

12.1 Our Urban Designer has highlighted some failings in the scheme. However, it must be noted that the site is discreetly located, and this design has previously been presented and was not refused. The garage has had to be increased in size, and thus its roof increased in height, to comply with current standards. The applicant has agreed to amend the garage element to introduce some fenestration to improve visual interest, but the scheme as presented is largely satisfactory.

Scale, Height and Massing

12.2 The proposal, at 8.7 metres in height largely complies with the scale of development around it. The length of the proposed house, at 25 metres, is similar to the host dwelling Grove Lodge, but considerably greater than the houses fronting Lexden Road.

Impact on the Surrounding Area.

12.3 In terms of visual impact, the proposal is not seen from a public aspect, other than from any passing traffic and pedestrians visiting the allotments. Due to the Highway Authority's revised view on the scheme (having accepted that it could not be deemed to be an intensification of the access due to Grove Lodge having rescinded its right of passage) no removal of the front wall would be required to improve splay vision. Therefore the negative impact on the Conservation Area, which was a secondary reason for refusal in 2005, can no longer be used as a reason for refusal.

Impacts on Neighbouring Properties.

- 12.4 The proposal would chiefly be visible from the gardens of Grove Lodge, 53, 53a and 57 Lexden Road as well as 1 and 2 Highfield Drive, although it would also be glimpsed from other aspects.
- 12.5 In terms of privacy, the rear of the house (with first floor windows) would be 12 metres from the thickly-planted rear boundary, with the dwellings 1 and 2 Highfield Drive set approximately 25 metres away from the boundary. This is within the usual tolerances in the Essex Design Guide, and in addition the presence of so many trees on both sides of the boundary, means that the loss of privacy to gardens is not a sustainable argument, even when the trees are not in leaf. To the sides, no first floor windows are proposed towards Grove Lodge, whilst only an obscured en-suite window is proposed facing south towards Lexden Road.
- 12.6 Due to the spaces around the proposed building, as well as the existing tree cover, the building cannot be said to create any overshadowing, or be overbearing in any way.

Amenity Provisions

- 12.7 The plot is generous, with much garden space to the front (about 500m²). However, in terms of private rear amenity space, an area of about 400m² (including the trees) is available. This is more than adequate and compares favourably with those at neighbouring properties on Lexden Road and Highfield Drive (about 250 – 300m²) although those at 4 and 5 Highfield Drive, and especially at Grove Lodge are considerably larger.

Highway Issues

- 12.8 Concerns over highway safety informed an earlier decision by Colchester Borough Council to refuse the application. The track was deemed too narrow to allow for two passing vehicles, and insufficient visibility splays were available.
- 12.9 The owners of Grove Lodge have rescinded their former vehicular right of way over The Chase, using Highfield Drive instead. Thus it is argued that the net effect of the new dwelling would be neutral.
- 12.10 Much has been said about whether the true effect is neutral, given that the owners of Grove Lodge do not appear to have used the chase for many years anyway. The Highway Authority, however, has not recommended approval. When asked very specifically to confirm its view on this point, a very clear response was given in an email of 1st June 2011 as follows:

‘Having regard to: 1) Previous applications for multiple properties for which we recommended refusal, 2) Previous applications for single dwellings for which we recommended conditions, 3) Documents which show Grove Lodge's access rights being altered, or conversely the age of these documents, 4) Existing users and traffic associated with the other properties along the lane including the allotments, and 5) Whether or not there is actually intensification, I really do not feel that, in this case and for this application for one dwelling, a recommendation of refusal could be sustained were the applicant to appeal to the planning inspectorate.’

12.11 Thus Members are advised not to refuse the application on highway grounds.

13.0 Conclusion

13.1 In conclusion, whilst a similar scheme was refused in 2005, the two reasons for refusal (Highway safety and effect on the Conservation Area) have been dealt with, and on balance the proposal is seen as acceptable.

14.0 Background Papers

14.1 PPG, Core Strategy; CBDP; SPG; A; DHU; HA; AT; NLR

15.0 Recommendation

APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- Open space, sport and leisure and community infrastructure.

On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

1 - A1.5 Full Perms (time limit for commencement of Development)

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

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

2 - Non-Standard Condition

With the exception of the matters covered by condition 03, the development shall fully comply with the submitted drawings as hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this consent.

3 - Non-Standard Condition

Notwithstanding the details of the drawings hereby approved, the applicant shall, prior to the commencement of development, submit amended drawings showing an improved design for the garage block incorporating fenestration. The details of this shall be agreed in writing by the Local Planning Authority and shall be implemented as such.

Reason: In the interests of the visual amenity of the area.

4 - C6.4 Removal of Permitted Devel Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no extension/alteration shall be constructed to either this mast or the ancillary structures without the prior written permission of the Local Planning Authority.

Reason: In the interest of visual amenity given the special quality of the environment in [this locality/ AONB/Conservation Area].

5 - C10.15 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features not scheduled for removal on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

6 - C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

7 -C10.18 Tree and Hedgerow Protection: General

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

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

8 - Non-Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the long-term health of the protected trees on and near the site.

9 - Non-Standard Condition

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

10 - Non-Standard Condition

The vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy 7 of the Highways and Transportation Development Control policies.

11 - C2.1 Watching Brief

The applicant shall commission a professional archaeological contractor to observe the excavations and show sufficient time for the recording of any features and finds of interest.

Reason: In the interests of recording any archaeological remains found on site.

Informatives

(1) Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

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

(3) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



Application No: 110818

Location: 33-35 Manor Road, Colchester and 1A Rawstorn Road, Colchester

Scale (approx): 1:1250

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7.5 Case Officer: Mr David Whybrow**MINOR****Site:** 33-35 Manor Road, Colchester and 1A Rawstorn Road, Colchester**Application No:** 110818**Date Received:** 3 May 2011**Agent:** Bdg Design (South) Ltd**Applicant:** Mr & Mrs David & Jennifer Kemble**Development:** Proposed demolition of disused office accommodation at 33-35 Manor Road and construction of a new residential development consisting of 4x1 and 1x2 bedroom flats and associated car parking and private amenity area. Conversion and extension of existing residential office development at 1 Rawstorn Road to form 1x3 bedroom house and 2x2 bedroom flats and associated car parking and private amenity space.(Resubmission of 102618)**Ward:** Castle**Summary of Recommendation:** Conservation Area Consent**7.6 Case Officer: Mr David Whybrow****MINOR****Site:** 33-35 Manor Road, Colchester and 1A Rawstorn Road, Colchester**Application No:** 110820**Date Received:** 3 May 2011**Agent:** Bdg Design (South) Ltd**Applicant:** Mr & Mrs David & Jennifer Kemble**Development:** Proposed demolition of disused office accommodation at 33-35 Manor Road and construction of a new residential development consisting of 4x1 and 1x2 bedroom flats and associated car parking and private amenity area. Conversion and extension of existing residential office development at 1 Rawstorn Road to form 1x3 bedroom house and 2x2 bedroom flats and associated car parking and private amenity space.(resubmission of 102601)**Ward:** Castle**Summary of Recommendation:** Conditional Approval subject to receiving confirmation from the agent that the second floor roof terrace facing Manor Road will be omitted and upon the signing of the Unilateral Undertaking

1.0 Planning Report Introduction

1.1 These applications for full planning permission and conservation area consent have been called in by Councillor Frame who considers the proposal is:-

1. Incompatible with the area. 3 storey flat roofed houses in an area characterized by Victorian 2 storey housing.
2. Overdevelopment with effects on neighbours and flats where houses are preferred; and
3. Involves loss of amenity space for residents with very little public area.

