

# Planning Committee

Town Hall, Colchester  
22 September 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

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at [www.colchester.gov.uk](http://www.colchester.gov.uk) or from Democratic Services.

## Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to 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](http://www.colchester.gov.uk)

## Private Sessions

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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  
22 September 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)

**Please note that items 7.2/7.3 relating to St Johns Ambulance Site, Chapel Road, Wivenhoe have been withdrawn from this agenda.**

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 - 6**

To confirm as a correct record the minutes of the meeting held on 25 August 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. 111241 Garrison Area H, Cateau Road, Colchester **7 - 20**  
(Christ Church)

Application for approval of reserved matters following Outline approval. (O/COL/01/0009) - Proposal for 2 no 2 bedroom flats in lieu of 3 no commercial units.

2. 110608 St Johns Ambulance Site, Chapel Road, Wivenhoe - **21 - 34**  
WITHDRAWN  
(Wivenhoe Quay)

Proposed demolition of the superstructure of the existing single storey St. John Ambulance Hall. Proposed erection of a two-storey, flat-roofed building comprising an artist's studio on the ground floor and two bedroom dwelling on the first floor.

3. 110609 St Johns Ambulance Site, Chapel Road, Wivenhoe - **35 - 40**  
WITHDRAWN  
(Wivenhoe Quay)

Proposed demolition of the superstructure of the existing single storey St. John Ambulance Hall.

4. 110937 Tubswick, Mill Road, Colchester **41 - 61**  
(Mile End)

Proposed replacement dwelling following the demolition of existing

dwelling and the erection of eight additional dwellings, garages and associated works (Resubmission of withdrawn Planning Application 110503).

5. 111464 9 Mountbatten Drive, Colchester (Harbour) **62 - 66**

Conversion of garage into lounge, including replacement garage door with upvc window and brickwork.

6. 111470 100 Coast Road, West Mersea (West Mersea) **67 - 78**

Erection of boat store. Improved access to Coast Road. Resubmission of 110583

7. 111135 Former Garrison Theatre Build, Circular Road South, Colchester (Shrub End) **79 - 95**

Change of use of garrison theatre building to (D1) Church and ancillary use

8. 111289 Town Hall, High Street, Colchester (Castle) **96 - 101**

Listed building application to install an additional handrail to the main internal staircase

## **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

## 25 AUGUST 2011

*Present:-* Councillor Gamble\* (Chairman)  
Councillors Arnold\*, Chillingworth\*, Elliott\*, Ford, Lewis\*,  
Macleane\*, Manning\*, P.Oxford and L.Sykes\*.

*Substitute members:-* Councillor Cook\* for Councillor T.Higgins  
Councillor Offen\* for Councillor P.Higgins.

*Also in Attendance:-* Councillors Garnett and Turrell.

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

### **42. Minutes**

The minutes of the meeting held on 11 August 2011 were confirmed as a correct record.

### **43. 110983 Hallfields Farm, Manningtree Road, Dedham, CO7 6AE**

The Committee considered an outline application for the demolition of existing buildings and the erection of thirteen dwellings. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to a late letter from the Highway Authority revising their recommendation from a refusal to an approval with conditions. However, she advised that some of the Highway Authority's required conditions may be impossible to implement because of constraints of the road, for example the two metre footway along Manningtree Road, the widening of Manningtree Road to a required width and a dropped kerb crossing on both sides of Manningtree Road. If no local purchasers could be identified, the proposals for local purchasers would ultimately widen out to other villages and if that failed then the properties would be offered on the open market. The scale and amount of development was considered unacceptable, a situation which had been exacerbated by the removal of trees. She referred to Reason 1 for Refusal containing an error; PPG3 should read PPS3.

Mr Barge addressed the Committee on behalf of himself and other neighbours pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. As an adjoining neighbour, he objected to the principle of the proposal which he considered was flawed. He believed it would have a negative impact on his family, as one of the properties overlooked amenity spaces and would be dominated by the adjoining building. As neither he, his neighbours nor the adjacent residents had been engaged in a consultation, he doubted the claim that the community had been engaged by the parish council. There was no heritage statement accompanying the application and he considered the council could invalidate the application.

Jonathan Hills addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. His company worked with Dedham Parish Council in order to fill the gap for properties for residents to downsize to as well as need for affordable housing. This proposal was the result of a survey undertaken by the parish council

and was informed by a rural housing enabler. The site was in the Dedham Vale AONB and was surrounded by built development north, south, west, and in part, the eastern boundary. Natural England did not object and the applicant had worked closely with Essex Highway Authority who had now withdrawn their objection. They had agreed the principle of a financial contribution towards education and were willing to continue discussions on a financial contribution towards open space. This was an outline application for the principle of the type of development and tenure. The Core Strategy afforded support to affordable housing where it was contiguous but because it was not entirely 100% affordable housing everyone should benefit from more affordable housing for local people and it would remain in perpetuity for local people.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. He referred to previous applications and permission all adhering to the AONB and current policies. He believed that if the committee approved this outline application it would be difficult to grant the reserved matters application. He mentioned the sixteen units of affordable housing in Dedham which represented a percentage of the affordable housing in the ward and in neighbouring wards which were based on a full scale assessment of need. The policies were quite clear in that affordable housing should not become open market dwellings if they failed to sell within the prescribed rules. If that should happen he believed it would be a disadvantage to the village. There were many people in Dedham who wished to downsize. He considered that objectors would be more sympathetic to the application if particular matters in the scheme had been properly addressed.

The planning officer explained that the committee needed to consider whether the site could accommodate thirteen dwellings. Officers considered the number and layout of dwellings to be unsatisfactory. Neither the Heritage Statement nor the Design and Access Statement properly addressed the context of the site. The development was unacceptable in the Conservation Area and contrary to PPS5. The tree report might be inaccurate if the application had been recommended for approval this issue would have been fully addressed. There was no reference to the survey and a housing enabler, as mentioned by Jonathan Hills. She referred to the emerging draft National Planning Policy Statement and referred to the robust policies in place forming part of the Local Development Framework. She considered there should be full consultation in Dedham and an up to date survey to be undertaken. Although no recent response had been received from the Dedham Vale Society she believed their objection was still valid.

Members of the Committee referred to affordable housing as one of the only ways that young people could remain in expensive villages, but considered it must be controlled by policies which were clear regarding surveys being up to date. There was no evidence to support the statement that a Registered Social Landlord was involved. There was a view that this was a sensitive site and the proposal would be an intrusion into the AONB. There was no policy for open market housing and several of these units were more like market housing. The Committee had looked at this very carefully because the application was important, but on balance there appeared to be support for the officer recommendation.

*RESOLVED* (UNANIMOUSLY) that the application be refused for reasons set out in the report, with the correction in Reason 1 – PPG3 to read PPS3.

#### **44. 110023 Land to west of 21 Regent Street, Rowhedge, CO5 7EA**

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

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

A member of the Committee drew attention to the map in the agenda which appeared to be incorrect. Reference was also made to the objection from Essex Highway Authority which reinforced the basis of a refusal on the grounds of the lack of off street parking, with the likelihood of getting two off street parking spaces for both properties.

The planning officer explained that the current proposal was different from the earlier scheme in that there was no side wing, thus enabling two off street parking spaces adjacent to the dwelling. Although the spaces were slightly smaller than the ideal recommended size, the adopted guidance does permit a reduction in the size of parking spaces. The omission of the side wing also removed any negative impact on light to the Methodist Chapel. Attention was drawn to the fact that the Committee were not able to make any improvement to the off street parking provision for no. 21 Regent Street as that property was outside the red line, and in any case it would be unreasonable to repeatedly request further changes each time a revised application came to the Committee.

*RESOLVED* (ONE voted AGAINST) that –

(a) Consideration of the application be deferred for completion of a Section 106 Agreement to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Section 106 Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report and on the Amendment Sheet.

#### **45. 100442 Land adjoining 12 Mill Road, West Mersea**

The Committee considered an application for a proposed two storey private dwelling. 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.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She referred to an error in the report which indicated that visitors could park on Mill Road, however, whereas the double yellow lines were clear from the photographs. Consequently no visitor parking was permitted on the road. There were two parking spaces for both properties and a turning area in front of the new property. She also referred to the report which indicated that the two flank wall windows would require obscure glazing although there was no appropriate condition, and one should be added. She also confirmed that the 45 degree line was satisfied in respect of the neighbour's kitchen window but it failed on the plan form.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 Agreement to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Section 106 Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report with an extra condition requiring obscure glazed first floor side windows and to be retained as such.

**46. 100383 Nos 9, 11, 13, 125, 135, 137 and 139 Albany Gardens, Colchester**

The Committee considered an application for a variation of Condition 56 of planning approval F/COL/02/1306, change of use from B1 to residential use. 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 Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.

(b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent.

**Councillor Gamble (in respect of his membership of the Friends of Colchester Archaeological Trust) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**47. 110751 Former Army Education Building, Le Cateau Road, Colchester**

The Committee considered an application for a change of use from Ministry of Defence to A1, A3, B1 and D1, temporary car parking, access and refuse collection, internal alterations and demolition, new extensions, replacement windows and soffit/fascia and twelve parking spaces. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

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

**Councillor Arnold (in respect of having been a guest of Mr Hayden at West Mersea Regatta in another capacity) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**48. 102390 Victory Dock, Coast Road, West Mersea, CO5 8LS**

The Committee considered an application for the use of part of an existing winter boat park for the purpose of a public car parking during the summer months for a temporary period ending on 1 November 2014. 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.

Andrew Tyrrell, Development Manager, and Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. In response to concerns about the Herris fencing, the planning officer confirmed that the waterfront should not be surrounded by a variety of boundary treatments.

Mr Hayden addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He had lived and worked on the waterfront, his yacht was stored on the site and he was the Chairman of Mersea Regatta. He referred to the chaos in the summer and they were working with the Town Council to provide parking. When they received the application it appeared that this was an opportunity. There was no intention

to put at risk the boat storage yard. He explained that boats leave the yard gradually at the commencement of the season and they would not be not proposing any perimeter fencing. There was no significant information to include in a Heritage Statement. This was the only site on the whole of the waterfront which was able to offer this opportunity to relieve pressure.

Members of the Committee suggested a proportion of the income could be provided to the council towards the management of parking or parking wardens and the relief of congestion as determined by the emerging parking strategy in conjunction with West Mersea Town Council. There was some concern regarding ropes marking out the parking spaces as they could be a trip hazard or an encouragement to children to use them for improper purposes. There was a suggestion of screening on the eastern boundary to obscure views of the cars, but other members considered it would obscure the views of the boats and in the summer people would not be able to see there was a car park on the site. Some members noticed power points and considered they should they be protected.

The planning officer reiterated the local planning authority's resistance to any permanent screening. A three year temporary permission was proposed which would enable monitoring of this use of the site. The end of the three year period would be the time to consider an income to the council and charges for Pay and Display, but in any case this was not a planning matter. Condition 3 prevented any resurfacing of the car park or demolition, so the ropes should be secured to the ground. The existing hedging along the Coast Road boundary would remain untrimmed. The Development Manager reminded the Committee that contributions had to be directly related to the proposal so the suggestion of seeking monies to relieve pressure elsewhere was not appropriate for a Section 106 agreement. This proposal appeared to be a suitable method of relieving pressure on the roads with no harm caused and no need for mitigation measures.

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

**Councillor Lewis (in respect of having served on the same school governing body as the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).**

**49. 111275 65 Endsleigh Court, Colchester, CO3 3QS**

The Committee considered an application for a two storey rear extension, a first floor rear extension above the existing single storey structure, a new roof to the garage and associated alterations. The Committee had before it a report in which all information was set out.

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

**Councillor Ford (in respect of having previously expressed an opinion on the application in public) declared a personal interest in the following item which was also a prejudicial interest pursuant to the provisions of Meetings General Procedure Rule 7(10) and he left the meeting during its consideration and determination.**

**50. Proposed Changes to a Section 106 Agreement // 091559, Former Cooks Shipyard Phase 3, Walter Radcliffe Way, Wivenhoe**

The Head of Environmental and Protective Services submitted a report on proposed changes to a Section 106 Agreement for Phase 3 of the development on the former Cooks Shipyard site. The changes related to the provision of affordable housing, the dingy park/car park and

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

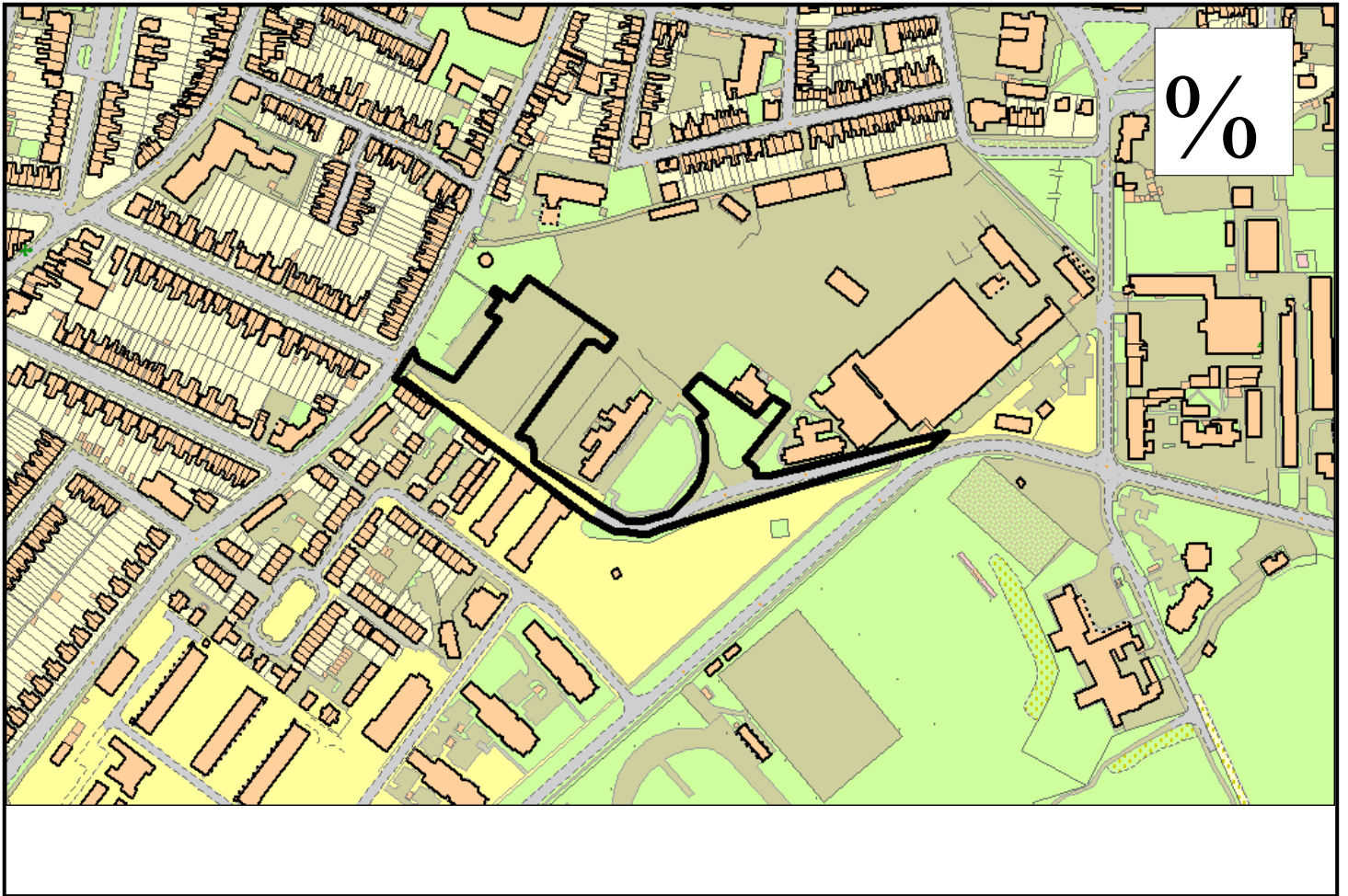
Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. In her presentation of the application she drew Members attention to page 87 paragraph 10.4 and explained the application must be determined on its planning merits and that any discussions by other Council Services are not relevant to the consideration of or determination of this application.

Daryl Williamson, Chairman of the Queens Road Residents Association, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had understood that a modification had been submitted in conjunction with a change of access to the site but having seen the report he had no comments to make.

A Member of the Committee queried the provision of hedging along the waterfront which would block the view of the river. In respect of the suggestion that a financial contribution was being required to provide social housing off site, it was queried whether the local planning authority should be checking that efforts had been made to find a Registered Social Landlord to enable affordable housing to be provided on this site, and whether a financial contribution would be used to provide such housing in Wivenhoe.