2.0 Synopsis

2.1 The report gives consideration to the details of the scheme which involves redevelopment of the site for residential purposes. An assessment of the consultation responses and representations will be made together with a detailed appraisal of the merits of the scheme leading officers to conclude that this is an acceptable proposal, beneficial to the Conservation Area surroundings, having proper regard to the protection of local amenity and the outlook, privacy and amenity of neighbouring residents.

3.0 Site Description and Context

3.1 The site effectively has two parts. 1A Rawstorn Road is a vacant, non-descript two storey office building with a single residence to the rear and above. It has a single parking bay with direct access from Rawstorn Road. A rear access footpath serving chiefly commercial premises fronting Crouch Street, runs alongside the south elevation of the building and a dwelling, 1 Rawstorn Road, lies to the north.

3.2 The area is primarily residential in character but contains a number of shops and offices, especially around the Crouch Street junction.

3.3 The Manor Road building is 2 storey, flat roofed and of utilitarian appearance. Offices at 29 & 37 Manor Road lie immediately to the west and east. Again the area is predominantly residential in character, typically comprising Victorian terraces but contains other business uses on the opposite side of the road. An overgrown and untidy courtyard lies to the rear and extends up to the footpath from Rawstorn Road.

4.0 Description of Proposal

4.1 The proposal is to refurbish and extend 1A Rawstorn Road to the rear in order to create 3 flats. 2 car parking spaces are to be provided, accessed from Rawstorn Road.

4.2 The commercial premises fronting Manor Road are also currently disused and are to be demolished. The Design and Access Statement suggests this once provided employment for 15 staff and car parking for 5 vehicles. The redevelopment would create 5 flats in similar form to the existing building but including a flat and roof terrace at second floor level, recessed from the Manor Road frontage. 7 car parking spaces would be provided at ground floor level with a roller shutter entry system similar to the present access arrangement.

- 4.3 A rear stair tower and first floor balconies would be created to the rear elevation and the rear courtyard is to be hard and soft landscaped as a communal amenity space, enclosed from the adjacent rear service footpath by a new 1.8m high wall.
- 4.4 Application 110818 is for Conservation Area Consent to cover the demolition works proposed.
- 4.5 A Design and Access Statement and Heritage Impact Statement submitted with the application may be viewed on the Council's website along with all consultation responses and representations received.

5.0 Land Use Allocation

- 5.1 Mixed Use Area
Conservation Area No. 2

6.0 Relevant Site History

- 6.1 Demolition of disused office accommodation and construction of new residential development of 6 flats and associated car parking and private amenity area (Manor Road) and conversion and extension of existing residential/office at 1 Rawstorn Road to form 1 three bedroomed house and 2 flats with parking area and amenity space – Withdrawn February 2011
- 6.2 Conservation Area Consent in relation to 102601 – Withdrawn February 2011

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
PPS1: Delivering Sustainable Development.
PPS3: Housing
PPS5: Planning for the Historic Environment
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 – Sustainable Development Locations
H2 - Housing Density
H3 - Housing Diversity
UR2 – Built Design and Character
TA5 – Parking
ENV1 – Environment
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP6 Colchester Town Centre Uses
DP11 Flat Conversions
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

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

8.0 Consultations

- 8.1 The Highway Authority do not wish to raise objection subject to the imposition of appropriate conditions covering visibility splays, surface treatments, parking/turning facilities, residents' travel information packs and a financial contribution towards local highway improvements.

- 8.2 The views of the Design and Heritage Unit in respect of the original submission are set out in full below:-

"This application replaces a small warehouse building with a similar structure in the Manor Road street scene. The scale of the lower storeys is slightly larger than the existing building but this is not unacceptable. The pastiche approach has some viability in a Conservation Area but it is ultimately a subjective opinion as to whether the design choice is valid.

Providing that satisfactory detailing of the front elevations is submitted, in particular the front elevation window reveals and decorative brick courses, the elevations will be acceptable. They create a realistic interpretation of the industrial warehouse frontage and an acceptable approach to the rear elevation, where the context is poor and does not suggest any particular opportunities or references.

The rear elevation is too flat and requires some articulation. I suggest that the penthouse is set back to provide some of the required articulation and the roof of the main staircase feature is made slightly higher than the roof of the penthouse to provide some vertical variation. A dome on the roof of the staircase would add much to the visual appeal and richness of the elevation.

It should be demonstrated, before determination, that the penthouse addition does not affect neighbours' amenity. I suggest that some sectional drawings are submitted that illustrate the relationship of the penthouse to the properties on the other side of Manor Road.

The intensity of development has been reasonably accommodated and is not unacceptable given the town centre location. Similarly, the reduced parking standard is acceptable within the town centre context. It should be considered that the flats in Rawstorn Road are now afforded parking places where they previously were not.

The alleyway that serves the rear access to the garden has no new treatment proposed and I consider that an improvement in keeping with the rest of the proposal would be appropriate for this access. In the very urban context the shared garden and balconies are acceptable despite the substandard spatial provision."

(Note: In response to these comments, additional drawings, including cross sections, have been submitted).

- 8.3 The Archaeological Officer notes that the site is located within a known suburb of the Roman town and recommends that an archaeological assessment of the site be carried out by a professionally registered archaeological contractor.

9.0 Representations Received

9.1 Representations have been received in the form of 12 letters, on-line comments and e-mails from local residents and the St Marys Residents Association. A summary of the concerns expressed is set out below:-

1. 3 storey building is totally out of character and does not respect the context of the historic Conservation Area.
2. The building is too high, engulfing the property at the junction of Rawstorn Road and Manor Road and resulting in loss of light.
3. Terraced houses opposite in Manor Road will be similarly affected as the road is narrow and the development will obscure any view of the sky.
4. Too many units are being squeezed onto the site; the development is much too dense and a gross overdevelopment.
5. Development is overdominating and not in keeping with the adjacent Conservation Area. St Marys is a unique Victorian quarter.
6. Loss of privacy from 3rd floor flats, some of which have patios.
7. Inadequate parking for residents and visitors will lead to additional pressures in already congested streets with oversubscribed parking permits.
8. Heavy traffic, upheaval and noise during construction will affect narrow streets substantially. Piling could cause greater damage.
9. Potential loss of security to adjoining business premises.
10. The rear access path from Rawstorn Road is unsuitable for the amount of pedestrian traffic that will be generated.

Copies all of representations and consultation responses may be viewed on the Council's website.

10.0 Parking Provision

10.1 The scheme provides 9 spaces at a ratio of just over 1 space per unit. This issue will be considered further in the body of the report.

11.0 Open Space Provisions

11.1 The application is accompanied by a Unilateral Undertaking in respect of open space and recreation and community facilities contributions.

12.0 Report

12.1 This site lies within a mixed use area where policy DP6 indicates that appropriate uses will be supported where the proposal will contribute to the design quality, activity levels and character of the area; complement other uses on the frontage and have no significant adverse impact on neighbourhood amenity. Needless to say, given the Conservation Area setting the Local Planning Authority have a duty to protect and enhance the heritage asset.

- 12.2 The redevelopment of these vacant premises for residential purposes is considered acceptable in land use terms and desirable in removing potential “bad neighbour” uses in the case of the Manor Road building. This will be replaced by a building of similar scale and appearance at its lower levels. The design approach has evolved through discussions with officers and the pastiche approach adopted is considered valid in this conservation area setting. These discussions sought to achieve a realistic interpretation of the industrial warehouse frontage and an improved rear elevation where the context is untidy and badly in need of enhancement.
- 12.3 Amended plans have been submitted as recommended by the Design and Heritage Unit in order to give an appropriate level of detailing to both elevations. Additional sectional information was also requested to show that the new second floor penthouse accommodation and its roof terrace did not create unacceptable overlooking of these residences to the north side of Manor Road. The submitted drawings do not satisfactorily indicate that bedrooms in the houses opposite will not be overlooked and the applicant has been asked to consider omitting the terrace area. Any response will be reported at the meeting.
- 12.4 In general it is considered by officers that the intensity of development has been reasonably accommodated, having regard to the potential level of activity that could be associated with the present authorised uses. Reduced parking and amenity space standards may be applied in a town centre location especially where the benefits of protecting and enhancing the Conservation Area are of vital importance. Enhancement will be secured through the improved standard of detailing of those buildings fronting the street and the enclosure and landscaping of the area to the rear alongside the footpath.
- 12.5 The report will now turn to an assessment of the more detailed matters raised in the representations i.e. the height and scale of the development, loss of light and privacy and parking.

Height and scale of development

- 12.6 Representations raise particular concern in respect of the additional second floor, penthouse accommodation to be provided above the Manor Road buildings. The 2 storey addition to the rear of 1 Rawstorn Road would appear non-contentious and otherwise the redevelopment generally follows the height, mass and bulk of the existing buildings. Although the 2 storey façade fronting Manor Road is increased in height by about 1.5m, Members will note that the penthouse apartment above is recessed by 6m from the building’s main façade and will have limited impact from street level. To this extent the perceived increase in height relative to Manor Road will be limited. For the purposes of comparison the new 2 storey façade will have a height of 6.1m. The eaves height at the terrace opposite is approximately 5.7m high.

Loss of Light and Privacy

- 12.7 Given that the second floor flat is recessed as described and provided the roof terrace is deleted as suggested and subsequently agreed by the agent, the proposal will have no effect on the light or privacy of the dwellings opposite. The cross sections as submitted corroborate this view. It will be noted that the commercial premises at No. 50 lie directly opposite the application site. The end terrace dwelling at 48 has a main aspect towards 29 Manor Road.

Parking

- 12.8 The scheme provides 9 parking spaces and cycle storage facilities for the 8 flats. On-street parking restrictions and permits apply to the surrounding streets. Your standards state: "For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment. This site meets such criteria and 100% provision must be regarded as adequate. Existing parking constraints can be expected to operate as a disincentive to car ownership amongst prospective occupiers. Furthermore, Members may take comfort from the Highway Authority's requirements for Travel Packs and contribution towards local highway improvements as a means of mitigating any adverse traffic impacts that the scheme might give rise to.

13.0 Conclusion

- 13.1 For the reasons set out above the development is considered to protect and enhance the appearance and character of the Conservation Area, to avoid adverse impacts on adjoining residents (provided the second floor terrace is omitted) and satisfy relevant policies as identified at Paragraphs 7.1-7.4.

14.0 Background Papers

- 14.1 ACS; DPDPD; HA; AT; NLR; CBC

Recommendation for 110820

Upon receiving confirmation from the agent that the second floor roof terrace facing Manor Road will be omitted and upon the signing of the Unilateral Undertaking accompanying the application, it is recommended that the Head of Environmental and Protective Services be authorised to grant permission be granted subject to the following conditions:-

Conditions

- 1 - A1.5 Full Perms (time limit for commencement of Development)

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

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

2 - A2.2 Development to Accord With Revised Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawings.

Reason: For the avoidance of doubt as to the scope of this consent.

3 - C2.2 Archaeological Excavation and Evaluation

No development shall take place within the application site until the applicant, or their agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

Reason: To make provision for excavation and recording of this site of archaeological importance in advance of and during development, as advised in DOE Planning Policy Guidance Note 16.

4 - C12.1 Comprehensive Boundary Scheme

A scheme of environmental works including construction of walls/fences/railings/ planting of hedges, as appropriate and other structures on or adjacent to the boundary of the site [with the footpath adjacent to the south boundary of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved scheme shall be completed prior to the development being brought into use and shall be retained thereafter.

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

5 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, full details of the hard and soft landscaping proposals for the communal amenity area shall be submitted to and agreed in writing by the Local Planning Authority and the details as agreed shall be implemented prior to the occupation of any of the proposed residential units.

Reason: To ensure adequate and properly designed amenity open space is available to occupiers of the dwellings hereby approved.

6 - Non-Standard Condition

The visibility splays as existing (2m x 12m in Manor Road, and 2m x 43m in Rawstorn Road) shall be retained free of any obstruction at all times.

Reason: To provide adequate intervisibility between vehicles using the access and those in the existing public highway in the interest of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

7 -Non-Standard Condition

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plans, shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

8 - Non-Standard Condition

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highways in the interests of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

9 - Non-Standard Condition

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

10 - Non-Standard Condition

No works in connection with the proposed development shall commence until such time as a financial contribution in a sum of £5,000 has been received by Essex County Council to be put towards highway improvements in the area.