The planning officer explained that the Council's Housing enabling officer would ensure that the application had gone through a proper and detailed process before accepting that a financial contribution would be the most appropriate way forward. In response to a further question regarding whether the affordable housing contribution would be spent in Wivenhoe, the officer explained that she was not aware of any new schemes in Wivenhoe and consequently it was likely that it would be spent elsewhere in the borough. In respect of the hedging, it would be provided to screen a commercial area and would contribute towards an attractive accessible area along the waterfront.

*RESOLVED (UNANIMOUSLY)* that changes to the proposed Section 106 Agreement relating to affordable housing and the provision of commercial floor space be agreed and the relevant clauses as set out in paragraphs 1.2 and 1.3 be incorporated in the Section 106 Agreement to reflect the changes.



**Application No:** 111241

**Location:** Garrison Area H, Le Cateau Road, Colchester

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

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## Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **22 September 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: Alistair Day**

**Due Date: 23/09/2011**

**MINOR**

**Site:** Garrison Area H, Le Cateau Road, Colchester

**Application No:** 111241

**Date Received:** 29 July 2011

**Agent:** KLH Architects

**Applicant:** Taylor Wimpey

**Development:** Application for approval of reserved matters following outline approval. (O/COL/01/0009) - Proposal for 2 no 2 bedroom flats in lieu of 3 no commercial units.

**Ward:** Christ Church

**Summary of Recommendation:** Conditional Approval

### 1.0 Introduction

1.1 This application is referred to the Planning Committee because the proposed scheme does not comply with the September 2009 adopted parking standards.



## **2.0 Synopsis**

- 2.1 The report gives consideration to a proposal to erect an additional 2 no. 2 bedroom flats in place of 3 commercial units originally approved under application 080914. An assessment is made of the proposed use, together with the design, transport and accessibility implications and proposed parking provision. The report concludes that subject to appropriate conditions the proposal is considered acceptable and that planning permission should be granted.

## **3.0 Site Description and Context**

- 3.1 The application site forms part of Area H of the Colchester Garrison Urban Village development.
- 3.2 Area H comprises the existing Butt Road car park, the water tower, the former Sergeants Mess and Education Building, Le Cateau Road and its immediate environment.
- 3.3 The Sergeants' Mess (formerly known as the Officer Quarters) is located to the east of Le Cateau Road and is an impressive two storey building constructed of red brick with detailing in yellow stocks. The landscaping to the front of the Sergeants' Mess in the form of a semi-circular garden enclosed by iron palisade railings remains intact and makes a significant contribution to the setting of this building. The Sergeants' Mess is listed grade II for its special architectural and historic interest and is situated in the Garrison Conservation Area.
- 3.4 The former Education Building dates from c1937 and is a red brick building with a hipped slate roof and consists of a central block with two side wings. The Education Building is not a listed building and is located outside (but immediately adjacent to) the Garrison Conservation Area.
- 3.5 The water tower dates from c 1878 and is constructed of red brick laid in a Flemish Bond with gault brick dressings and has a cast iron tank with a geometrical design. The water tower is approximately 40ft high and has an octagonal plan.
- 3.6 The site is bounded to the north by DSG (formerly ABRO) and to the west by Butt Road. To the south and south west of the site is a new residential development.
- 3.7 The majority of the site forms part of the Garrison Conservation Area. In 2006, archaeological investigations discovered the remains of the Roman Circus. The circus starting gates are located underneath the semi-circular garden of the Sergeants' Mess and part of the outer wall and stands are located under the frontage of the Education Building. The circus was designated a Scheduled Ancient Monument on 16 November 2007.

## **4.0 Description of the Proposal**

4.1 The current application seeks planning permission to erect an additional 2 no. 2 bedroom flats in place of 3 commercial units originally approved under application 080914. Amendment to the design of the external appearance of the building as originally approved is proposed to reflect the intended residential use; the footprint of the building does not change from that previously permitted. The current application also proposes a minor amendment to the layout previously agreed to provide each new residential unit with a parking space.

## **5.0 Land Use Allocation**

5.1 Garrison Regeneration Area - Zone C

## **6.0 Relevant Planning History**

6.1 110751 - Change of use from MOD to A1, A3, B1 and D1. Temporary car parking, access and refuse collection. Internal alterations and demolition. New extensions, replacement windows and soffit/fascia. 12 parking spaces – Former Adult School and Canteen, Le Cateau Road, Colchester – Conditional Approval 25.8.11.

6.2 102362 - Application for a new planning permission to replace an extant planning permission 072842 for removal of existing gates and adaptation of existing brick wall to form new pedestrian and cycle path entrances – Area H, Abbey Field Urban Village, Le Cateau Road, Colchester – Conditional Approval 6.1.11

6.3 080914 Reserved Matters application for the erection of 35 dwellings, comprising 26 no flats 7no. 2 storey houses and 2no. 2 storey houses with associated office space, together with a modified site entrance, new access road and provision of public open space (resubmission of 072833) - approved

6.4 080036 Listed building application for the demolition of single storey rear additions and residential conversion into 8 townhouses (resubmission of 072834) - Approved

6.5 072831 - Conversion of existing buildings in residential accommodation to create 11 no. town houses and 4 no. flats with associated demolitions and including access, parking and provision of open space Area H, Abbey Field Urban Village, Le Cateau Road, Colchester – Approved by Committee subject to a Section 106 Agreement being signed.

6.6 072830 Change of Use from MoD water tower to commercial use B1 - Approved

6.7 072835 Construction of a 150 space car park - Approved

6.8 072842 Removal of existing gates and adaption of existing brick wall to form new pedestrian and cycle path entrance – Approved

6.9 O/COL/01/0009 A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003

## 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 5: Planning for the Historic Environment
  - Planning Policy Statement 9: Biodiversity and Geological Conservation
  - Planning Policy Guidance 13: Transport
  - Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
  - Planning Policy Statement 22: Renewable Energy
  - Planning Policy Statement 23: Planning and Pollution Control
  - Planning Policy Guidance 24: Planning and Noise
  - Planning Policy Statement 25: Development and Flood Risk
- 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
  - SD2 - Delivering Facilities and Infrastructure
  - SD3 - Community Facilities
  - CE1 - Centres and Employment Classification and Hierarchy
  - CE2 - Mixed Use Centres
  - UR1 - Regeneration Areas
  - UR2 - Built Design and Character
  - PR1 - Open Space
  - PR2 - People-friendly Streets
  - TA1 - Accessibility and Changing Travel Behaviour
  - TA2 - Walking and Cycling
  - TA3 - Public Transport
  - TA4 - Roads and Traffic
  - TA5 - Parking
  - ENV1 - Environment
  - ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
  - DP3 Planning Obligations and the Community Infrastructure Levy
  - DP4 Community Facilities
  - DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
  - DP7 Local Centres and Individual Shops
  - DP10 Tourism, Leisure and Culture
  - DP14 Historic Environment Assets
  - DP15 Retention of Open Space and Indoor Sports Facilities
  - DP16 Private Amenity Space and Open Space Provision for New Residential Development
  - DP17 Accessibility and Access
  - DP18 Transport Infrastructure Proposals

DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes  
DP25 Renewable Energy

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

The Garrison Master Plan and associated Development Briefs  
Community Facilities  
Vehicle Parking Standards  
Sustainable Construction Open Space, Sport and Recreation  
The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

8.1 Highway Authority has stated that they do not wish to raise an objection to this planning application

## **9.0 Representations**

9.1 At the time of writing this report no letters of objection / support have been received in respect of this application.

## **10.0 Parking Provision**

10.1 See paragraphs 12.18 to 12.23

## **11.0 Open Space Provision**

11.1 See paragraph 12.24

## **12.0 Report**

### Background

12.1 Area H is identified in the Garrison Master Layout Plan for predominantly residential use with low key mixed uses.

12.2 In 2007 Taylor Wimpey submitted a suite of planning applications for the comprehensive redevelopment of Area H. These proposals included: the change of use of the water tower to business use (Use Class B1); the creation of a 150 space car park; the conversion of the Sergeants' Mess and Education Building to residential accommodation and the erection of 35 new dwellings and three commercial units. The landscape proposals included a new 'parade ground' public square; a scheme for public access to and the interpretation of the remains of the Roman Circus and a new area of public open space to the south west of the Education Building. It is understood that the developer is shortly to start work on the implementation of the approved developments.

12.3 The commercial elements described above were considered to satisfy the mixed-use requirement for this part of the Garrison Urban Village development.

DC0901MW 01/02

- 12.4 Planning permission has recently been granted by the Planning Committee (25 August 2011) for the conversion and extension of the Education Building into a mixed-use building comprising the Archaeological Trust's Interpretation Centre (D1 Use Class), the Archaeological Trust's Offices (B1 Use Class), Tea Rooms and Kitchen for the Interpretation Centre (A3 Use Class) and a small shop (Use Class A1) with associated landscaping and parking facilities (ref 110751).
- 12.5 With the approval of the application for the conversion of the Education Building to commercial and other uses, Taylor Wimpey wish to change the of the new build commercial units permitted under application 080914 to residential use.
- 12.6 Policy SA GAR1 of the Site Allocations Plan notes that the Garrison Master Plan provides for a phased development comprising residential and mixed uses. Cognisant of the proposal to convert the Education Building to a quasi commercial use, the current proposal to use the buildings originally identified for commercial (B1 use) is considered to acceptable.

#### Design and Layout

- 12.7 Core Strategy Policy UR1 states that new development in Regeneration Areas - of which the Garrison is one - will be encouraged, provided the design and scale is sympathetic to the character of the area and enhances historic buildings and features. Core Strategy Policy UR2 seeks to promote and secure high quality design. The Policy states that developments that are discordant with their context and fail to enhance the character and quality of the area will not be supported. Core Strategy Policy ENV1 also requires development proposals to be appropriate in terms of their scale, siting and design. Development Plan Policy DP1 sets out design criteria that new development must meet; these require new developments to respect the character of the site and its context in terms of their detailed design and respecting and enhancing their surroundings.
- 12.8 The scheme approved under planning application 080914 essentially arranges the new buildings into two groups; the main group of buildings – which the proposed additional units site form part - are arranged around a 'parade ground square'. On the south west side of the 'parade ground square' the approved scheme (080914) consists of two storey buildings flanked by three storey blocks of flats; the three commercial units were located over the carriage arches providing access to the rear parking courts and the bin and cycle stores.
- 12.9 To facilitate the current proposal, amendments to the design of the external appearance of the units as originally approved is proposed to reflect the intended residential use. The changes to the fenestration have been made in such a way so as not to diminish the agreed architectural aesthetics of this group of buildings; the weatherboarding has also been removed. The proposal for two residential flats does not increase the footprint of the structure over that of the current approval. It is considered that the proposed amendments to the external treatment of the buildings will not have an adverse impact on the overall character of the approved development scheme.

### Impact on Neighbouring Properties

- 12.10 Development Plan Policy DP1 requires all new development to be designed to a high standard and to avoid unacceptable impacts on the residential amenity, particularly with regard to privacy and overlooking. Development Plan Policy DP12 states in considering new development proposals the Council will have regard to the avoidance of adverse overshadowing between buildings, acceptable levels of daylight and acceptable levels of privacy for rear facing habitable rooms and sitting out areas.
- 12.11 The proposed additional residential units will not adversely affect the residential amenity of the dwellings previously approved (but not yet constructed).

### Heritage Issues

- 12.12 Core Strategy policy ENV 1 requires new development to conserve or enhance the historic environment of Colchester. Development Plan Policy DP14 states that development will not be permitted that will adversely affect a listed building, conservation area or important archaeological feature and/or their setting.
- 12.13 The application site is located within the Garrison Conservation Area. There are several listed building in the general vicinity of the current application site; notably Sergeants' Mess and the two the former stable blocks with troop accommodation over (Lec 06 & 07). The buried remains of the Roman Circus which are located to the south of the Sergeants' Mess are a Scheduled Monument.
- 12.14 The current planning application is not considered to have a detrimental impact on the setting of either the nearby listed buildings or the remains of the Scheduled Ancient Monument.

### Highway and Accessibility Issues

- 12.15 Core Strategy Policies TA1, TA2, TA3 and TA4 address transport strategy and promote accessibility and changing travel behaviour. These policies seek to strike a balance between improving accessibility through land-use planning, managing traffic flows and growth and seek to encourage a change in travel behaviour and, where appropriate, give priority to walking, cycling and public transport. These policies are closely linked to Core Strategy policies PR2 (People Friendly Streets) and UR1 (Urban Regeneration). Policy PR1 aims to provide a network of public open spaces that meet local community needs within walking distances of people's homes and work.
- 12.16 Policy DP17 provides guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment and the requirements for incorporation of satisfactory and appropriate provision for pedestrians and cyclists as well as protection for the public rights of way network.

12.17 Under the agreed Master Plan for the redevelopment of Area H, vehicular access to this site will be from Butt Road, through the remodelled historic gate piers that currently form the entrance to the public car park. Pedestrian access from Butt Road will pass through the wall in the position of a previous pedestrian gate which has been blocked-up. A cycle link to Butt Road will be created by remodelling the section of wall to the north of the existing gate pier. A new footpath and cycle link will connect Butt Road to Circular Road North.

### Parking Provision

12.18 Development Plan Policy DP19 refers to the adoption and application of parking standards in a Supplementary Planning Document adopted in November 2009. This policy notes that the level of parking provision required will depend on location, type and intensity of use.

12.19 Under the Council's adopted parking standards the current application should provide two parking spaces per 2+ bedroom dwelling and 0.25 spaces per unit for visitor parking. The preferred bay size of cars is 5.5m x 2.9m, although in exceptional circumstance a bay size of 5.0m x 2.5m can be accepted.

12.20 The previously approved schemes for the redevelopment for Area H provided the town houses (within the converted buildings) with two spaces each with the remaining units having 1.2 spaces; this parking provision includes eight parking visitor parking spaces. The three commercial units were not provided with dedicated parking and were instead reliant upon using the Butt Road public car park. The scheme was approved prior to the adoption of the current parking standards and, as such, now provides fewer parking spaces than would now be required.

12.21 The current application proposes one car parking space for each of the new flats and a secure area for cycle parking. Additional space for the two new parking spaces has been created by the fact that a new access (in front of plot 23) to the adjacent DSG site is no longer required.

12.22 It is accepted that the current proposal does not comply with the adopted parking standards however this is due to the constraints of the site imposed by previous planning approvals. Moreover, while the current adopted parking standards specify a minimum standard for residential development, the standards do note that a reduction in the level of parking may be considered acceptable in urban areas. In this instance, given the site's edge of town location and the very close proximity to the Butt Road public car park, the proposed level of car parking is considered acceptable.

12.23 The two new parking bays are the same size as those approved under the previous planning approval, which reflect the old parking standards. It is argued in the Design and Access Statement that it makes sense to adopt a consistent approach to the size of the parking bays within this development; this is considered a reasonable approach given that the parking requirements for this proposal form only a very small part of the overall scheme and there is a need to integrate the new works visually with the approved development.

## Landscape and Open Space

12.24 The current application does not provide additional areas of landscaping or open space over that previously approved under application 080914 and the requirements of the garrison legal agreement.

### **13.0 Conclusion**

13.1 The development proposed as a part of this application is considered acceptable in terms of the context of the approved (but not implemented development) and surrounding built development. It is therefore recommended that this application is approved subject to the conditions set out below.

### **14.0 Background Papers**

14.1 PPS; Core Strategy; CBDP; SPG; HA

### **15.0 Recommendation - Conditional Approval**

#### **Conditions**

##### 1 - Non-Standard Condition

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission (Ref: O/COL/01/0009) relating to this site and the conditions attached thereto remain in force.

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

##### 2 - Non-Standard Condition

Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure the use of an appropriate choice of materials having regard to the importance of this scheme in the Garrison Conservation Area and to ensure that the choice of materials will harmonise with the character and appearance of other buildings and development in the area.

##### 3 - Non-Standard Condition

The brickwork (including the brick type, bond, mortar mix, joint profile, and stonework (lintel and cills)) shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure the use of an appropriate choice of brickwork finish having regard to the importance of this scheme in the Garrison Conservation Area and to ensure that the choice of materials will harmonise with the character and appearance of other buildings in the area.



#### 4 - Non-Standard Condition

All new rainwater goods shall have a round or half round profile and be coloured black and thereafter retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate choice of materials having regard to the importance of this scheme in the Garrison Conservation Area and to ensure that the choice of materials will harmonise with the character and appearance of other buildings in the area.

#### 5 - Non-Standard Condition

Additional drawings of all architectural details, including doors, door cases, windows (including the depth of the reveals and method of opening), roof lights, arches and stone lintels, plinths, eaves, verges, barge boards, string and dentil courses, copings, cupolas, pilasters, recessed or projecting brickwork, name plates, porches, to be used, by section and elevation, at a scale between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. The development shall thereafter be carried out in accordance with such details.

Reason: Insufficient detail has been submitted to ensure the character and appearance of the area is not compromised by poor quality detailing.

#### 6 - Non-Standard Condition

All windows shall be constructed in timber, painted white and where glazing bars are to be used they shall be fixed to the external face of the glass unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate level of window detailing and to ensure the character and appearance of the area is not compromised by poor quality detailing.

#### 7 - Non-Standard Condition

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme (which shall be in accordance with the relevant recommendation of the appropriate British Standards) and submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. 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.

#### 8 - Non-Standard Condition

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. The landscape shall be maintained in accordance with the details set out in the management plan.

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

9 - Non-Standard Condition

Notwithstanding the details submitted, details of the treatment of the land to the north of plot 23 and its future maintenance shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The development shall be implemented in accordance with the agreed details.

Reason: To ensure that this area land is appropriately landscaped and maintained in the future.

10 - Non-Standard Condition

Notwithstanding the information submitted, full details of of the north boundary treatment (including tree planting) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure a satisfactory boundary treatment to this development site and to safeguard the character and appearance of the conservationa area and setting of the nearby listed building.

11 - Non-Standard Condition

Boundary enclosures to rear or side gardens that address either public or semi-public areas and boundary enclosures to parking courts shall be constructed of brick, the detail of which shall be submitted to and approved in writing by the Local Planing Authority prior to the commencement of development. The boundary walls shall be erected prior to the occupation of the dwellings and retained thereafter.

Reason: To ensure that these walls, which will be prominent features within this housing area, have a satisfactory appearance, in the interest of visual amenity and to protect the character of the Garrison Conservation Area.

12 - Non-Standard Condition

Notwithstanding the details submitted, the layout of the on-street parking on Le Cateau Road shall be amended to incorporate appropriate landscaping, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be implemented in accordance with the agreed details.

Reason: The parking arrangements as currently proposed will result in a car dominated street environment that will detract from the setting of nearby listed buildings and the character and appearance of the Garrison Conservation Area.

13 - Non-Standard Condition

Prior to the occupation of the residential units, bicycle parking facilities shall be provided in a practical and visually satisfactory manner within the site, which comply with the Local Planning Authority's current cycle parking standards and are in accordance with a scheme, indicating the number, location and design of such facilities, which shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained to serve the development.

Reason: To ensure that adequate cycle parking provision is made.

#### 14 - Non-Standard Condition

The footpath and cycle route between Butt Road and Circular Road North shall be laid out, surfaced and brought into use prior to the occupation of the units hereby permitted in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To ensure that adequate provision is made for pedestrians and cyclists, that the site links with the existing footpath and cycleway network and that the detailed design alignment and materials are appropriate for this historically sensitive location.

#### 15 - Non-Standard Condition

No unbound material shall be used in the surface finish of the driveways within six metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway and in the interests of highway safety.

#### 16 - Non-Standard Condition

Any trees proposed within the highway must be agreed with the Local Planning Authority, in consultation with the Highway Authority, and sited clear of all underground services and visibility sight splays, provided with root barriers and should be laid out to compliment the street lighting scheme.

Reason: To protect services and highway safety and to avoid damage to underground services.

#### 17 - Non-Standard Condition

The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from it. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: In the interests of highway safety.

#### 18 - Non-Standard Condition

Details of the access and surface treatment of the remodelled access to the site from Butt Road shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction of the dwellings. The new brick pier shall match the existing piers in terms of height, profile design and materials and the rebuilt section of wall shall match the existing wall in terms of brick type, bond mortar mix and joint profile and coping. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of highway safety and to secure a satisfactory standard of development that safeguards the character and appearance of the Garrison Conservation Area.

#### 19 - Non-Standard Condition

Prior to the occupation of the development, bollards shall be installed at the termination of the adoptable part of Le Cateau Road (opposite plots 33-35) and at the south east end of the turning head serving the Education Building. There shall be no vehicular access to the eastern part of Le Cateau Road (except in the case of an emergency).

Reason: In the interest of highway safety and to secure a satisfactory form of development.

#### 20 - Non-Standard Condition

The Butt Road public car park shall remain in operation during the course of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure the public car park continues to operate during the course of the development (or alternative arrangements are put in place) and in the interest of highway safety.

#### 21 - Non-Standard Condition

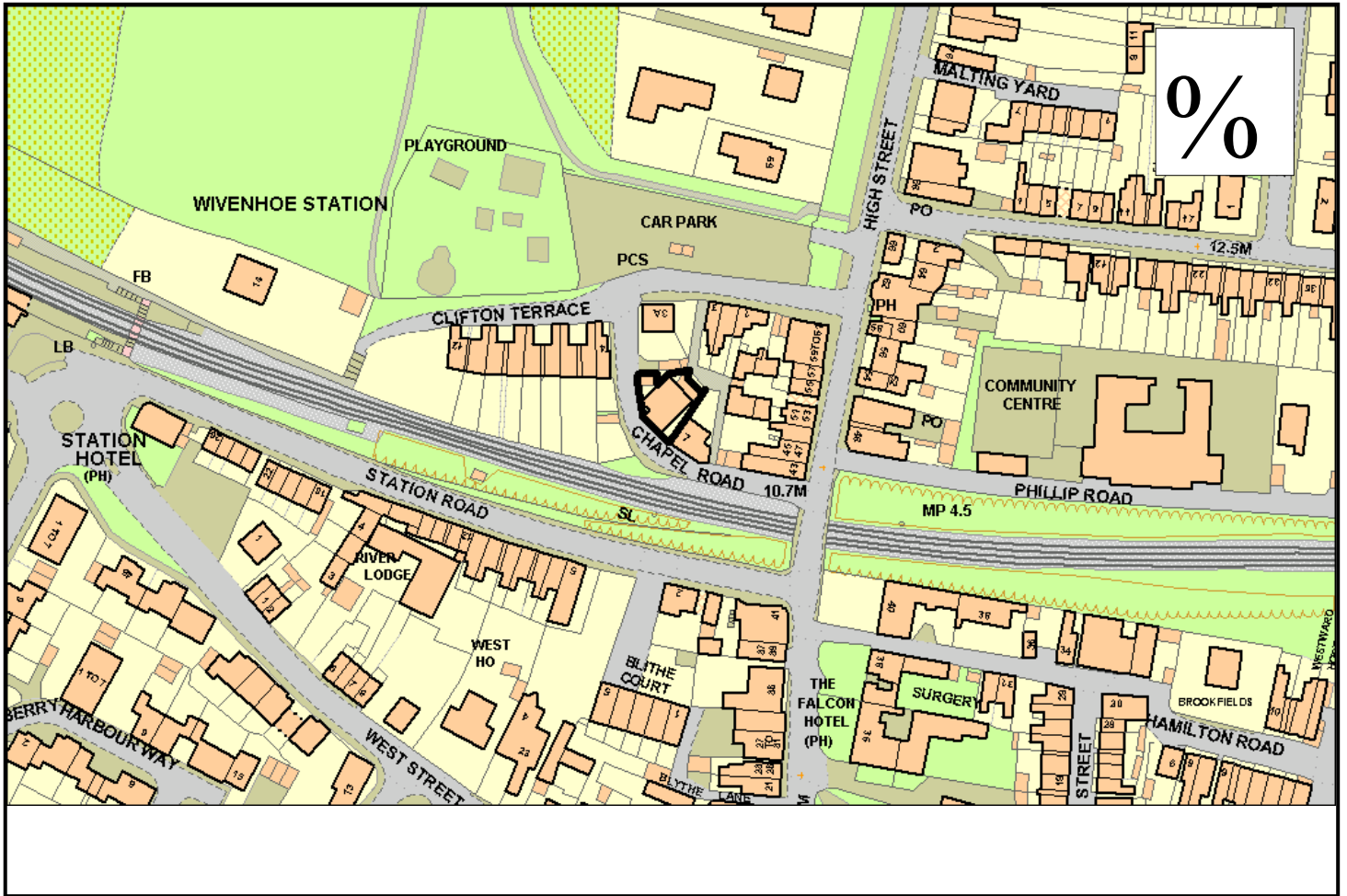
Prior to the commencement of work, a scheme for demarcating the alignment of the Roman Circus shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of any of the dwellings hereby permitted.

Reason: To ensure that the demarcation of the alignment of the Roman Circus and its surface treatment adopts a consistent format throughout its entire length.

### **Informatives**

(1) This permission only relates to the approval of the following reserved matters: siting, design, external appearance, means of access and landscaping. The requirement for reserved matters approval relating to drainage remains strictly in force together with all remaining (relevant) conditions attached to the outline permission.

(2) The Highway Authority have requested the following notes:- Prior to occupation each dwelling shall be served by a system of operational street lighting between the dwelling and an existing highway which shall thereafter be maintained in good repair. 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.



**Application No:** 110608

**Location:** St Johns Ambulance Site, Chapel Road, Wivenhoe, Colchester, Colchester, CO7 9DX

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

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**7.2 Case Officer: Simon Osborn**

**MINOR**

**Site:** St Johns Ambulance Site, Chapel Road, Wivenhoe, Colchester

**Application No:** 110608

**Date Received:** 7 July 2011

**Agent:** Mr Laurie Wood

**Applicant:** Mrs Pru Green

**Development:** Proposed demolition of the superstructure of the existing single storey St. John Ambulance hall. Proposed erection of a two-storey, flat-roofed building comprising an artist's studio on the ground floor and two bedroom dwelling on the first floor.

**Ward:** Wivenhoe Quay

**Summary of Recommendation:** Refusal

## **1.0 Introduction**

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Ann Quarrie on the following grounds: "As a cosmopolitan town with well known artistic connections I feel it would be an asset to have a contemporary house and gallery in Lower Wivenhoe. Many styles of houses are already in situ and I feel this modern style will enhance the area. Enabling a cottage industry to expand".
- 1.2 Councillor Jon Manning also called-in the application if the Officer recommendation was approval, on the following grounds: Design, impact on the conservation area, impact on residential amenity due to issues around parking and business use in residential area".
- 1.3 An application for conservation area consent to demolish the existing building has also been submitted and is subject of the following committee report.
- 1.4 It has been requested that a site visit is undertaken by Committee prior to a decision being taken by the Planning Committee.

## **2.0 Synopsis**

- 2.1 The application has generated a large number of representations both for and against the proposal, with a clear difference of opinion as to the value of the existing building as an architectural structure and as a community asset, and the architectural merits and use of the proposed replacement building. The report considers the application in the light of Policy DP4 (which seeks to protect community buildings from change of use); design policies such as Policy UR2 (which do not exclude contemporary design within Conservation Areas); and, Policy DP1 (which seeks to protect existing residential amenity). It is concluded that whilst there is some merit to the proposed replacement building in architectural terms, this does not override the policy concerns identified and the adverse impact on existing residential amenity.

## **3.0 Site Description and Context**

- 3.1 The application site is an irregular shaped parcel of land, fronting onto an unadopted road, in close juxtaposition to a number of residential properties and within the Wivenhoe Conservation Area. The property is close to the heart of the town and although within a predominantly residential area, is also to commercial outlets along the High Street, which form part of the Rural District Centre designation.
- 3.2 The application site is largely occupied by a rectangular-shaped hall of utilitarian form and appearance. A small corrugated-metal garage is located within the NW part of the site. Part of the site is overhung by a mature tree, the trunk of which is positioned immediately to the north of the application site.

## **4.0 Description of the Proposal**

- 4.1 The application looks to remove the existing buildings on the site and to create a new 2-storey building of modern design and appearance, comprising a ground floor with a potter's studio, gallery, office and kiln room, with 2-bedroom residential accommodation on the first floor.
- 4.2 The documentation submitted with the application includes a DAS with 3D views of the proposal accompanying the text and a Heritage Statement.

## **5.0 Land Use Allocation**

- 5.1 Conservation Area  
Predominantly Residential Area

## **6.0 Relevant Planning History**

- 6.1 WIV/10/48 – change of use of church hall to furniture store and showroom, approved 1948;
- 6.2 WIV/3/57 – change of use from furniture showroom to builders yard, approved 1957;
- 6.3 WIV/14/60 – change of use from builders workshop to St Johns Ambulance HQ and store, approved 1960;

- 6.4 WIV/26/60 – additions to provide storage, kitchen and toilet accommodation, approved 1960;
- 6.5 110609 – proposed demolition of the superstructure of the existing St John Ambulance hall, pending (see following report).

## **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 4: Planning for Sustainable Economic Growth
  - 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:
  - SD1 - Sustainable Development Locations
  - SD3 - Community Facilities
  - H1 - Housing Delivery
  - H2 - Housing Density
  - H3 - Housing Diversity
  - UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
  - DP1 Design and Amenity
  - DP4 Community Facilities
  - DP12 Dwelling Standards
  - DP14 Historic Environment Assets
  - DP16 Private Amenity Space and Open Space Provision for New Residential Development
  - DP17 Accessibility and Access
  - DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
  - Backland and Infill
  - Community Facilities
  - Vehicle Parking Standards
  - Sustainable Construction Open Space, Sport and Recreation
  - Extending your House
  - The Essex Design Guide
  - External Materials in New Developments



## 8.0 Consultations

### 8.1 ECC Highways stated:

“Whilst it is noted the parking provision on site is substandard this Authority does not feel that the proposed use of the site will alter the trips associated with the building. It is assumed that the current building could be reopened and used by the public for the function of the St John Ambulance without further recourse to the planning process. In this regard the Highway Authority would not wish to raise an objection to the proposal”.

### 8.2 Network Rail stated:

“No objection against the principal of the application however due to the close proximity of the proposal it is useful to inform railway personal of development occurring adjacent to the railway therefore Network Rail would like the following informative to be inserted into the decision notice: *Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement*”.

### 8.3 Environmental Control advised that if planning permission were granted, details of the extraction/ventilation system for the kilns and the proposed disposal procedure for potentially contaminated water used in the pottery process should be submitted. They also recommended the standard Demolition and Construction informative.

### 8.4 Planning Policy stated:

“This application is located within the village envelope of Wivenhoe and is designated on the Proposals Map as a predominantly residential area. It lies within a conservation area. The building which is proposed to be demolished was last used as a training centre for the St John Ambulance. Planning permission was granted for this use in 1960. From the many representations of support and objection to this application there is a clear difference of opinion as to whether the building is a community building. Policy DP4 of the Development Policies DPD seeks to protect community buildings from change of use. The supporting text to the policy recognises that the importance of particular facilities will vary between communities; it appears from the representations to this application that numerous members of the community value the importance of this building as a community facility.

A chronology of the use of the building has been provided by a local resident. It is understood that this chronology has been put together with assistance from other members of the community. The chronology shows that since the building was taken over by St John Ambulance it was regularly hired out for various local activities such as designing and painting scenery by the Gilbert and Sullivan Society, weddings, family occasions and music practice. Since 2007 when the St John Ambulance put the building on the market it has been used by the Gilbert and Sullivan Society and by a music group for weekly rehearsals.

This evidence certainly suggests that the building was last used for multi purposes, including for community purposes. Policy DP4 is therefore relevant. This policy states that proposals that would result in the loss of a site or building currently or last used for the provision of facilities, services, leisure or cultural activities for the community will only be supported if the Council is satisfied that:

- (i) an alternative community facility to meet local needs is, or will be, provided in an equally or more accessible location within walking distance of the locality; or
- (ii) it has been proven that it would not be economically viable to retain the site/building for a community use; and
- (iii) the community facility could not be provided or operated by either the current occupier or by any alternative occupier, and it has been marketed to the satisfaction of the Local Planning Authority in order to confirm that there is no interest and the site or building is genuinely redundant; and
- (iv) a satisfactory assessment has taken place that proves that there is an excess of such provision and the site or building is not needed for any other community facility or use.

An alternative community facility will not be provided and whilst there are other community facilities in Wivenhoe evidence from local people suggests that these are at capacity. It has not been proven that it would not be economically viable to retain the building. Whilst the application makes reference to a scheme for a cinema being rejected this is not sufficient evidence to prove that retaining the building is not viable for community purposes. It is accepted that the building has been on the market since 2007; however no information of this marketing appears to be available in support of the application. A number of representations to this application state that a local group has put together a business plan to purchase the building as a community resource. However, the building has been on the market since 2007 and so it is queried why a business plan was not put together earlier.