Reason: To make adequate provision within the highway for the additional pedestrian or cycle traffic generated within the highway as a result of the proposed development and to accord with Policy DM17 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

11 - Non-Standard Condition

The car and cycle parking spaces as indicated on the approved drawing shall be provided prior to the occupation of any residential unit to which they relate and maintained as such at all times.

Reason: In the interests of highway safety and for the convenience of pedestrians and motorists.

Informatives

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

(2) All works affecting the highway shall be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority and application for the necessary works shall be made to the Area Highways Office (08456 037631).

Recommendation for 110818 – Conservation Area Consent

Conditions

1 - A1.6 LBs & Con Area Consents-time lim for comm of development

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

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

2 – Non-Standard Condition

The consent hereby granted shall only be implemented in conjunction with the approved redevelopment works, subject of concurrent application 110820, and shall not take place unless and until such development is due to be carried out.

Reason: For the avoidance of doubt as to the scope of the permission and to protect the visual amenity of the Conservation Area.



Application No: 101901

Location: Powerplus Engineering Ltd, School Farm Buildings, School Road, Langham, Colchester, CO4 5PA

Scale (approx): 1:1250

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7.7 Case Officer: Simon Osborn

MINOR

Site: Powerplus Engineering Ltd., School Farm Buildings, School Road, Langham, Colchester, CO4 5PA

Application No: 101901

Date Received: 17 September 2010

Agent: Edward Gittins & Associates

Applicant: Powerplus Engineering Ltd

Development: Provision of thirteen staff car parking spaces including two disabled spaces and associated hedgerow.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application was considered by the Planning Committee at its meeting on 17th February 2011, when it was resolved that consideration of the application be deferred for a site visit and the following matters:- provision of a travel plan; 'green' surface treatment of the car park; measures to ensure the footpath is maintained clear of vehicular traffic; removal of metal fencing and provision of replacement hedge planting comprising indigenous species; clarification of areas of storage, clearance of any unauthorised items.

2.0 Synopsis

2.1 The application seeks to provide an additional parking area outside of the designated local employment zone within the open countryside and on land that is crossed by a public footpath. The proposal does however provide an opportunity to alleviate parking pressures on the existing employment site and to provide landscaping at the interface where the factory building meets the countryside. The application is recommended for approval.

3.0 Site Description and Context

3.1 The application site comprises a flat rectangular-shaped parcel of land (48m wide and 13m deep), across which runs a public footpath immediately to the south of a factory building that forms part of a rural employment area. A larger rectangular-shaped parcel of land (90m wide and 28m deep), of which the red-lined application site is a part, which is also within the applicant's ownership, has been enclosed by a line of perimeter fencing and a recently planted laurel hedgerow.

4.0 Description of the Proposal

- 4.1 The application proposes to use the red-lined application for fourteen staff car parking spaces (two of which are for disabled drivers), plus space for a motor bike and 4 bicycles.
- 4.2 The application as originally submitted showed a paddock within the larger rectangular-shaped parcel of land, enclosed by the recently planted laurel hedge and the existing perimeter fence taken down and re-laid behind this hedge. The application has since been amended to show the existing fence and hedge around this paddock area removed.
- 4.3 Travel Plan and Parking Provision documents were submitted in May 2011 following upon the deferment of this application from the earlier Planning Committee.

5.0 Land Use Allocation

- 5.1 The application site is designated as countryside by the LDF Proposals Map.

6.0 Relevant Planning History

- 6.1 C/COL/01/0078 – change of use of agricultural packing shed to Class B1, B2 and B8 – approved 2001.
- 6.2 090409 - Retrospective application to regularise change of use of land from agriculture to commercial use to provide open storage and car parking, together with the erection of a perimeter fence and diversion of public footpath. Application refused and dismissed on appeal June 2010.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 7: Sustainable Development in Rural Areas
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
CE1 - Centres and Employment Classification and Hierarchy
CE3 - Employment Zones
ENV1 - Environment
ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP9 Employment Uses in the Countryside
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
Langham Village Design Statement

8.0 Consultations

8.1 The Highway Authority stated it would not wish to raise an objection to the above subject to the following;

- Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan 1508:002D dated December 2010 shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies
- The public's rights and ease of passage over public footpath 35 (Langham) shall be maintained free and unobstructed at all times.
Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies 1.1 and 3.5 of the Highways and Transportation Development Control policies.
- The proposed new boundary hedge shall be planted a minimum of 600mm. back from the highway boundary.
Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.
- Each individual parking space including regular spaces and those for disabled users shall have minimum dimensions as detailed in the current parking standards.
Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy 7 of the Highways and Transportation Development Control policies.
INF01: All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Area Highways Manager (01206 838600)

8.2 The Ramblers Association object to the provision of a car park on land which is crossed by a definitive right of way (Footpath 35 Langham). It is wholly inappropriate to mix walkers – often accompanied by children and dogs, with vehicles undergoing parking manoeuvres.

8.3 The Landscape Officer stated the juvenile laurel hedge should be replaced with a locally characteristic native hedge, such as hawthorn. Recommended agreement subject to this amendment and to a planning condition.

- 8.4 The Spatial Policy Team stated the application site is adjacent to an established and allocated Local Employment Zone as shown on the LDF Proposals Maps and the table of Local Employment Zones in the Site Allocations document. The allocation of the LEZ is restricted to the existing buildings and areas of business activity. The Site Allocations document is clear that the allocation (and therefore uses associated with the site) should be restricted to the existing buildings as seen on the Proposals Maps. An extension to the site to provide car parking facilities is not considered to be in accordance with the allocation.

The application site has been considered previously on two separate occasions (as part of the Site Allocations Examination in Public and for the planning application appeal 090409). Paragraph 2.4 of the Inspector's report seen which is shown below,

2.4 I consider that the general approach of the LEZ allocations being strictly tied to the extent of existing employment buildings is sound. Since these rural allocations are within the countryside, the Council is justified in drawing the boundaries tightly. Any specific proposals extending beyond the allocation can be considered against the criteria of policy DP9 of the Development Policies DPD.

The Inspector also made specific reference to the representation relating to the Powerplus site in paragraph 2.9 of his report. It is clear from this paragraph which can be seen below that the Inspector was satisfied that the extension of the site was inappropriate and that the Council was justified in their decision to draw the boundaries of this Local Employment Zone tightly around the existing buildings and areas of activity.