Finally, an assessment has not been made that proves that there is an excess of such provision in the locality and comments from representations would suggest that there is a shortage of spaces for community use in Wivenhoe.

Policy CE1 of the Core Strategy states that the Council will encourage economic diversity and business development to facilitate SME. This proposal would allow the expansion of a small local business, which is something that planning policy supports.

The building is designed to be highly sustainable and the DACS states that it is aspiring to achieve level 5 of the Code for Sustainable Homes. Policy ER1 encourages the use of sustainable design and construction measures and the attainment of a minimum of level 3 of the Code for Sustainable Homes.

Planning policy is concerned that no garden is provided, although it is accepted that there is a large park nearby. Policy DP16 requires a minimum of 25m<sup>2</sup> per flat communally.

To summarise, evidence has not been submitted to justify the loss of this community facility and without this evidence the proposal does not comply with policy DP4”.

8.5 The Design and Heritage Unit recommended approval of the application and made the following comments:

“The building is situated in the Conservation area of Wivenhoe, with a number of listed buildings and buildings of townscape value in the immediate vicinity. The building itself was a timber framed late 19C parish hall, but its original appearance has now much changed, to the detriment of its appearance and the overall appearance of the sensitive conservation area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality.

The proposal is for a modest scale contemporary building of simple, but bespoke design. The design form utilises the existing footprint and relates well to the constrained site. The setback of the studio area and entrance from the street provides a better relation to the public realm than the existing situation.

The proposed use for potter’s studio and gallery open to members of the public, as well as a living space provides richness and interest and will be a positive asset to the image of Wivenhoe as an ‘artist’s colony’.

There are some distant views to the site from across the rail line, currently largely obscured by vegetation on the sloping rail sidings. The proposed building addresses these views well, with an active and interesting frontage. An active frontage follows the curve in Chapel Road, providing an improved townscape and interesting short views.

The Council is not against contemporary methods and materials and encourages high quality, creative design and showcases of innovative sustainable construction methods – this is well formulated in the Core Strategy, Policy UR2. The Council is equally committed to enhancing the historic built character with well built, distinctive developments that are both innovative and sympathetic to local character.

The contemporary architectural approach, although in contrast to the traditional forms in the Conservation area, is refreshingly different and contemporary, while the massing, scale and proportion achieves a domestic feel sympathetic to the surrounding area.

The building demonstrates good proportions and balanced openings, and provides visual interest from all sides. The use of two contrasting materials is successful, reflecting the contemporary form of the building, while attention to detail will provide aesthetic quality. The palette adds to the variety of forms and finishes already present in the conservation area.

The building is of its time, it is considered that it will improve what has become an unsightly corner and will enhance the character of Wivenhoe as a whole.

It is unclear from the plan where the 1.8m high fence (shown on SW elevation drawing) would be positioned – this is acceptable as a rear boundary treatment, but not at the frontage to Chapel Road. All boundary treatment should be indicated on the plans”.

8.6 The Arboricultural Officer recommended refusal of the application as submitted because the application fails to consider the large tree to the rear of the site. This will require the submission of a Tree Survey in line with BS 5837.

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 Town Council Response

### 9.1 Wivenhoe Town Council stated:

“Although Wivenhoe Town Council welcomes and encourages businesses and individuals in ventures such as this Policy DP14 states that development affecting the historic environment “should seek to preserve, or enhance the heritage asset ” new development should “enhance the historic environment in the first instance”. This is not the case in this application, which is the demolition of a 140 year old historic building within Wivenhoe’s Conservation Area.

Policy DP 1 states that development must “positively contribute to the public realm, identifying, preserving or enhancing the existing sense of place, townscape or streetscape, key views, roofscapes” DP1 (i) states that the development will “respect and enhance the character of the site, its context and surroundings in terms of architectural approach” DP1 (iii) states “Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight”.

The development must enhance and improve what is already there, this application does not.

This application is therefore contrary to Policies DP1 and DP13 of the Adopted Colchester Borough Development Policies Development Plan Document (2010), and Policy UR2 of the Adopted Colchester Borough Core Strategy (2008).

Other points:

- It constitutes a Change of Use category from D1 to C3 residential and B1 business but this is not stated in the application;
- Under quota for parking standards - Planning Standards Design and Good practice September 2009 states that a 2+ bedroom dwelling needs a minimum of 2 car parking spaces;
- Ownership of land adjacent to garage is in question therefore planning permission cannot be granted;
- Loss of permeable land;
- The existing plans have insufficient detail in them, no dimensions, in particular there is an overhang on the 1st floor, where it is unclear whether this projects over the existing footplate. If it does then it may present problems for traffic in this already narrow road;
- North is in the wrong place on the plans;
- Use of two kilns a serious concern as kiln-dust fall out will be produced and create major consequences from toxins. There was no report on how the waste debris from pottery glazes would be dealt with to prevent them being washed down into the main sewer.
- There is no provision for outdoor space. Although this may be unimportant to the applicant, successive owners may use the car parking space or the flat roofed garden. Either putting more vehicles on the road or creating a further privacy problem for neighbours”.

## 10.0 Representations

- 10.1 134 representations objecting to the proposal were received and 55 representations in support of the proposal.

10.2 The following issues were raised by the objectors:

1. Loss of a community asset. There is a desperate shortage of community buildings in Wivenhoe. The building is structurally sound. There are funds available to bring it back into appropriate and viable community use.
2. The Hall is a simple Nineteenth-century building which makes a contribution to the character and appearance of the Conservation Area. The building has religious and social significance in Wivenhoe's history.
3. Application site encroaches on land outside the applicant's ownership.
4. Insufficient garden space and parking in accordance with the Council's standards for the occupants of the proposed building.
5. Overbearing impact on adjacent properties (particularly Clifton House and 2 Clifton Terrace). Loss of sunlight and ambient daylight to house and gardens of neighbours. Increased height of building compared with existing. North orientation wrongly shown on applicant drawings, which may mean sun path and shadow drawings are incorrect.
6. Overlooking of Clifton Terrace properties.
7. 2 kilns in close proximity to neighbouring residential properties likely to result in noxious fumes.
8. Flat roof design and general appearance out of keeping with sloping roof designs of new and old surrounding buildings.
9. Mature sycamore will suffer damage; Tree Survey required.
10. Overhanging upper storey could be dangerous to high-sided vehicles.

10.3 The following points were made by supporters of the proposal:

- A. The existing building has no merit and is gradually falling into greater dereliction.
- B. The proposed building is of good modern design and will be a refreshing change to the street scene.
- C. The proposed use will cause less noise and disturbance than an alternative community facility.
- D. The building is not viable as a community facility. The building has been on the market since 2007 and only the Wivenhoe Cinema Project has taken a serious interest until this application. The cinema project would have required a virtual rebuild at an unacceptably high cost.
- E. The applicant is an artist of international stature and the proposal will enhance Wivenhoe's reputation.

## **11.0 Parking Provision**

11.1 The proposal makes provision for 1 car parking space. This is below the standard recommended by the adopted Parking Standards SPD (spaces for a 2-bedroom dwelling and 1 space per 30 square metres for a Class B1 commercial proposal). However, the existing site makes no provision for off-street parking.

## **12.0 Open Space Provisions**

12.1 The proposal does not generate a requirement to provide on-site public open space. However, a Unilateral Undertaking has been submitted to provide a contribution towards public open space, sports and recreation facilities (and community facilities) in accordance with the Council's adopted standards.

## 13.0 Report

### Principle of Redevelopment for Non-Community Use

- 13.1 From the many representations of support and objection to this application there is a clear difference of opinion as to whether the building is a community building. Policy DP4 of the Development Policies DPD seeks to protect community buildings from change of use.
- 13.2 From the representations received, it would appear that the building was originally constructed in 1871 as a Wesleyan Chapel and sold around 1901 to St Mary's Church as a church hall. During WWII, it was used as an overspill school for evacuees. In 1948 its use changed to a furniture/antique showroom, until 1958 when it was sold to a Wivenhoe builder. From around 1960 the building was used by St John Ambulance as a Training Centre. It has also been suggested that during this period it was used for safety training for Sailing Club cadets and various local activities, including occasional weddings and family occasions, and the Gilbert and Sullivan Society for designing and painting their scenery and rehearsals in connection with their annual production. In December 2007, the site was put on the market by the St John Ambulance organisation and they vacated the building. Since then with the permission of St John Ambulance, it is suggested the hall has been used by the local Gilbert and Sullivan Society for several months a year for designing and painting their scenery and to the In Accord Sacred Music group for weekly rehearsals.
- 13.3 The Heritage Statement indicates that a study was recently carried out to investigate suitability of the building for conversion into a cinema. It was concluded that major alterations would be need to meet current building, fire and health and safety regulations and the cost of conversion for this project was estimated at £400,000, which did not make it viable. Another local architect has suggested that it would cost £100,000 to carry out simple remedial work. On the other hand, it has also been suggested that a small group of local people wish to purchase the hall for it to be continued to be used by community groups at no cost to the public purse.
- 13.4 The Heritage Statement suggests that intermittent hire to other groups and that failure to offer facilities for general public use that comply with all current regulations does not make this a "community building". Paragraph 3.11 in the explanatory text to DP4 indicates that a wide variety of buildings including local shops, leisure and cultural centres, churches, etc should be regarded as community facilities. The Planning Policy response to the application is printed in full in paragraph 8.4 of this report and draws attention to the need to consider Policy DP4 where proposals involve the loss of a community facility. This representation suggests it has not been proven that it would not be economically viable to retain the building. Whilst the application makes reference to a scheme for a cinema being rejected this is not sufficient evidence to prove that retaining the building is not viable for community purposes. It is accepted that the building has been on the market since 2007; however no information of this marketing appears to be available in support of the application. Finally, an assessment has not been made that proves that there is an excess of such provision in the locality and comments from representations would suggest that there is a shortage of spaces for community use in Wivenhoe.

- 13.5 There is a clear difference of opinion from the representations received as to whether or not the building should be considered as a community building and if community use is viable on this site. However, there is evidence that the building has been used in the past by a variety of groups in the community (although again the frequency and regularity has not been fully demonstrated) and given this it is considered that the application site not adequately demonstrated compliance with Policy DP4. This does not mean that the Council accept that the alternative local group's intention to purchase the building and run it as a community hall is viable. However, as far as the current proposal is concerned, it has not been shown to demonstrate compliance with the requirements of this adopted policy.

#### Impact on Character of Area

- 13.6 Policy UR2 in the Core Strategy and DP14 in the Development Policies promote high quality design, particularly where it would have adverse impacts on heritage assets such as Conservation Areas. There is a clear difference of opinion (again) from the representations received as to whether or not the proposal is harmful or beneficial to the character of the surrounding area, which is in fact part of the Wivenhoe Conservation Area. The proposal will result in the loss of an existing building dating to the Victorian period (and a small dilapidated corrugated metal garage/shed). The proposed replacement structure is of modern design and differs in terms of the form of the building and the palette of materials proposed; in particular, the proposed flat roof form contrasts with the pitched roof forms of buildings within the surrounding area.
- 13.7 The Council's DHU recommends approval of the application in design terms. This response suggests the original appearance of the existing building has now much changed, to the detriment of its appearance and the overall appearance of the sensitive conservation area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality. The contemporary architectural approach, although in contrast to the traditional forms in the Conservation area, is refreshingly different and contemporary, while the massing, scale and proportion achieves a domestic feel sympathetic to the surrounding area. The building demonstrates good proportions and balanced openings, and provides visual interest from all sides. The use of two contrasting materials is successful, reflecting the contemporary form of the building, while attention to detail will provide aesthetic quality. The palette adds to the variety of forms and finishes already present in the conservation area.

#### Impacts on Neighbouring Properties

- 13.8 Policy DP1 seeks to protect existing residential amenity and adopted SPD (Backland and Infill Development, Essex Design Guide and Extending Your House) provide further guidance on the consideration of issues such as overbearing impacts, overshadowing and overlooking. The existing building is of similar overall height to the proposed replacement building; however, whilst the eaves level of the existing building is relatively high at 3.3m, the pitched roof form means it slopes away from the adjacent property. The proposed replacement building has sought to compensate for the 2-storey form by proposing a flat roof and setting the rear part of the first floor structure further in from the nearest neighbour boundary (at 7 Chapel Road).

- 13.9 The Essex Design Guide suggests that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of an existing window being within a combined plan and section 45 degree overshadowing zone. Measurements taken from the nearest ground floor window on the rear elevation at 7 Chapel Road will result in such an obstruction (whereas the existing building just avoids this). This guidance tool is commonly considered by officers and the non-compliance of the proposal in this respect is considered to be a sound reason for refusal. Representations against the proposal have been received from this neighbour, who also objects to loss of sunlight and overbearing impact upon their small rear garden resulting from the proposal. The latter aspects are more difficult to assess as the path of the sun varies throughout the year. The rear garden of 7 Chapel Road is generally positioned to the east of the proposed building, so loss of direct sunlight could only occur during the late afternoons or early evening hours. The roof form of the replacement building is no higher than the existing building, but whereas the existing roof form slopes away from that property, the proposed replacement structure will have greater solidity at first floor level. It is considered likely that there will be some additional impact on the enjoyment of this garden area resulting from the proposal resulting from the greater bulk at first floor level. A representation on similar grounds was also received from 2 Clifton Terrace; the rear private amenity of this area is positioned NE of the building. Again, it is considered likely that the additional bulk of the building at first floor level will have some impact upon the enjoyment of this amenity area, although the variation in the path of the sun throughout different days of the year and the fact that this amenity area is not immediately adjacent to the proposal building mean the impact is likely to be less than the impact on 7 Chapel Road in particular on the grounds of loss of daylight and sunlight.
- 13.10 Policy DP1 and the associated SPD also seek to protect the amenity of existing residential property from unreasonable overlooking. Although the proposed building generally avoids overlooking from first floor windows, the proposal includes a first floor sitting-out area above the south-west part of the ground floor. This sitting-out area forms the main amenity area for the new studio dwelling. It is positioned approx 6m from the rear garden of 4 Clifton Terrace and just above the level of the boundary wall to this property. It is noted that the occupants of this property have not objected to the proposal; nonetheless, the Council has to have regard to the impact of proposals in terms of its adopted policies. The part of the garden overlooked by the balcony is the patio area immediately to the rear of that house, which is the area that adopted guidance looks in particular to protect from overlooking. Whilst there is an element of overlooking from the rear bedroom window of 5 Clifton Terrace, that is relatively oblique, whereas the new first floor sitting-out area is the main amenity area for the new property and faces directly toward the garden of 4 Clifton Terrace. As such it is considered the proposal results in unreasonable overlooking of the existing property, 4 Clifton Terrace.

#### Amenity Provisions

- 13.11 Policy DP16 requires a minimum of 50 square metres (sqm) of private amenity space for 1 and 2-bedroom houses, or 25 sqm for flats, as a secure and useable space. The proposal includes a balcony/ first-floor sitting out area of approx 10 sqm, but little other useable amenity space. This is clearly well below the Council's adopted minimum standards. However, in mitigation, the site is very close to a large area of parkland and the proposal is within an area of Wivenhoe where many of the dwellings have very small gardens.



### Highway Issues

- 13.12 The proposal makes provision for 1 car parking space. This is below the standard recommended by the adopted Parking Standards SPD (spaces for a 2-bedroom dwelling and 1 space per 30 sqm for a Class B1 commercial proposal = requirement for 4 extra spaces). However, the existing site makes no provision for off-street parking and an alternative use of the site for community purposes would also generate a requirement for off-street parking. The Highway Authority has not objected to the proposal on these grounds. The proposed use is in effect a live-work unit, and the provision of 1 space is not considered unacceptable in the circumstances.

### Trees

- 13.13 The proposal is in very close proximity to a mature tree, with its trunk just north of the application site. However, the crown spread overhangs the existing building. The Council's Arboricultural Officer advises that a Tree Survey should have been submitted in order to fully assess the impact of the proposal on this mature tree. The tree does of course add to the character and setting of the Conservation Area and it is important that this is fully considered.