2.9 The proposals in representations relating to an extension of the existing LEZ on School Road were subject to SA by the Council. Whilst some of the individual elements of the assessment were favourable, the conclusion reached was that only the 1.06 ha site currently in employment use should be allocated as a LEZ. I see nothing unsound in this conclusion. The existing LEZ, in pursuance of the policy objective, provides employment opportunities in this rural location, and in my opinion it is of a size commensurate with the scale and character of Langham. When existing businesses outgrow their existing sites, it is not always appropriate for an expansion to take place at the same location. I note that there has been a recent appeal relating to an application for a rear extension to the site which was dismissed. My colleague found that the extension would be visible and would be a damaging incursion into open countryside and his conclusion that the development would have an adverse effect on the character and appearance of the countryside echoes the conclusion of the Council in its sustainability appraisal. Reasonable alternatives have been considered, and the allocation in the plan is sound.

The current application focuses on the provision of staff car parking which the applicant describes as necessary to alleviate the problems caused by staff currently parking on School Road and the conflict this causes with the Primary School nearby. Spatial Policy accepts this conflict as recognised in the Langham Village Design Statement but do not believe the development of thirteen parking spaces on land outside of the Local Employment Zone is the best way to address these issues. Alternative approaches to addressing this problem could be for the businesses on the

current site to introduce Travel Planning measures such as car sharing and opportunities for alternatives means of transport (where appropriate) or as indicated by the Planning Inspector conducting the Site Allocations Examination, look to relocate to another site in the Borough which will meet their current needs for space. The Council is confident that there are sufficient opportunities available across the Borough.

The Site Allocations Inspector made reference to Policy DP9 in his report (paragraph 2.4 as outlined above). Policy DP9(e) details expansion of an existing business into the countryside only where exceptional circumstances are demonstrated to show there is no space for the required use on the existing site. DP9(e) outlines the applicants responsibility to adequately demonstrate the need for the extension and consideration for the relocation of the business as part of their supporting information.

The applicant has not provided any new justification as to why this application should be permitted and the Spatial Policy Team still consider this application to be inappropriate and have concerns regarding the precedent the approval of this application may have across the Borough. The site as outlined above has been subject to previous applications and submissions to the Council. On both occasions the Council has rejected the extension to the site and this position has been supported by two different Planning Inspectors in the last nine months and this should be upheld in response to this current application.

- 8.5 Spatial Policy Team (Further Comments following submission of Travel Plan and Car Parking provision Documents): The Spatial Policy Team is encouraged to see that Powerplus Engineering Ltd is willing to implement a Travel Plan and has provided details of how this could be done. On a rural site such as School Road the potential for using public transport is limited so therefore the only viable alternatives for employees of the site is car sharing and/or cycling as outlined in the Travel Plan documentation. Should an increase car sharing and cycling be seen then this could help to negate the car parking issue on the site and therefore not require any further expansion of car parking facilities into the countryside. The applicant should take encouragement in such measures because paragraph 4.7 of the Travel Plan outlines that "Cycling offers a reasonable alternative with a significant proportion of the staff living within the widely accepted 5 miles cycle catchment area and the site being located adjacent to National Cycle Network Route 1." An increase in cycling provision is seen as a suitable long term solution to parking issues and is something that could be considered further on this site.

The information provided by the applicant is welcomed but the Spatial Policy Team are still satisfied that this application is contrary to policy based on other non Travel Plan related issues raised in the original comments submitted in February. These issues are still valid and should still be taken into account in light of this latest information.

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

9.0 Parish Council Response

9.1 The Parish Council have stated that it should be noted that the earlier retrospective application no. 090409 was refused and dismissed on appeal by the Planning Inspector and land on which the current application is based has therefore been enclosed unlawfully. Furthermore, the Planning Inspector's report on the SASD has been published and is now a material consideration in respect of planning applications. Paragraph 2.9 of his report refers to this site, endorses his colleague's decision and confirms that the allocation by CBC in their plan is sound. Any assumption by the applicant or their agent that they have the authority to decide on the status of the footpath or that the current status quo in terms of enclosure is lawful, is quite unacceptable. We therefore consider that this application should be refused or set aside pending enforcement action by the Borough Council. Furthermore, we consider that the reasons for the Parish Council's objections to application no. 090409 remain valid and this response is set out for reasons of clarity –

“We note that this application is retrospective and the present fencing, parking and storage is currently illegal. The application seeks change of use for Grade 2 high quality agricultural land, covered by Policy CO8 of the Local Plan. The applicant has also installed a high visibility security fence and storage items which are visually intrusive when viewed from the footpath. The applicant also seeks to divert the footpath, which is depicted incorrectly on the map provided. Permission for such a diversion should be sought from Essex County Council separately and the correct line of the footpath verified. As shown by the Village Design Statement, adopted by Colchester Borough Council in 2008, the village has an essentially rural character, with both residential and business premises abutting high quality agricultural land, and, in some cases, Conservation Zones. It is considered that the Parish Council should be consistent in its approach and oppose this and other similar applications for change of use. The Parish Council is supportive of business and industry within the Parish, as shown by the three industrial and four business/commercial sites located here. However, where an industrial or business organisation has outgrown its present location, expansion through acquisition of adjacent agricultural land is not looked upon favourably. Should the Borough Council be minded to approve this retrospective application, the Parish Council would not wish this to be seen as a precedent for applications of a similar nature.

We also note that, at the time the boundary fencing was installed, the applicant simply diverted the footpath line outside and, in one place, this diverted line is dangerous to walkers. Accordingly, we register our strong objection to this application.”

9.2 Further comments were submitted prior to the last meeting:

“We consider that the present application should be considered in the context of the decisions concerning this site by two Government Planning Inspectors. The first, which was an appeal decision, dismissed the retrospective application no. 090409, listing 6 reasons all of which we feel are relevant to this latest application. Paragraph 4 of the appeal decision referred to the Council's adopted Core Strategy policy ENV1 which states that the Council would conserve and enhance Colchester's countryside and that the Council would support appropriate development of infill sites and previously developed land within the settlement boundary of villages (Core Strategy policy ENV2). Furthermore, saved local plan policy EMP4 indicates that in rural areas (apart from Rural business Sites, which this is not - see local plan review policy EMP5) new industrial and commercial development will be located only within village envelopes.

Paragraph 5 of the appeal decision stated that the appeal site is not within the defined settlement boundary for Langham and is not previously developed land. The Inspector was also clear to point out that the expansion onto agricultural land was a damaging incursion into open countryside and could not be described as a small scale rural business scheme which would meet the requirements of Core Strategy policy ENV2. In conclusion under paragraph 7 the Inspector stated “the development has an adverse effect on the character and appearance of the countryside and is in conflict with the Core Strategy policies to which I have referred, as well as with local plan policy EMP4”.