### Other Matters

- 13.14 A letter has been submitted from one objector, stating he owns the adjoining garage and adjacent access strip (on the northern margin of the site) and that the applicant's main access could trespass over his land and a proposed boundary fence intrude upon it. The agent has responded that the correct boundary for ownership was shown but that paving to the client's forecourt had been shown on the adjoining land. Amended drawings have been submitted and the agent confirms any new fencing will be on the applicant's land. In view of the recommendation of refusal, this minor change has not been re-notified to neighbours.
- 13.15 Two representations have also been received in respect of potential odour and waste water concerns regarding the operation of the kilns. The Environmental Control section has advised this would require further details to be submitted if planning permission was granted.

## **14.0 Conclusion**

- 14.1 The application has generated a large number of representations both for and against the proposal, with a clear difference of opinion as to the value of the existing building as an architectural structure and as a community asset, and the architectural merits and use of the proposed replacement building. Policy DP4 seeks to protect community buildings from change of use and in this respect it is considered the application does not demonstrate that the proposed use could be supported in accordance with the detailed requirements of that policy. Policy UR2 does not exclude contemporary design within Conservation Areas, where it results in distinctive development that is sympathetic to local character. In this instance, the proposed design form is considered acceptable in itself in relation to the character and context of the surrounding Conservation Area. However, the resultant design form would result in unacceptable neighbour impacts as detailed within the report and the application also fails to consider potential detrimental impacts on a nearby mature tree. Whilst,

there some merits to the proposal in architectural terms, these do not override the policy concerns identified and the adverse impact on existing residential amenity. The application is therefore recommended for refusal.

## **15.0 Recommendation – Refusal**

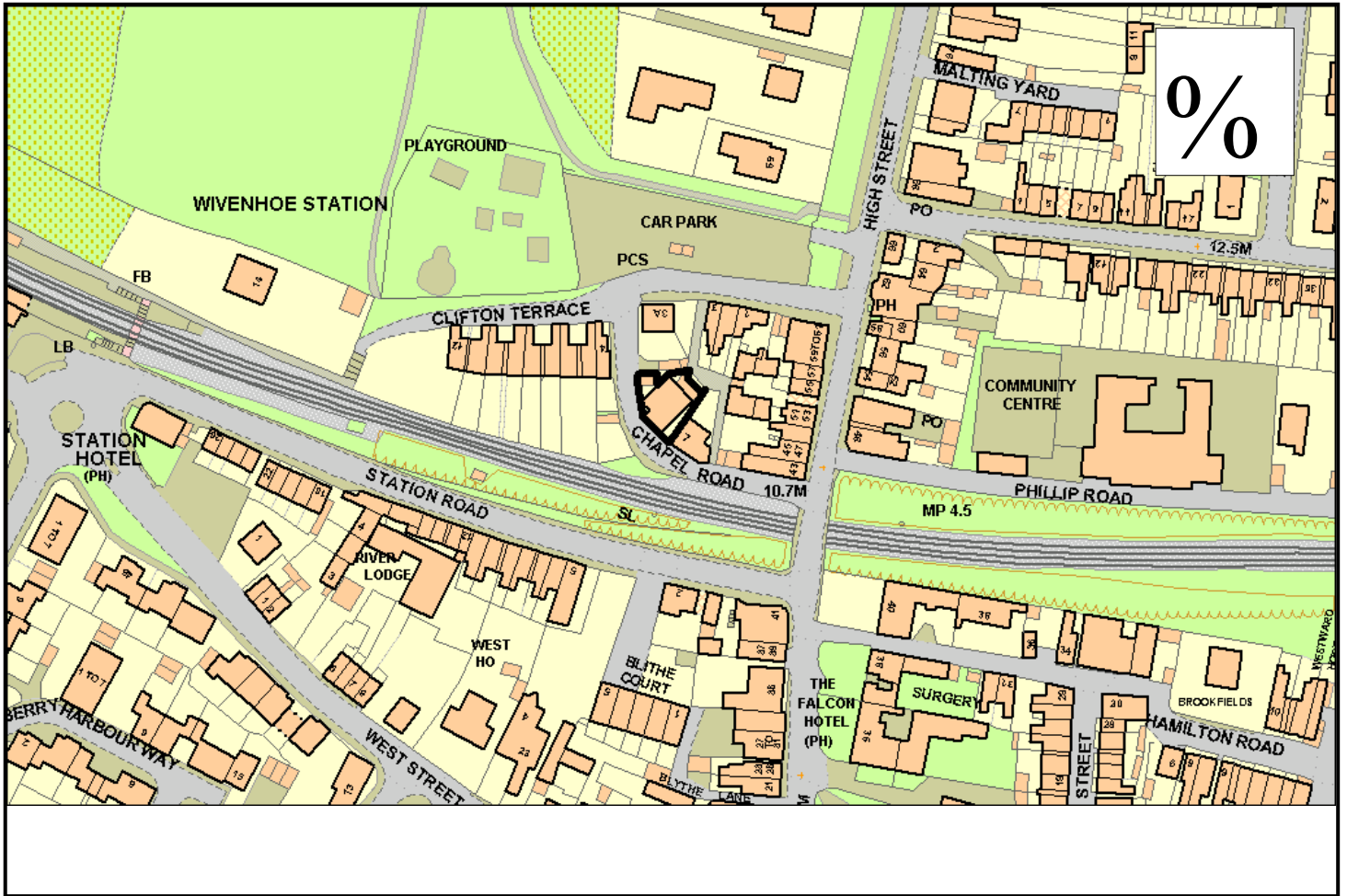
### **Reasons for Refusal**

1. The LDF Development Policies Document was adopted by the Council in October 2010. Policy DP4 seeks to protect community buildings from inappropriate change of use. Policy DP1 seeks to ensure all development is of a high standard, which respects and enhances the character of the site, its context and surroundings, including the landscape setting, and protects existing residential amenity particularly with regard to overlooking and loss of daylight and sunlight.

In this respect, the existing building appears to have previously been used, in part, for community purposes and, it is considered that the application has not demonstrated to the satisfaction of the Council that it would not be economically viable to retain the existing building for community use (or could not be operated by an alternative occupier for community purposes), nor has it provided an adequate assessment to demonstrate there is an excess of such provision in the vicinity. As such the proposal cannot be supported in accordance with Policy DP4.

The proposed replacement building will furthermore result in adverse impacts on existing residential amenity, including an overbearing impact and loss of daylight to 7 Chapel Road and overlooking to the private amenity area of 4 Clifton Terrace. The proposal as such is contrary to Policy DP1 and to adopted SPD (including the Essex Design Guide).

Finally, the application does not provide a Tree Survey in line with BS 5837, and so has not demonstrated that the replacement building can be accommodated without undue detriment to a nearby mature tree, also in accordance with Policy DP1.



**Application No:** 110609

**Location:** St Johns Ambulance Site, Chapel Road, Wivenhoe, Colchester, Colchester, CO7 9DX

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

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**7.3 Case Officer: Simon Osborn**

**Due Date: 01/09/2011**

**Site: St Johns Ambulance Site, Chapel Road, Wivenhoe**

**Application No: 110609**

**Date Received: 7 July 2011**

**Agent: Mr Laurie Wood**

**Applicant: Mrs Pru Green**

**Development: Proposed demolition of the superstructure of the existing single storey St. John Ambulance hall.**

**Ward: Wivenhoe Quay**

**Summary of Recommendation: Refusal**

## **1.0 Introduction**

1.1 This application is referred to the Planning Committee because it accompanies the planning application (subject of the previous report), which was called-in by Cllr Ann Quarrie.

## **2.0 Synopsis**

2.1 The previous report in respect of the planning application considered the planning issues surrounding the proposed replacement building. In the absence of a suitable replacement building, the Council cannot support the demolition of an existing Victorian building, as this would have a detrimental impact upon the character and appearance of the Conservation Area.

## **3.0 Site Description and Context**

3.1 The application site is an irregular shaped parcel of land, fronting onto an unadopted road, in close juxtaposition to a number of residential properties and within the Wivenhoe Conservation Area. The property is close to the heart of the town and although within a predominantly residential area, is also to commercial outlets along the High Street, which form part of the Rural District Centre designation.

3.2 The application site is largely occupied by a rectangular-shaped hall of utilitarian form and appearance. A small corrugated-metal garage is located within the NW part of the site. Part of the site is overhung by a mature tree, the trunk of which is positioned immediately to the north of the application site.

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

- 4.1 The conservation area consent application looks to remove the existing buildings on the site.

#### **5.0 Land Use Allocation**

- 5.1 Conservation Area  
Predominantly Residential Area

#### **6.0 Relevant Planning History**

- 6.1 WIV/10/48 – change of use of church hall to furniture store and showroom, approved 1948;
- 6.2 WIV/3/57 – change of use from furniture showroom to builders yard, approved 1957;
- 6.3 WIV/14/60 – change of use from builders workshop to St Johns Ambulance HQ and store, approved 1960;
- 6.4 WIV/26/60 – additions to provide storage, kitchen and toilet accommodation, approved 1960;
- 6.5 110608 – proposed demolition of the superstructure of the existing St John Ambulance hall, and erection of a two-storey, flat-roofed building comprising an artist's studio on the ground floor and 2-bedroom dwelling on the first floor, pending (see previous report).

#### **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
- 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  
DP14 Historic Environment Assets

## 8.0 Consultations

### 8.1 Network Rail stated:

“No objection against the principal of the application however due to the close proximity of the proposal it is useful to inform railway personal of development occurring adjacent to the railway therefore Network Rail would like the following informative to be inserted into the decision notice: *Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement*”.

### 8.2 The Design and Heritage Unit commented:

“The building is situated in the Conservation area of Wivenhoe, with a number of listed buildings and buildings of townscape value in the immediate vicinity. The building itself was a timber framed late 19C parish hall, but its original appearance has now much changed, to the detriment of its appearance and the overall appearance of the sensitive conservation area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality”.

### 8.3 Environmental Control recommended the Demolition and Construction Informative

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 Town Council Response

### 9.1 Wivenhoe Town Council stated:

“Although Wivenhoe Town Council welcomes and encourages businesses and individuals in ventures such as this Policy DP14 states that development affecting the historic environment “should seek to preserve, or enhance the heritage asset ” new development should “enhance the historic environment in the first instance”. This is not the case in this application, which is the demolition of a 140 year old historic building within Wivenhoe's Conservation Area.

Policy DP 1 states that development must “positively contribute to the public realm, identifying, preserving or enhancing the existing sense of place, townscape or streetscape, key views, roofscapes” DP1 (i) states that the development will “respect and enhance the character of the site, its context and surroundings in terms of architectural approach” DP1 (iii) states “Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise, disturbance, pollution, daylight and sunlight”.

The development must enhance and improve what is already there, this application does not.

This application therefore contrary to Policies DP1 and DP13 of the Adopted Colchester Borough Development Policies Development Plan Document (2010), and Policy UR2 of the Adopted Colchester Borough Core Strategy (2008).

Other points:

- It constitutes a Change of Use category from D1 to C3 residential and B1 business but this is not stated in the application;
- Under quota for parking standards - Planning Standards Design and Good practice September 2009 states that a 2+ bedroom dwelling needs a minimum of 2 car parking spaces;
- Ownership of land adjacent to garage is in question therefore planning permission cannot be granted;
- Loss of permeable land;
- The existing plans have insufficient detail in them, no dimensions, in particular there is an overhang on the 1st floor, where it is unclear whether this projects over the existing footplate. If it does then it may present problems for traffic in this already narrow road;
- North is in the wrong place on the plans;
- Use of two kilns a serious concern as kiln-dust fall out will be produced and create major consequences from toxins. There was no report on how the waste debris from pottery glazes would be dealt with to prevent them being washed down into the main sewer.
- There is no provision for outdoor space. Although this may be unimportant to the applicant, successive owners may use the car parking space or the flat roofed garden. Either putting more vehicles on the road or creating a further privacy problem for neighbours”.

## **10.0 Representations**

10.1 Most of the representations received in respect of this proposal (134 objecting, 55 in favour) relate more specifically to the application for planning permission 110608 for this site. The following comments related more specifically to this application:

1. Loss of a community asset. There is a desperate shortage of community buildings in Wivenhoe. The building is structurally sound. There are funds available to bring it back into appropriate and viable community use.
2. The Hall is a simple Nineteenth-century building which makes a contribution to the character and appearance of the Conservation Area. The building has religious and social significance in Wivenhoe’s history.
3. The existing building has no merit and is gradually falling into greater dereliction.

## **11.0 Parking Provision**

11.1 The proposal to demolish the existing buildings raises no parking issues.

## **12.0 Open Space Provisions**

12.1 The proposal to demolish the existing buildings raises no open space provision issues.

## **13.0 Report**

13.1 The previous report in respect of the planning application made clear that the loss of a building which had in part been used for community purposes, was not acceptable unless it had been demonstrated as appropriate in accordance with the requirements of Policy DP4. The proposed replacement building would furthermore result in detrimental amenity impacts to nearby residential property. These issues were considered as part of the planning application and are not considered further here. However, they are relevant insofar as there is not a proposal for a satisfactory replacement building for the site. In the absence of a suitable replacement building, a hole would be punched within the fabric of the Conservation Area, which would not be acceptable.

## **14.0 Conclusion**

14.1 In the absence of a suitable replacement building, the Council cannot support the demolition of an existing Victorian building, as this would have a detrimental impact upon the character and appearance of the Conservation Area.

## **15.0 Background Papers**

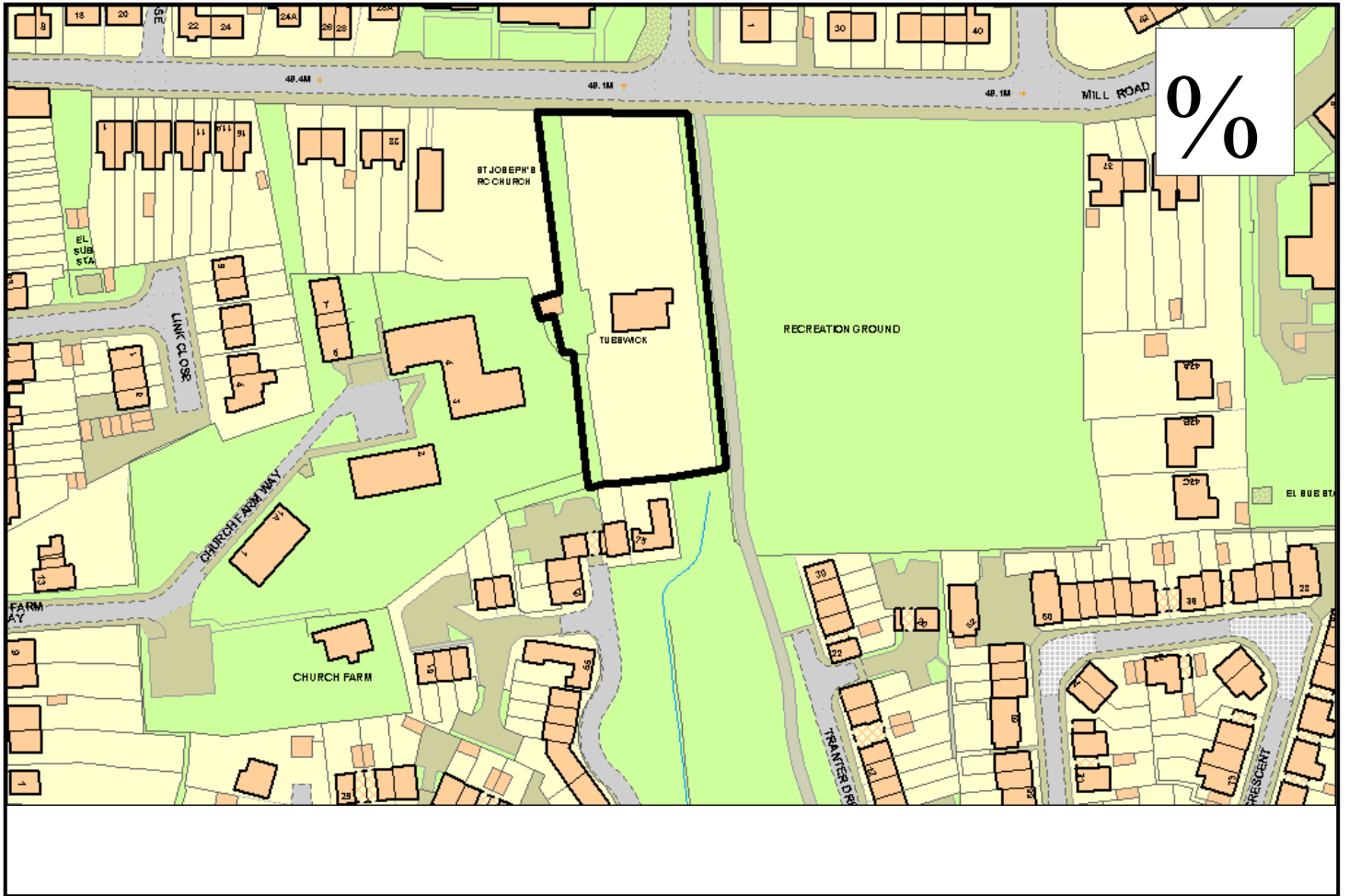
15.1 PPS; Core Strategy; CBDP; Network Rail; DHU; HA; PTC; NLR

## **15.0 Recommendation - REFUSE conservation area consent**

### **Reasons for refusal**

In the absence of planning permission for a suitable replacement building, the Council cannot support the demolition of an existing Victorian building, as this would punch a hole within the existing urban fabric and have a detrimental impact upon the character and appearance of the Conservation Area. As such the proposal is contrary to Policy UR2 in the LDF Core Strategy adopted December 2008 and Policy DP14 in the LDF Development Policies Document adopted October 2010.





**Application No:** 110937

**Location:** Tubswick, Mill Road, Colchester, CO4 5LD

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

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#### 7.4 Case Officer: Simon Osborn

**MINOR**

**Site:** Tubswick, Mill Road, Colchester, CO4 5LD

**Application No:** 110937

**Date Received:** 8 June 2011

**Agent:** Mr David Rose

**Applicant:** Mr A Richardson

**Development:** Proposed replacement dwelling following the demolition of existing dwelling and the erection of eight additional dwellings, garages and associated works (Resubmission of withdrawn Planning Application 110503).

**Ward:** Mile End

**Summary of Recommendation:** Conditional Approval subject to signing of Unilateral Undertaking

#### 1.0 Introduction

- 1.1 This application is brought back to the Planning Committee after the item was deferred at its meeting of 28 July 2011. The application had originally been "called-in" by Councillor Anne Turrell on the grounds of overdevelopment and highway safety.
- 1.2 The reasons for deferral were: to enable a meeting to take place with ECC Highways and Ward Councillors to discuss highway issues, in particular whether the development should include a pelican or zebra crossing instead of the raised table; to discuss the provision of yellow lines along the new road and the provision of litter bins with ECC Highways and the applicant; and, to request the Arboricultural Officer re-examined the hedge along the rear boundary to see if it is possible to retain part of the hedge and/or trees within it. An additional planning condition was also considered to be appropriate to prevent deliveries during school pick-up and drop-off times and all contractor vehicles to park on site.
- 1.3 The layout of the report follows that of the original report, with a new section (14), which discusses the matters referred to in paragraph 1.2 above. Additional conditions proposed are listed at the bottom of the report and amendments to previously recommended conditions have been highlighted in bold.

## **2.0 Synopsis**

- 2.1 The application has been submitted in outline form with all matters reserved for a total of nine dwellings, but includes an indicative layout. The layout indicates a new vehicular access is intended, the existing to be closed. The report considers the layout proposed in the light of the Council's adopted policies and standards. It concludes that the layout as submitted is satisfactory and that there are no adverse highway safety issues. The application is recommended for approval.
- 2.2 Whilst all matters are reserved, outline planning applications still have to demonstrate that proposals have been properly considered in the light of relevant policies and the site's constraints and opportunities. Detailed consideration is required on the use and amount of development of the site whilst some basic information on the remaining issues (design, layout, scale etc) is required in the application. It is fair and reasonable that the amount of development and the indicative layout and scale parameters be considered. Therefore, the applicant is still expected to demonstrate that their proposed development can be suitably accommodated within the site and relates well to its setting even though the finer details may well be reserved. Similarly, the indicative access point should also suggest the point where access to the site will be situated.

## **3.0 Site Description and Context**

- 3.1 The application site is a rectangular shaped parcel of land of size 0.35 hectares, with public frontages onto Mill Road (to the north) and the local recreation ground (to the east). The remains of a listed building sit centrally on the site, otherwise the site has largely been cleared save for a couple of trees and a hedgerow close to the boundary of the site with residential properties in Bolsin Drive (to the south). West of the site is a single-storey care home off Church Farm Way and the grounds of St Joseph Church. The application site lies on the opposite side of Mill Road from Myland Community Primary School.

## **4.0 Description of the Proposal**

- 4.1 The application proposes nine residential dwellings on the site (that is eight new ones in addition to the existing use of the site for one dwelling). The application has been submitted in outline form with all matters reserved, but an illustrative layout has been submitted together with a full DAS, a Flood Risk Assessment, a Biodiversity Survey, an Arboricultural Survey and an Environmental Desk Study. The illustrative layout shows three dwellings facing toward Mill Road, but separated from it by a landscaped strip and service road, the remaining six dwellings facing toward the Recreational Ground. The development proposed is generally 2-storey in nature, although plot 3 (the corner plot) is indicated to be three-storey.

## **5.0 Land Use Allocation**

- 5.1 Predominantly residential

## **6.0 Relevant Planning History**

- 6.1 100646 – Demolition of the remainder of severely damaged dwelling and associated garage – this was granted listed building consent on 12 January 2011, subject to one condition that prior to any demolition a programme of building recording works to be carried out by an appropriately qualified specialist and submitted to the Local Planning Authority.
- 6.2 110503 – Proposed replacement dwelling following the demolition of existing dwelling and the erection of eight additional dwellings, garages and associated works was withdrawn by the applicant because Officers had concerns regarding the proposed layout. The layout proposed differed from application 110937 in that it utilised the existing access point and envisaged dwellings set around a sinuous road form, which resulted in a poor layout.

## **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
- 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  
H2 - Housing Density  
H3 - Housing Diversity  
H4 - Affordable Housing  
UR2 - Built Design and Character  
ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP12 Dwelling Standards  
DP14 Historic Environment Assets  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP17 Accessibility and Access  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP25 Renewable Energy

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
- Backland and Infill
  - Community Facilities
  - Vehicle Parking Standards
  - Sustainable Construction Open Space, Sport and Recreation
  - Extending your House
  - The Essex Design Guide
  - External Materials in New Developments
  - Myland Design Statement

## **8.0 Consultations**

- 8.1 The Highway Authority stated no objection subject to (14 conditions and 2 notes: these are reproduced in the recommended conditions).
- 8.2 Environmental Control recommended the Construction and Demolition Informative if permission is granted.
- 8.3 The Design and Heritage Unit (DHU) stated:
- “This application represents a substantial improvement over the previous, withdrawn application. The road alignment, agreed with Highways, provides the opportunity to create a sense of place and layout fitting for this site and its constraints.
- My only concern is the stagger between plots 6 and 7. Visually the relatively inactive side elevation of plot 7 could be either given stronger emphasis by placing the front door on this side, or plot 6 could be pulled forward to lessen the stagger between the two houses.
- I believe the drawing submitted illustrates a brick wall to the rear garden of plot 3. It would be worth securing this at the outline stage because of its importance for the privacy of this garden.”
- 8.4 Colchester and Ipswich Museum Service asked for an archaeological watching brief condition commissioned by the applicant/developer from a professional archaeological contractor. The current listed fire damaged property dates from about 1750, but the famous author Daniel Defoe in 1722 was granted a lease for 99 years of the estate of Kingswood Heath or the Severalls together with Brinkley Farm and Tubswick. Thus it would appear that there may well have been an earlier property on this site perhaps of late Medieval date.
- 8.5 The Landscape Officer recommended that additional tree cover should be provided to the recreation ground boundary to help filter screen the development and single principal trees included to the northeast and northwest corners to help frame the development and soften the street scene.

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 Myland Community Council objects to this outline planning application in the strongest possible terms.

The reasons for our objection are as follows:

### 1. The service road entrance is unsafe because:

- a. It feeds on to a narrow road (Mill Road) opposite Raven Way, effectively making a crossroad.
- b. It is within the no stopping zone outside Myland Primary School.
- c. Moving the access road to this position means that some pedestrians will effectively have to cross two roads to get to and from the school.
- d. It is too small, with poor visibility in both directions towards Mill Road traffic, especially when the 2 bus stops are occupied.
- e. The nine homes on the site will generate an unacceptable number (possibly 18+) of vehicle movements, in the mornings, right outside the school.
- f. MCC does not believe that the proposed raised table and reduced carriageway will improve pedestrian safety and could, in fact, add to the hazard. MCC's recommendation would be for a new zebra crossing and pedestrian barriers for the infant and primary school children to the site.
- g. It is incapable of providing safe access/egress for service and emergency vehicles.
- h. All the above will lead to a high risk to the safety of children and residents.

### 2. The service road design does not comply with the Essex Design Guide 2010 recommendations in that:

- a. it is too narrow for the traffic movements from nine homes, plus access for service and emergency vehicles.
- b. It appears that it may not be possible for two vehicles to pass within the site.
- c. the turning head does not comply with the Design Guide standards
- d. the winding road layout wastes space, introducing the risk that a later planning application will change the road layout to permit one or two more houses.

### 3. The architecture in this outline application is inappropriate in that:

- a. The housing density is equivalent to 25 units/ hectare which is unreasonably excessive for a site of this shape.
- b. It appears that no thought has been given to the public sensitivity and social importance of this highly prominent site, which lies between the centre of the village, Parish Church, primary school and recreation ground, as required in the adopted Myland Design Statement SPD.
- c. The Edwardian character of the adjacent architecture and the context of the previous listed building has been ignored.
- d. The need for a sensitive transitional site development between the school, church and the recreation ground has not been considered.

- e. The design cannot be described as 'secure by design'.
- f. The site has only been considered only as a maximum revenue generating opportunity for the owner and the Developer.

**4. The proposed Outline Planning Application documentation gives NO indication of the following issues:**

- a. The design of the street scene
- b. Visitor parking on site
- c. The building materials to be used
- d. Open space allocation
- e. Design and access statement,
- f. Landscaping plan
- g. Measures needed to preserve the privacy of the neighbouring properties in Bolsin Drive, where the ground level is considerably lower than on the Tubswick site.
- h. The Section 106/Community benefit provision for this development

**Conclusions**

- a. This application should be rejected.
- b. Had the applicant proposed a development of no more than three homes of high quality Edwardian architectural style which could satisfy our concerns about traffic volumes and child safety, whilst reflecting the importance of this site to this community, then the proposal would have received a much more sympathetic response.
- c. In the event that this application receives consent we request that the decision and the minutes of the meeting record that the layout plan, including the number of homes, is specifically described as "not indicative".

**10.0 Representations**

10.1 Objections were received from Cllrs. Martin Goss and Anne Turrell and 7 local residents. These raised the following issues:

- Overdevelopment – too many properties for the site.  
*(Officer Comment: This is considered in the main body of the report).*
- Gardens do not appear to meet minimum standards  
*(Officer Comment: This is considered in the main body of the report)*
- Highway safety issues given proximity of schools and crossing point over Mill Road. The proposed road entrance is too close to cyclists.  
*(Officer Comment: This is considered in the main body of the report)*
- Road seems too tight for dustcarts  
*(Officer Comment: The proposal shows a Type 3 Turning Head, which would be required to accommodate these sorts of vehicles)*
- Insufficient car parking.  
*(Officer Comment: This is considered in Section 11 of the report)*
- Plot 9 too close to 73 and 75 Bolsin Drive. The application site is on higher ground and there are overbearing and overlooking issues.  
*(Officer Comment: This is considered in the main body of the report)*

- No community facilities provided.  
*(Officer Comment: The development is not of sufficient size to warrant the provision of community facilities on site. The Unilateral Undertaking includes a contribution towards community facilities in accordance with the adopted SPD)*
- Noise impact on neighbouring gardens whilst construction in progress.  
*(Officer Comment: If approved, the Construction and Demolition Informative would be appended)*
- Insufficient landscaping.  
*(Officer Comment: The Landscape Officer agrees with this. Were permission granted this would need to be a condition of the outline planning permission).*
- No provision for saving historic graffiti bricks from Tubswick.  
*(Officer Comment: The previous listed building application dealt with the demolition of the fire damaged building)*
- Six foot high boundary fencing should be provided along the boundary with the Church Farm Way development.  
*(Officer Comment: This can be secured by planning condition)*

## **11.0 Parking Provision**

- 11.1 Policy DP11 requires a minimum of 1 car parking space for 1-bed dwellings and a minimum of 2 car parking spaces for 2-bed dwellings and above, in addition to 0.25 spaces per dwelling for visitors. The illustrative plan submitted shows each of the proposed dwellings having three parking spaces, one of which is easily accessible to visitors.

## **12.0 Open Space Provisions**

- 12.1 Policy DP16 accepts that a commuted sum in lieu of open space provision is likely to be acceptable on smaller developments of less than 0.5ha; in this instance the site is below this size at 0.35ha. The applicant has provided a Unilateral Undertaking for such a sum to be provided in accordance with the Council's adopted standards.

## **13.0 Report**

### Principle of Development

- 13.1 Tubswick is a listed building with historical associations to Daniel Defoe. However, listed building consent for the demolition of this dwelling was granted by the Council earlier this year. The site is within a predominantly residential area and the redevelopment of the site for residential purposes is therefore acceptable in principle subject to the details being in accordance with adopted policies and other planning guidance.



- 13.2 New residential development should accord with the minimum standards laid down in the policies in the Core Strategy and Development Policies. The Backland and Infill Development SPD can require in excess of minimum standards where this is appropriate to the site context. In this instance, whilst there are public buildings such as St Joseph's RC Church and Myland Primary School in the near vicinity, as well as the recreation ground to the east, the site is also adjacent to modern estate houses off the Northern Approaches Road and established dwellings along the Mill Road with relatively modest rear gardens. It is therefore considered appropriate that standards for the new dwellings meet those set out in the LDF policies.
- 13.3 The density of the proposed development equates to 25 dwellings per hectare. Table 2a in the adopted Core Strategy indicates that densities of over 40 dwellings per hectare will be acceptable within the urban area of Colchester. The adopted SPD on Backland and Infill Development makes a case for lower densities, where this is necessary to fit in with the character of existing development. Comparison with areas of existing residential development shows the application site having a similar amount of development. The DAS states the density of housing on Mill Road to the west of the site is between 31-34 units per hectare and the housing in Defoe Crescent is approx 30 units per hectare. The density proposed for the application site is therefore considered acceptable.

#### Design and Layout

- 13.4 The application has been submitted for a total of nine dwellings in outline form with all matters reserved. Nonetheless, the application includes an indicative drawing to show a layout with nine dwellings, which gives the Local Planning Authority an opportunity to consider whether or not a layout such as this would be acceptable or not. The layout still provides information on the approximate location of buildings, routes and open spaces proposed. It suggests an explanation as to how these principles, including the need for appropriate access will inform the detailed layout at the reserved matters stage.
- 13.5 The Myland Design Statement refers to eleven neighbourhoods within Myland. The site is on the periphery of what is referred to as Myland village (being the established area of Myland located around the local facilities) and the Northern Approaches (post 2000 development). Mill Road is a linear development pattern made up of a mixture of individual houses on generally tight plots, suburban semi-detached dwellings and short terraced housing in clusters of three to four dwellings. The school building opposite the site and the Recreation Ground to the east and the grounds of St Joseph's Church to the west provide a change to this development rhythm.
- 13.6 The linear pattern of development proposed, with active frontages looking towards Mill Road and the Recreational Ground, reflects the generally linear pattern of development within the surrounding area. The incorporation of a landscaped strip at the front of the terrace of three dwellings facing onto Mill Road will relate the development pattern to the green spaces either side of the site. It is not possible to consider the external appearance of the dwellings, as this is reserved for later consideration. Nonetheless, the principles put forward within the DAS and shown on the indicative layout drawing submitted are considered acceptable by Officers as appropriate to the area. The DHU is generally supportive of the proposal, subject to one small detail concerning the stagger between plots 6 and 7. This can easily be

remedied at the reserved matters stage, either by pulling plot 6 forward, or providing a front door in the side of plot 7 to provide a more active frontage. The Landscape Officer is also satisfied with the content of the proposal subject to additional tree planting along the Recreation Ground boundary to help filter screen the development and single principal trees on the corners of the site with Mill Road: this is dealt with by planning condition.

- 13.7 Policy DP16 sets out minimum garden sizes for new development. These standards require 100 square metres for 4-bedroom houses, 60 sqm for 3-beds and 50 sqm for 1 and 2-bedroom properties. The indicative layout shows plots 5-9 providing in excess of 100 sqm of rear garden space, with plots 1-4 providing between 60 sqm and 100 sqm.
- 13.8 The application indicates that the proposed development is to be generally two-storeys high, although plot 3 (on the corner) features a 3-storey focal point. Plot 3 is shown on the indicative drawing to have a rear garden below 100 sqm in size. Whilst a 3-storey feature building may be appropriate within an otherwise two-storey development, this would only be appropriate if the amenity space associated with it was appropriate for the number of bedrooms within that unit. It is suggested this is drawn to the attention of the applicant/developer through an informative.