In his report on the examination into the Borough Council’s Site Allocations Submission Plan Document dated 27/09/10, the second Inspector stated under paragraph 2.9.

“The proposals in representations relating to an extension of the existing LEZ on School Road were subject to SA by the Council. Whilst some of the individual elements of the assessment were favourable, the conclusion reached was that only the 1.06 ha site currently in employment use should be allocated as a LEZ. I see nothing unsound in this conclusion. The existing LEZ, in pursuance of the policy objective, provides employment opportunities in this rural location, and in my opinion it is of a size commensurate with the scale and character of Langham. When existing businesses outgrow their existing sites, it is not always appropriate for an expansion to take place at the same location. I note that there has been a recent appeal relating to an application for a rear extension to the site which was dismissed. My colleague found that the extension would be visible and would be a damaging incursion into open countryside and his conclusion that the development would have an adverse effect on the character and appearance of the countryside echoes the conclusion of the Council in its sustainability appraisal. Reasonable alternatives have been considered, and the allocation in the plan is sound”.

Both reports are significant material considerations in consideration of the present application and their decisions remain valid in respect of this site.

Other material considerations are as follows:

1. The application seeks Change of Use for Grade 2 high quality agricultural land, already enclosed, covered by Policy CO8 of the Local Plan.
2. The line of the footpath, as shown on the applicant’s diagram, crosses the proposed car park and footpath users would come into conflict with moving vehicles within the car park.
3. The Village Design Statement, adopted by the Borough Council in 2008, shows that Langham has an essentially rural character, with both residential and business premises abutting high quality agricultural land and, in some cases, Conservation Zones. The Parish Council should be consistent in its approach and oppose this and other similar applications for Change of Use.
4. In addition to the car parking area the applicant also seeks approval for use of the remaining enclosed land as “paddock”. This total enclosure is in conflict with both Government Planning Inspector decisions.
5. The development is fully visible from the public footpath, which traverses it.
6. One of the key criteria in the CBC planning policy sustainability appraisal is to achieve more sustainable travel behaviour and reduce the need to travel. The comments made by CBC were as follows: “Rural employment sites can help rural communities become more sustainable by providing jobs for locals and reducing the levels of out-commuting and so the impact on this objective is largely dependent on whether workers live in the

immediate locality. Development on the site should remain small scale to ensure that it serves those living locally and does not give rise to high levels of in-commuting". In conclusion, few if any of the Powerplus employees live locally (in Langham) and by virtue of the fact that this request is for a car park expansion it is clearly in direct conflict with the SA objective.

The Parish Council also considers that approval of this application would set a dangerous precedent for other applicants with enclosed land to seek similar Change of Use. Accordingly and for the above reasons, we urge the Planning Committee to refuse this application."

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

10.0 Representations

10.1 None received

11.0 Parking Provision

11.1 The Car Parking Provision Document (submitted in May) states there is no formal car park at the site and parking occurs in two principal designated areas without marked spaces, one located to the north of the buildings and one located to the east of the southern-most building on the site. The two car parking areas are considered to have a total capacity of approx 14 cars each. Other areas adjacent to buildings could accommodate around 14 further cars if not used for storage of the company's products. (Powerplus Engineering produce large sound proof generator cabinets which are the size of a standard shipping container and therefore take up considerable space. At any one time, the company can be working on a number of units which are constructed within the construction buildings but often then moved outside to allow for fitting up with generator sets and other components. When placed outside the units take up space that could otherwise be used for car parking.)

11.2 41 current members of staff drive to the site.

11.3 The Car Parking Provision Document indicates that in accordance with the Council's adopted SPD on Parking Standards, a maximum car parking provision of 6 spaces (for B1 office space) and 37 spaces (for B2 production space) can be made. The report also refers to a requirement of 10 spaces for outside storage space.

12.0 Report

Policy Principles

- 12.1 Policy ENV2 in the Core Strategy states that outside village boundaries, the Council will favourably consider small-scale rural business schemes that are appropriate to local employment needs, minimise negative environmental impacts and harmonise with the local character and surrounding natural environment. Powerplus Engineering is part of a designated Local Employment Zone, which are generally safeguarded in accordance with Policy DP5. The Policy indicates that expansion of businesses outside of the local employment zone will be considered in relation to DP9. DP9 states that proposals within the countryside outside of designated LEZ's must contribute to the local rural economy and shall be of a small scale that does not harm the rural character of the area. Proposals to expand an existing employment use into the countryside will only be supported in exceptional cases where there is no space for the required use on the existing site, the need has been adequately demonstrated, and the proposals are essential to the operation of an established business on the site. Consideration must be given to the relocation of the business to available land within strategic or local employment zones.

Relevant History

- 12.2 C/COL/01/0078 granted planning permission for change of use to Powerplus Engineering in 2001. It did not make specific provision for parking spaces.
- 12.3 Application 090409 for additional car parking and storage areas was refused and dismissed on appeal. The previous application, however, related to a much larger site (broadly equivalent to the larger of the two rectangular-shaped parcels of land, referred to in paragraph 3.1 of this report) and was for open storage purposes in addition to additional staff parking. That application also showed the retention of the perimeter fencing and proposed to divert the public footpath around the fencing. The Inspector in dismissing the appeal referred to the old Local Plan (which did not designate the adjacent employment site as a rural business site). The Inspector stated the expansion of the commercial premises could not be described as a small scale rural business scheme and that the use of the land and the perimeter fencing represented a damaging incursion into the open countryside.

Planning Considerations

- 12.4 The responses from the Council's Spatial Policy Team and Langham Parish Council refer both to the Inspector's comments on planning application 090409 dismissed on appeal and the Inspector comments on the LDF Site Allocations Document. This Inspector agreed with the conclusions of the planning appeal Inspector and noted it was not always appropriate for expansion of existing businesses to take place at the same location. The Site Allocations Inspector considered the boundaries of the LEZ as drawn to be sound. This is clearly a material consideration to be taken into account in determining the latest application.
- 12.5 Nonetheless, the Inspector conducting the Site Allocations Examination also stated that "any specific proposals extending beyond the allocation can be considered against the criteria of policy DP9 of the Development Policies Document".