#### Impact on Neighbouring Properties

- 13.9 The principle neighbour issue arising from the layout submitted is the proximity of the proposed dwelling on plot 9 to Nos. 73 and 75 Bolsin Drive, owing to a sudden drop in land levels of approx 1.3m from the application site to these existing properties. There is an established hedge close to this boundary, but the Tree Survey indicates this has been suppressed on the north side by trees that have since been felled. In order to achieve a sustainable boundary it is recommended this is removed and replaced with better quality hedging. The dwelling proposed for this plot has been modified since the previous submission. The proposed dwelling is sited to the north of the Bolsin Drive properties and is 3.5m away from the boundary at the nearest point and at least 8m away from the nearest wall of No.75 (which has no windows). There would be no loss of direct sunlight and the arrangement of first floor windows could reasonably avoid overlooking (other than from an obscure angle). The difference in land levels will require a new fence to ensure privacy is maintained. It is also suggested that a condition is imposed to remove permitted development rights for the dwelling plot 9 in view of the levels difference.

#### Highway Issues

- 13.10 For outline applications, where access is reserved, the application should still indicate the location of the point of access to the site and clearly explain the principles which will be used to inform the access arrangements for the final development. The application shows a new vehicular access, almost opposite Raven Way and proposes the existing access is closed off and an existing pedestrian refuge is replaced with a raised table and a locally reduced carriageway size.
- 13.11 The access road is approx 4.8m wide, which is appropriate to serve a Mews Court development for up to 12 houses from a cul-de-sac, in accordance with the Essex Design Guide.

13.12 Objections to the proposal have made reference to the proximity of the new access road to the school and also its proximity to the footway/ cycleway (which runs through the Recreational Ground). The proposal removes a small island crossing point in Mill Road and replaces it with a full-width raised table, with a reduced road width, and bollards. This is intended to provide a more pedestrian friendly environment. Whilst the new vehicular access runs parallel to the footway/cycleway in the Recreational Ground, the latter ends at Mill Road, so any users of this (including pedestrians and cyclists) will have entered a mixed pedestrian/road environment at the point where the new vehicular access is proposed. The Highway Authority has principal authority for considering the safety of the proposed arrangements. They have not objected to the proposal (subject to a total of 14 planning conditions and two informatives, which are included within the recommendation).

#### **14.0 Additional Report**

14.1 Discussions were held with ECC Highways and Ward Councillor Anne Turrell, after which the ECC safety audit team gave further consideration to the proposed raised block table outside the school. The advice given was that whilst ECC is keen to embrace the new guidance in Manual for Streets, there were concerns as to whether the raised table would be completely effective in this situation outside the school. ECC Highways therefore proposed the development plans be amended to show the zebra crossing. The developers have accordingly submitted revised drawing 1029.L.004B to show this.

14.2 In response to the provision of yellow lines along the new road, the applicant has responded that the road will be a private road beyond the highway control, so the yellow lines would be unnecessary and un-policed by anyone other than a management company. There would be a 'Private Road' sign at the entrance, which would ensure the protection sought by Committee members. ECC Highways confirmed that they wanted the road constructed as an adoptable layout in order to make it efficient and work properly, but that if the applicant wants to retain it as a private road, the Council cannot control the installation of yellow lines.

14.3 In response to the provision of litter bins, the applicant has pointed out there is already a litter bin at the proposed entrance to the new development. If new litter bins are required this should be funded by the financial contributions agreed under the Unilateral Undertaking. In fact, as a minor application (less than 10 new dwellings), the Council does not have authority to request additional contributions over and above those required for public open space and community facility contributions, in accordance with its adopted SPD.

14.4 The Tree Survey submitted with the application shows there is a hedge of laurel and privet along the rear boundary of the site (adjacent to 73 and 75 Bolsin Drive) and also a bay and oak tree. The Survey comments that the hedge "has previously been suppressed on the northern aspect by trees which have since been felled. It has little arboricultural value but does provide good screening to the site. In order to achieve a sustainable boundary I would recommend removal with replacement planting of better quality hedging". The bay tree is "multi-stemmed from ground level but with no notable defects". The oak tree "is growing tight against the boundary fence, has no notable defects and high growth potential". The Council's Tree officer has looked at the hedge again and is still of the opinion that whilst this can be used as a screen during the construction process, the vegetation contained within it is actually quite

poor and is unlikely to be possible to treat in any way to make it into a worthwhile landscape feature. If the hedge is left, it is likely that there would be pressure for its removal by the new occupiers when the development is finally occupied. The best course of action would be to condition retention during construction and ensure replacement planting after construction to ensure a long term landscape feature is provided and retained.

14.5 The conditions previously proposed have been amended to reflect the recommendations within the Additional Report (as shown in bold) and two additional conditions have been imposed to reflect Committee's earlier discussions regarding delivery times and parking of contractor vehicles.

## **15.0 Conclusion**

15.1 Whilst all matters are reserved for later consideration, the proposal submitted provides a layout that works and creates a "sense of place" with housing that looks toward the Recreation Ground and Mill Road, softened by a landscaped strip. The amount of development proposed in terms of density is similar to the density of other parcels of residential properties within the near vicinity. The Highway Authority has raised no objection to the proposal in terms of the proposed access arrangements to the site. The application is therefore recommended for approval.

## **16.0 Background Papers**

16.1 PPS; Core Strategy; CBDP; SPG; HA; HH; DHU; Museums; TL; PTC: NLR

**17.0 Recommendation** - APPROVE in accordance with the Unilateral Undertaking submitted and subject to the following conditions:

### **Conditions**

1 - A1.1 Outl Perms (submission of reserved matters (1))

Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

2 - A1.2 Outl Perms (submission of reserved matters (2))

Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters.

3 - A1.3 Outl Perms (time limit for subm of res matters)

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

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

#### 4 - A1.4 Outl Perms (time limit for commencement of Development)

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

Reason: In order to comply with Section 92 of the Town and Country Planning Act 1990.

#### 5 - Non-Standard Condition

The development hereby permitted shall be carried out in substantial accordance with the approved drawing no. 1029.L.004B dated 06.09.11, for a total of nine dwellings of generally two-storey form, unless otherwise agreed in writing by the Local Planning Authority.

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

#### 6 - Non-Standard Condition

No development shall take place until the applicants or their agents or successors in title have commissioned from a professional and registered archaeological contractor an archaeological watching brief in accordance with details that shall have previously been submitted to and approved in writing by the local planning authority. The watching brief shall be carried out in accordance with the agreed details.

Reason: To ensure that any remains of archaeological importance are properly recorded.

#### 7 -Non-Standard Condition

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 existing development in the area.

#### 8 - Non-Standard Condition

No development of the site shall take place until cross sections of the site and adjoining land and buildings, including details of existing ground levels around the buildings hereby approved and any changes in levels proposed, together with the proposed floor slab levels within that part of the site, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with those approved cross sections.

Reason: To enable the Local Planning Authority to exercise proper and considered control over the development as whole and to protect the amenity of occupiers of adjacent properties.

#### 9 - Non-Standard Condition

Prior to the commencement of any development details of [screen walls/fences/railings /means of enclosure etc] shall be submitted to and approved in writing by the local planning authority. The details shall include [the position/height/design and materials] to be used. The [fences/walls] shall be provided as approved prior to the [occupation of any building hereby approved] and shall be retained thereafter. The details to be submitted shall include the provision of a 1.8m high brick wall around the rear garden of plot 3 and shall ensure that a 1.8m high fence is provided along the boundaries of the site with any existing residential property, including the care home to the west.

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

#### 10 - 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 development within Classes A to E of Part 1 of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place to dwelling plot 9 without the prior written permission of the local planning authority.

Reason: To protect the amenities and privacy of adjoining residents.

#### 11 - 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). **The hedge identified as H001 (in the tree Survey submitted with the application) on the southern boundary of the site shall also be protected in this way before works commence and for the duration of the construction period.** 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.

#### 12 - 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.

### 13 - 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.

### 14 - Non-Standard Condition

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.

The details to be submitted shall include a minimum of 5-6 equally spaced trees to the recreation ground boundary to help filter screen the development and single principal trees to the northeast and northwest corners of the site to frame the development. **The details to be submitted shall also include the provision of an appropriate replacement hedge along the southern boundary of the site, which shall be planted in the first planting season following the completion of the dwelling adjacent to this boundary (Plot 9).**

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

#### 15 - 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.

#### 16 - 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.

#### 17 - Non-Standard Condition

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the east and 2.4 metres by 90 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility 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.

#### 18 - Non-Standard Condition

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining 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.



#### 19 - 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.

#### 20 - 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 highway 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.

#### 21 - Non-Standard Condition

The existing access as shown on the site layout plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the reinstatement to full height of the highway footway and kerbing, to the satisfaction the Highway Authority immediately the proposed new access is brought into use.

Reason: To ensure the removal of and to preclude the creation of unnecessary points of traffic conflict in the highway 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.

#### 22 - Non-Standard Condition

Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the 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.

#### 23 - Non-Standard Condition

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

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety to accord with policies DM6 and DM7 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### 24 - Non-Standard Condition

The carriageway of the proposed estate road shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road. The carriageway shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. The carriageways in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.

Reason: To ensure roads/footways are constructed to an appropriate standard in the interests of highway safety to accord with policies DM6 and DM7 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### 25 - Non-Standard Condition

There shall be no doors or other entrances onto the new road within the first 8m. from the back of the footway. No windows shall open outwards nor shall rainwater goods or other piping project over the shared surface of the Mews/Mews Court or other areas to which the public have unimpeded access.

Reason: To ensure that Mews/Mews Courts are constructed to an appropriate standard and in the interests of highway safety to accord with policies DM6 and DM7 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### 26 - 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 to accord with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### 27 - Non-Standard Condition

The vehicular hardstanding which is bounded by walls or other construction shall have minimum dimensions of 2.9 metres x 5.8 metres for each individual parking space.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety to accord with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### 28 - Non-Standard Condition

All single garages should have a minimum internal measurement of 7m x 3m. and shall be provided with vehicular doors a minimum width of 2.3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and to accord with policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

### 29 - 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.

### 30 - Non-Standard Condition

No works in connection with the proposed development shall commence until such time as the pedestrian refuge in Mill Road has been removed and replaced by a **zebra crossing**. These works will be provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for the additional vehicular movements as a result of the proposed development, to provide an improved pedestrian environment, and to accord with policy DM17 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

### 31 - 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 gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a highway without express planning permission from the local planning authority.

Reason: In the interests of the visual amenity of the area and to prevent the piecemeal erection of walls and/or fences to front gardens.

### **Additional conditions on 28 July 2011 amendment sheet**

### 32 – Non Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received on 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.

### 33 – Non Standard Condition

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by conditions 11, 12 and 13 (above) has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates.
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.
- g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

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

### **Additional conditions for 22 August 2011**

#### 34 – Non Standard Condition

There shall be no deliveries to the application site during the construction phase of development during dropping-off and picking-up times of school children at the Myland Community Primary School.

Reason: In the interest of highway and pedestrian safety, and because of the proximity of the application site to a primary school.

#### 35 – Non Standard Condition

All contractors vehicles associated with the construction of the development hereby permitted shall be parked within the application site.

Reason: In the interest of highway and pedestrian safety, and because of the proximity of the application site to a primary school.

### **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 08456 037631.

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

(4) Condition 30 requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act, 1980.

(5) The Local Planning Authority has noted that a 3-storey dwelling is proposed for plot 3. The Local Planning Authority reserve consideration of this until the reserved matters submission, but wish to point out that if this is acceptable in design terms, the number of bedrooms to be provided should be appropriate to the size of the private amenity area provided, in accordance with Policy DP16 in the adopted Development Policies Document.



**Application No:** 111464

**Location:** 9 Mountbatten Drive, Colchester, CO2 8BH

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

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7.5 Case Officer: Corine Walsh

Due Date: 03/10/2011

**HOUSEHOLDER**

**Site:** 9 Mountbatten Drive, Colchester, CO2 8BH

**Application No:** 111464

**Date Received:** 8 August 2011

**Applicant:** Mr J English

**Development:** Conversion of garage into lounge, including replacement garage door with upvc window and brickwork.

**Ward:** Harbour

**Summary of Recommendation:** Conditional Approval

## **1.0 Introduction**

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

## **2.0 Synopsis**

2.1 This report outlines the alterations proposed to this property and having assessed the proposal against relevant policies will recommend that conditional planning approval be granted for the proposal.

## **3.0 Site Description and Context**

3.1 The application property, which is situated on the western side of Mountbatten Drive, consists of a detached dwelling, with integral garage. The whole of the front garden of the application property has been block paved to facilitate off street parking provision.

## **4.0 Description of the Proposal**

4.1 This current application seeks permission to convert the integral garage into additional living accommodation.

## **5.0 Land Use Allocation**

5.1 Residential

## **6.0 Relevant Planning History**

6.1 None

## **7.0 Principal Policies**

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

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  
UR2 - Built Design and Character

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

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

Extending your House  
The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

8.1 None

## **9.0 Representations**

9.1 To date, no representations have been received, however at the time of writing; additional neighbourhood consultations had been undertaken. Should this result in the submission of any representations, these will be reported to committee on the amendment sheet.

## **10.0 Parking Provision**

10.1 Parking provision complies with the adopted standards.

## **11.0 Open Space Provisions**

11.1 Not applicable as there will be no change to the current situation as a result of this proposal.



## **12.0 Report**

12.1 This application which proposes the conversion of the integral garage of this property into living accommodation, involves relatively minor elevational alterations and as such the proposed design and layout are considered acceptable within the context of the application site curtilage and its immediate surrounds. No concerns are raised with regard to scale, height and massing, given the nature of the proposal. The garage conversion and associated elevational alteration would not significantly impact upon the existing amenities of neighbouring property or detract from the character of the surrounding area. Whilst the proposal would result in the loss of garaging facilities associated with the property, there is adequate alternative off street parking provision within the frontage of the property to meet current standards.

## **13.0 Conclusion**

13.1 The garage conversion as proposed accords with plan policies and is considered acceptable in terms of both visual and residential amenities.

## **14.0 Background Papers**

14.1 PPS; Core Strategy; CBDP; SPG

## **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 unnumbered elevational plans 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 Householder Condition (Matching Materials)

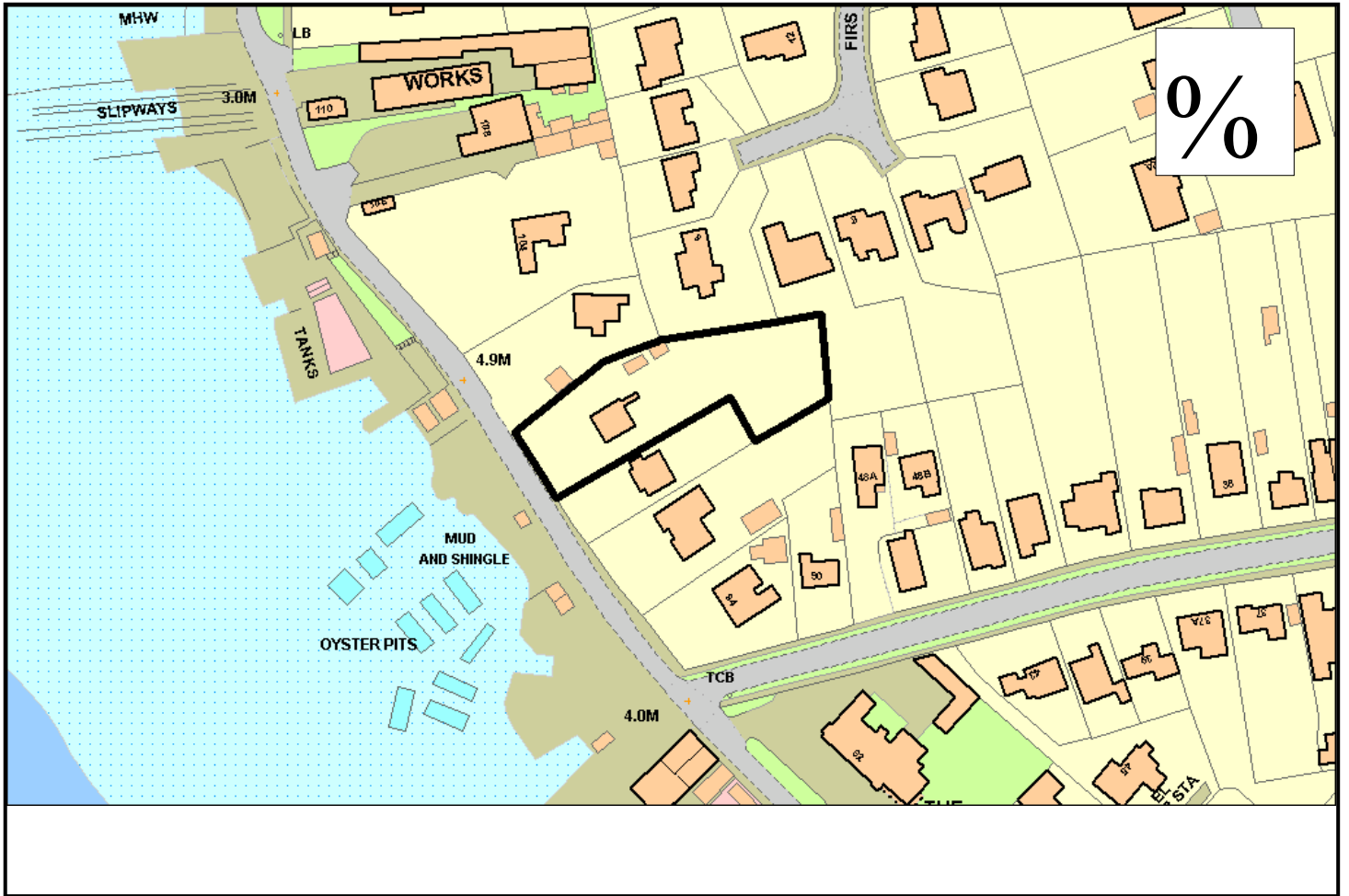
Notwithstanding Condition 2 above, the external materials and finishes to be used for the approved development shall be the same type and colour as those used on the existing building unless otherwise agreed, in writing by the local Planning Authority.