- 12.6 The parcel of land subject of the current application is much smaller than the parcel of land previously dismissed on appeal.
- 12.7 The Car Parking Provision Document (see section 11 of the report) indicated that in accordance with the Council's adopted SPD on Parking Standards, a maximum car parking provision of 43 spaces could be made for B1 and B2 uses within existing buildings. The report also sought to argue that additional spaces could be justified for outside storage space; however, it is considered that this would be more difficult to support. At present an estimated 28 cars can be parked on site; whereas there is a current requirement for 41 cars based on number of staff driving to work. In order to avoid off-site parking, those staff who cannot park on the Powerplus Engineering site have to park on Whitnell's land and this itself is a source of problem and friction. Whilst on-street parking is theoretically possible, the agent also notes the proximity of the Primary School in School Road, which is busy with parents dropping off or collecting children. The company is anxious to minimise the impact the enterprise has on the local community.
- 12.8 The Travel Plan makes the point that on a rural site such as School Road the potential for using public transport is limited so therefore the only viable alternatives for employees of the site is car sharing and/or cycling. The Spatial Policy Team has responded that an increase in car sharing and cycling could help to negate the car parking issue on the site and therefore not require any further expansion of car parking facilities into the countryside. The Travel Plan more cautiously sets a target to reduce single occupancy car travel by 3 people over a period of 5 years.
- 12.9 The existing factory building is built hard-up to the open countryside and represents an unattractive interface between the commercial site and the countryside. The provision of additional parking provides an opportunity for the planting of an indigenous hedgerow, which would improve this relationship and potentially represents an environmental improvement.
- 12.10 It is acknowledged that a footpath crosses the proposed parking area; however the Highway Authority has not objected to the proposal. DP9 does not rule out the expansion of business premises within the countryside, subject to it being small-scale and minimise negative environmental impacts. The Planning Committee therefore needs to consider whether the company has outgrown the existing site and the extension of the premises represents a damaging incursion into the countryside. However, the Officer recommendation remains that the smaller proposed parking area (in comparison with the larger storage and parking area dismissed on appeal) represents a relatively small-scale expansion. The proposal represents a practical solution to enabling additional parking to be provided to meet the shortfall referred to.

13.0 Conclusion

- 13.1 It is acknowledged that the proposal represents an incursion into the countryside and that a public footpath crosses the proposed parking area. Nonetheless, the proposed additional parking area will alleviate pressure for additional parking space for these factory premises. The application provides an opportunity to improve the visual appearance of the factory building from the countryside through the provision of an indigenous hedge. The application is recommended for approval.

14.0 Background Papers

14.1 PPS; Core Strategy; CDPD; SPG; HA; Ramblers Association, TL; PTC

15.0 Recommendation – Conditional Approval

Conditions

1 - A1.5 Full Perms (time limit for commencement of Development)

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

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

2 - Non-Standard Condition

The development hereby permitted shall be constructed strictly in accordance with the amended drawing no. 1508: 002D dated Dec 10, unless otherwise agreed in writing by the Local planning Authority.

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

3 - C11.14 Tree / Shrub Planting

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. The scheme to be submitted shall provide for a new locally characteristic hedge (such as hawthorn *Crataegus monogyna*) along the south and west boundaries of the proposed parking area.

Reason: To ensure an appropriate visual amenity in the local area.

4 - Non-Standard Condition

Within two months of the date of this permission, the existing perimeter fencing and laurel hedgerow plants around the south and west perimeters of the applicant's land (edged blue on the scale 1:1250 Location Plan) shall be taken down and removed from the site to the satisfaction of the Local Planning Authority.

Reason: The existing boundary represents an undesirable incursion into the open countryside and if not removed could lead to the creation of an unauthorised overspill area for commercial purposes.

5 - Non-Standard Condition

Notwithstanding the Town and Country (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no fence or other form of boundary treatment shall be provided within the blue edged land to the south and west of the proposed new car park, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that any boundary treatment does not harm the open countryside and does not lead to the creation of an unauthorised overspill area for commercial purposes.

6 - Non-Standard Condition

Prior to the commencement of the development hereby permitted a scheme of signage to warn vehicle users of the footpath shall be submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be erected prior to the first use of the car park.

Reason: To draw the attention of motorists to potential users of the public footpath.

7 -Non-Standard Condition

The parking area hereby permitted shall be used solely for the purposes of vehicular parking and turning for staff and visitors to the application premises and for no other purpose.

Reason: In the interest of local amenity.

8 - Non-Standard Condition

The public's rights and ease of passage over public footpath 35 (Langham) shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility in accordance with Policies 1.1 and 3.5 of the Highways and Transportation Development Control policies.

9 - Non-Standard Condition

The proposed new boundary hedge shall be planted a minimum of 600mm. back from the highway boundary.

Reason: To ensure that the future outward growth of the hedge does not encroach upon the highway or interfere with the passage of users of the highway, to preserve the integrity of the highway and in the interests of highway safety.

10 – Non-Standard Condition

Notwithstanding any indication to the contrary on the approved drawing no. no. 1508: 002D dated Dec 10, a "green" surface treatment such as grasscrete shall be provided within the parking area hereby permitted, in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority, and shall thereafter be retained and maintained as such.

Reason: In the interest of rural amenity.

11 - Non-Standard Condition

The development hereby permitted shall be implemented in full accordance with the monitoring and targets set out in the Travel Plan dated April 2011, which forms part of this permission.

Reason: To encourage sustainable modes of transport, which seek to reduce reliance on the motor car.

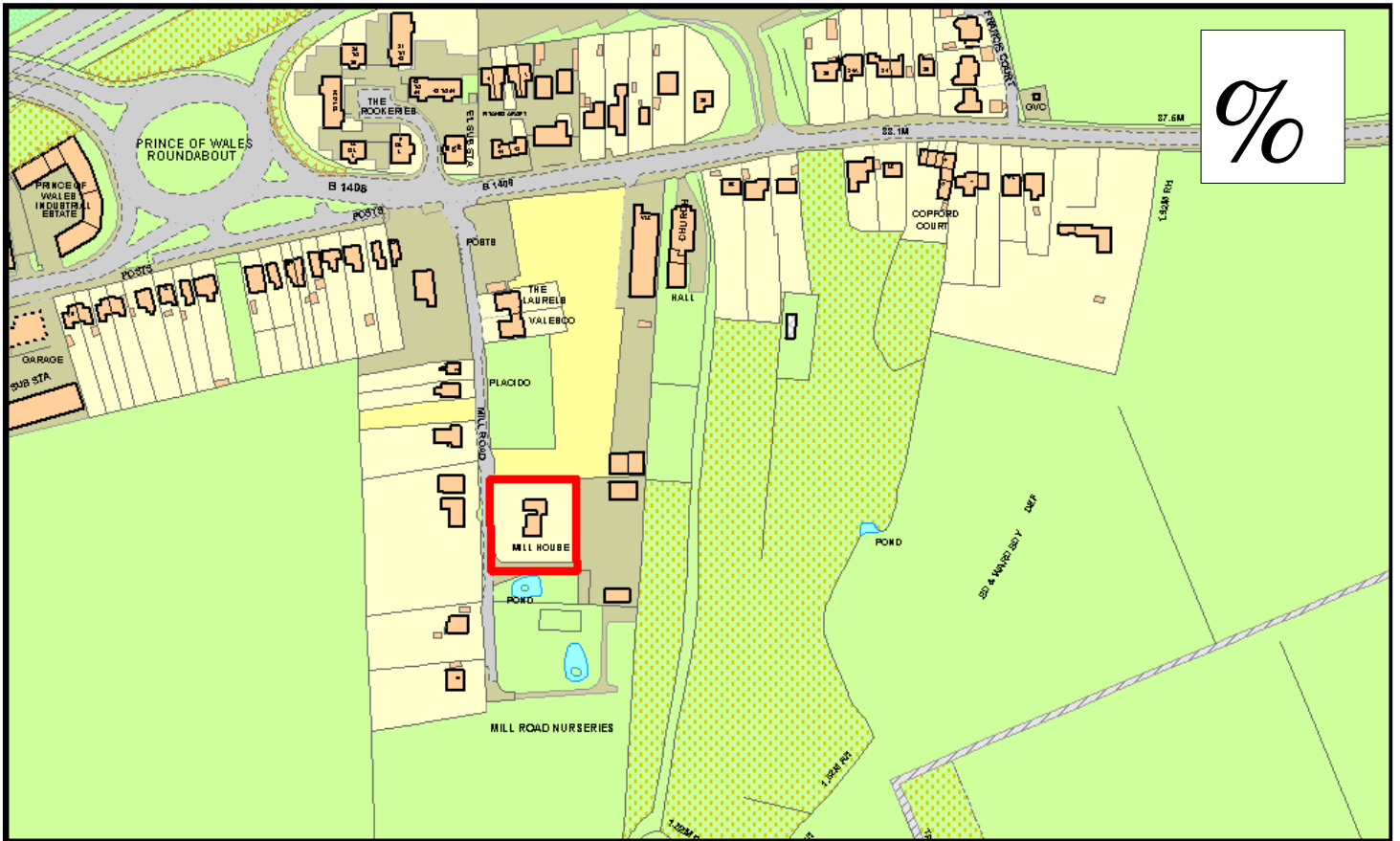
Informatives

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600. The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(3) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.

(4) This consent does not authorise any diversion of or amendment to the definitive route of PROW which crosses the site.



Application No: 110666

Location: Mill House, Mill Road, Marks Tey, Colchester, CO6 1EA

Scale (approx): 1:1250

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7.8 Case Officer: Mr John More

HOUSEHOLDER

Site: Mill House, Mill Road, Marks Tey, Colchester, CO6 1EA

Application No: 110666

Date Received: 7 April 2011

Agent: Nayland Building Design

Applicant: Mr & Mrs Read

Development: Provision of residential annex to existing dwelling by conversion of existing garage. Resubmission of 110404.

Ward: Marks Tey

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application is referred to the Planning Committee because the applicant is related to a member of council staff.

2.0 Synopsis

2.1 The application is for the conversion of an existing residential garage to a residential annex to the main house. No objections have been received. The conversion of the garage to an annex and the alteration proposed are considered acceptable. There is sufficient vehicle parking on site in the existing driveway. Approval is recommended with a condition restricting the use to an annex to the main house.

3.0 Site Description and Context

3.1 The site is located towards the end of Mill Road and contains a large brick house with a triple garage to the right side of the property. There is a horseshoe shaped driveway which sweeps round to the front of the property with two access points onto Mill Road. There is a low fence and a Leylandii hedge to the side boundary adjacent the garage and a swimming pool in the rear garden behind the garage.

4.0 Description of the Proposal

4.1 The application proposes the conversion of the existing garage building to use as a residential annex to the main house with associated alterations to the building removing the garage doors, inserting windows, providing a covered link to the main house and a new door in the side of the main house.

4.2 The annex is required for the applicant's daughter to live in to provide support for the applicant's wife who is 70 years of age and suffers from arthritis. The intention is that as the condition worsens they will move into the ground floor annex and the daughter will occupy the main house.

5.0 Land Use Allocation

5.1 The site is unallocated white land outside the defined settlement boundary. It is therefore deemed to be in the countryside.

6.0 Relevant Planning History

6.1 There is no planning history relevant to the current proposal.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Guidance 13: Transport

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
TA5 - Parking

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
Extending your House
The Essex Design Guide

8.0 Consultations

8.1 The Highway Authority has stated that they have no objections to the proposals.

9.0 Parish Council Response

9.1 The Parish Council have stated that they have no objection to the proposals.

10.0 Representations

10.1 The consultation exercise resulted in no observations.

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

11.0 Parking Provision

11.1 The proposal is for the conversion of the existing triple garage to an annex. This would obviously result in the loss of the existing parking spaces within the garage. However, there is sufficient parking to the front of the garage and in the horse-shoe shaped drive which sweeps round to the front of the house for the parking of at least five cars. This would exceed the requirement in the parking standards for three car spaces.

12.0 Report

Use of the building

12.1 The conversion of the existing garage building to an annex is considered acceptable. The building is closely related to the main dwelling. The accommodation proposed is not excessive and demonstrates a level of independence on the main house.

Design and Layout

12.2 The alterations proposed respect the appearance of the original building and the main house and are considered acceptable.

Impact on the Surrounding Area and Neighbouring Properties

12.3 It is not considered the proposal would have a harmful impact on the surrounding area or the amenity of neighbouring properties.

Amenity Provisions

12.4 The existing property has sufficient amenity provisions. As this proposal is for an annex to the main house we would not want to see separate amenity provisions for the annex.

Highway Issues

12.5 The proposal does not raise any highway concerns.

13.0 Conclusion

13.1 In summary, the alterations proposed are considered acceptable as is the use of the building as an annex to the main house. There is sufficient parking on site to cope with the loss of the existing garage spaces and its use as an annex to the main house. No objections have been received and the proposal does not conflict with development plan policy. Approval is therefore recommended.

14.0 Background Papers

14.1 PPS; Core Strategy; CBDP; SPG; HA; PTC

15.0 Recommendation – Conditional Approval

Conditions

1 - A1.5 Full Perms (time limit for commencement of Development)

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

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

2 - Development in Accord with Approved Plans (Non-Std. Wording)

The development shall be implemented in all respects strictly in accordance with the submitted plans 9916-02, 9916/-03 hereby approved, unless otherwise subsequently agreed, in writing, by 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 - Non-Standard Condition

The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Mill House as outlined in red of the submitted plans. At no time shall it be occupied or let as a separate or independent unit of residential accommodation.

Reason: The site lies in the countryside outside the defined settlement boundary for Marks Tey where a new residential dwelling unit would not be permitted.

Informatives

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

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

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.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

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. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & 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.