Reason: To ensure that the materials used on the development are of a satisfactory visual appearance that respects the character of the existing property.

## **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.



**Application No:** 111470

**Location:** 100 Coast Road, West Mersea, Colchester, Colchester, CO5 8NA

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

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**7.6 Case Officer: James Firth**

**Due Date: 03/10/2011**

**OTHER**

**Site:** 100 Coast Road, West Mersea, Colchester

**Application No:** 111470

**Date Received:** 8 August 2011

**Agent:** David Webb

**Applicant:** Mr Graham Rampling

**Development:** Erection of boat store. Improved access to Coast Road. Resubmission of 110583.

**Ward:** West Mersea

**Summary of Recommendation:** Conditional Approval

## **1.0 Introduction**

1.1 This application is referred to the Planning Committee because it has been called in by Councillor Kimberley. The reasons for call-in are stated as there has been little or no change to the scheme since the previous refusal. It is stated that the scheme should be refused as before.

## **2.0 Synopsis**

2.1 This application is a householder application for the erection of a boat store and improved access to Coast Road. The application is a resubmission of application number 110583. This report will set out the key changes to the scheme now submitted over that previously refused. The recommendation is that conditional approval be granted subject to the Council's Tree Officer being satisfied with the Tree Survey and Arboricultural Assessment that has now been submitted.

## **3.0 Site Description and Context**

3.1 The site contains a single detached residential property and is located within the conservation area at Coast Road. The site is also adjacent to a Listed Building at 102 Coast Road although it is not considered that the proposed development would affect its setting. The northern (side) boundary of the site adjoins the rear gardens of properties in Firs Hamlet and the south side boundary adjoins the end of the rear garden of number 96 Coast Road. The application site includes an area of land at the rear of the plot which runs behind the rear garden of number 98 Coast Road. This is the area in which the proposed boat store is to be sited.

## **4.0 Description of the Proposal**

- 4.1 The application proposes the erection of a boat store and improved access to Coast Road. The application is a resubmission of application 110583. The revised application proposes a boat store that is reduced in height to 6 metres in order to be in keeping with the height of the existing boat store at number 98. Amended plans were submitted on 5 September which now show the main part of the boat store would have dimensions of 7m by 15m. The current proposal differs from that in the original application as in addition to the overall height being reduced to 6 metres, the orientation of the boat store has also been amended and the height of the subservient wing reduced. A hip is proposed at the rear of the roof. Existing planting is retained and planting and screening is also proposed and is shown on the revised drawings.

## **5.0 Land Use Allocation**

- 5.1 Predominantly Residential

## **6.0 Relevant Planning History**

- 6.1 Relevant planning history on the site includes applications 110583 and 110585 which were determined under delegated powers earlier this year. Application 110585 sought conservation area consent for the demolition of an existing garage and shed. These buildings were not considered to positively contribute to the conservation area and this application was approved. Application 110583 sought planning permission for the erection of a boat store and improved access to Coast Road. This application was refused planning permission. The reasons for refusal included that the proposed boat store was higher and of a larger scale than the existing boat store at number 98 and would therefore be a prominent feature above it. It was considered that the long high ridge line would become a particularly prominent feature including when viewed from Coast Road itself. The scale and height of the proposed boat store in this backland area was therefore not considered to be in-keeping with the character of the area and would not preserve and enhance the character of the conservation area. The lack of compensatory landscaping and the potential for removal of vegetation/trees that would currently help screen the boat store was also a reason for refusal, as was the lack of an arboricultural impact assessment and method statement. It was also considered that the height and scale of the proposed boat store, in particular its greater height than the existing store at number 98, would also lead to some overbearing impact on neighbouring properties such as on the outlook of number 98 Coast Road.

## **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
- 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  
UR2 - Built Design and Character

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  
DP14 Historic Environment Assets  
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:  
Backland and Infill  
Vehicle Parking Standards  
The Essex Design Guide

## **8.0 Consultations**

8.1 The Highways Authority raise no objections subject to the imposition of suitable conditions regarding visibility splays, on-site turning and no loose material within 6 metres of the highway boundary.

8.2.1 The Council's Design and Heritage Unit state that the proposed building appears too wide across the main span with a roof pitch that is low. They also consider that the rear hip is highly contrived giving the building a poorly considered appearance. Following these comments the plan has since been amended to reduce the width which also helps with the composition of the hip.

8.3 The Council's Tree Officer requires that a tree/hedge survey in line with BS 5837 (4.2 & 4.3) guidelines needs to be submitted. A tree survey as requested has now been received and the Tree Officer has been re-consulted. The recommendation for approval is conditional subject to the response from the Tree Officer which it is hoped will be received in advance of the Committee meeting.

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 Town Council Response**

9.1 The response from West Mersea Town Council states:-

"Following discussion it was agreed to recommend refusal on the following grounds:

- (i) Out of keeping with the street scene.
- (ii) Compromises the amenity of neighbouring properties.
- (iii) Boat store too large for the plot.
- (iv) Potential highway problems caused by manoeuvring potentially large boats onto the highway.
- (v) Poor access to the boat store.

We also note that the scale of the boat store on the adjacent properties appears to have been altered to improve the appearance of each building relative to the other."

## **10.0 Representations**

10.1 At the time of writing this report 6 objections had been received. Amended drawings were received on the 5 September and these have been made available for a further 14 day period of public consultation in accordance with the Council's standard procedure. Any further comments received will therefore be reported to the Committee via the amendment sheet. The main issues raised in the objections currently received are summarised below.

- Whilst there has been some attempt to move the building a little away from the boundary with number 98, the scale, height and mass of the proposed boat store, combined with the absence of appropriate compensatory landscaping in this Conservation Area, would still result in the building failing to preserve and enhance the character of the conservation area. The building would still have a long high ridge line.
- The foundations of the proposed boat store are shown to be on a level with the shed at 98, but in fact our foundations are dug in deeper at the rear of the property, to account for the natural incline.
- The new entrance would be better sited away from the boundary fence of number 98 to avoid impacts from entrance lighting.
- A concrete driveway in the back garden is excessive, unnecessary and would have a major impact on drainage.
- The width of driveway is excessive for domestic use
- The footprint is the same as the originally refused application
- Concrete surfacing in the rear garden would impact on drainage
- Harmful to conservation area
- Need for the building is not justified
- The plans show trees that are not currently in place on site
- It should be clarified where any future garage will be located
- There is no undertaking that the site will not be used for business use or for heavy plant machinery
- The plans show the boundary fence with number 8 to be 3.5 metres high when it is only 2 metres high
- The proposal is so large it impacts on neighbouring amenity
- Harm to conservation area and amenity
- What use will be made of the building when not storing boats
- Intrusion on the privacy of houses and gardens of 7 and 8 Firs Hamlet with the wide drive running along the boundary

## **11.0 Parking Provision**

11.1 The revised plan includes a long 4.2 metre wide gravel drive which it is considered would continue to provide for adequate parking provision for the residential property. It is not considered that the boat store generates any need for additional parking in itself.

## **12.0 Open Space Provisions**

12.1 The proposal does not generate a requirement for additional open space provision.

## 13.0 Report

- 13.1 The key material planning considerations are the design and scale of the proposed development and whether it would preserve and enhance the character of the conservation area in accordance with the objectives of PPS5, Core Strategy Policy UR2 and Development Policies DP1 and DP14. The impact of the proposals on residential amenity in particular in terms of any potential overbearing impact, loss of light, privacy or any noise and disturbance, are also an important considerations in accordance Development Policy DP1. Landscaping and highway issues will also be relevant.

### Design and Layout

- 13.2 Compared to the earlier refused planning application, the boat store has been reduced in height to 6 metres in order to be in keeping with the height of the existing boat store at number 98. The boat store has been re-orientated on the site to help move it away from the rear boundary of number 98 and the main part of the boat store is now located approximately 4.5 metres from this boundary. Significant additional planting is now proposed including a hedge and evergreen shrub border at the rear boundary of number 98 and planting in the rear corner of the site adjacent to the boundary with number 7 Firs Hamlet. The existing trees and vegetation along the side boundary with number 98 would now be retained and new planting trees are also proposed in the area to the front of the boat store. The access at the front of the site would be widened and the hedge augmented using the same species.
- 13.3 The proposals first submitted under the current application included a boat store of reduced length compared with the original application but with a significantly increased width. This was considered to be unacceptable in design terms for this conservation area location and was not supported by the Design and Heritage Unit. Amended plans were submitted on 5 September which now show the main part of the boat store would have dimensions of 7m by 15m. This is the same as proposed in the original application and the design from the front would appear more traditional than the wider design. The current proposal differs from that in the original application as it includes a lower subservient side wing than originally proposed, it has been re-orientated to move away from the boundary with the rear of number 98, and a hip has been incorporated at the rear of the boat store to reduce impacts on the rear garden of number 96. Significant planting is also now proposed to the side and front of the boat store as set out above and existing trees which help screen the proposed boat store would also be retained.



### Scale, Height and Massing

- 13.4 The plans show the footprint of the main part of the boat store would remain the same as proposed in the original application at 15m x 7m. The height, however, is now proposed to be 6 metres in order to be in keeping with the boat store at number 98 which has been measured on site at 6 metres from ground level at its forward edge. A hip is also proposed on the part of the roof nearest number 98 and the height of the subservient wing of the boat store has also been reduced. The proposed boat store would still be of a considerable size, however, given the height would be in keeping with that of other boat stores in the area, the greater distance from the boundary with number 98, and the considerable amount of additional screening now proposed the scale, height and mass of the boat store is considered to be acceptable. The materials proposed include a brick plinth, boarding to the sides, and a slate roof which is considered to be broadly acceptable although it is proposed that samples be required by condition given the sensitive conservation area location.

### Impact on the Surrounding Area

- 13.5 The application site is located in the conservation area at Coast Road, West Mersea. The boat store is set well back from Coast Road itself. The reasons for refusal of the earlier application stated that the long high ridge line of the proposed boat store would be prominent from the Coast Road conservation area. The loss of existing trees along the side boundary of number 98 in the area of the proposed footway was of particular concern. The current proposals retain the trees in this area which help to screen the area of the proposed boat store from view from Coast Road itself. Additional planting is also proposed to the front of the boat store and to the side close to the rear boundary of number 98. The boat store has also been reduced in height to be in keeping with the adjacent boat store at number 98 and set back further into the plot. Having regard to these considerations it is considered that although some elements of the slate roof will likely be visible from Coast Road this would not be harmful to the conservation area. The materials proposed are considered broadly in keeping with the conservation area location subject to samples being required by condition. The proposals are therefore considered to adequately preserve and enhance the conservation area and are considered to have an acceptable impact on the surrounding area.
- 13.6 It is considered that the changes to the hedge line at the front of the property and the access arrangements onto Coast Road would also be acceptable in terms of their impact on the conservation area.

### Impacts on Neighbouring Properties

- 13.7 It is considered that proposed boat store would not result in unacceptable impacts on the amenity of neighbouring properties. The revised design includes a hipped roof adjoining the side garden with number 96. Whilst this may not be preferred in design terms this part of the building would be largely hidden from public view behind the existing boat store at number 98, and the hip would help to reduce any potential impact on the amenity of the rear garden of number 96. The proposed boat store would also not result in an unacceptable impact on the amenity of number 98. The main part of the boat store would be approximately 4.5 metres from this boundary which would help to reduce its impact. Additional planting is also proposed along this boundary. The revised proposal is therefore not considered to be unduly overbearing on number 98. Planting in the north east corner of the site would also help screen the boat store from number 7 Firs Hamlet and a significant amount of separation to the boundary with number 7 would be retained in any case. The proposed boat store would be located approximately 10 metres from the boundary with number 8 Firs Hamlet and is therefore also not considered to be overbearing or harmful to residential amenity. There are no windows proposed that would lead to unacceptable overlooking or privacy impacts. Objection comments refer to the possible impacts of external lighting on residential amenity. The boat store, at 6 metres in height, combined with its orientation does mean that external lighting installed high on the building may result in unacceptable impacts on residential amenity. It is therefore considered appropriate to condition external lighting so that this can be adequately controlled.

### Amenity Provisions

- 13.8 The revised drawing shows a gravel drive rather than a concrete drive which raised concerns amongst neighbours in terms of flooding and run-off of surface water. The potential for noise from the gravel surface as well as from vehicles accessing the site was concern raised by objectors to the first refused application although this was not considered to be a justifiable ground for refusal. Whilst a commercial use may lead to an unacceptable impact it is not considered likely that use of the drive of a domestic intensity would lead to an unacceptable impact in terms of noise or disturbance. It is also notable that gravel surfacing within the property is development which would likely be permitted development.
- 13.9 It is considered appropriate that the use of the building be conditioned to be incidental to the enjoyment of the dwelling at 100 Coast Road and to prohibit any wider commercial use.

### Highway Issues

- 13.10 The alterations to the access onto the road are considered acceptable subject to highways conditions and are considered to adequately preserve and enhance the character of the conservation area. The Highways Authority raises no objections subject to conditions.

## Other Issues

- 13.11 Some objectors also raise the issue that the development as a whole including a future garage should be considered at once. The planning authority must determine the current application on its merits having regard to the relevant information submitted, the development plan and any material considerations.

### **14.0 Conclusion**

- 14.1 The proposed boat store is considered to adequately preserve and enhance the character of the conservation area in accordance with the objectives of PPS5, Core Strategy Policy UR2 and Development Policies DP1 and DP14. The height of the boat store would be 6 metres at its highest point which is in keeping with the existing boat store at number 98. The boat store has been moved away from the boundary with number 98 and a hipped roof incorporated at the rear of the boat store adjacent to number 96. The height of the wing element of the boat store is also now of a height that appears clearly subservient. Significant planting is proposed on the site which would help screen the boat store and it is proposed this could be secured by condition. It is considered that suitable conditions restricting the use to domestic use incidental to the enjoyment of the property could also be applied. The impact of the proposals on residential amenity is therefore considered acceptable in accordance with the considerations of Development Policy DP1. The changes to the access onto the highway are not considered harmful to the conservation area and the Highways Authority does not raise an objection subject to conditions.

- 14.2 A tree survey, arboricultural implication assessment and method statement has recently been submitted in support of the application. Comments have been requested from the Council's Tree Officer and the recommendation is therefore conditional on any issues that may be raised. The amended plan recently submitted has also been made available for a 14 day further period of consultation with neighbouring properties. Again any comments raised will be reported via the Committee amendment sheet.

### **15.0 Background Papers**

- 15.1 PPS; Core Strategy; CBDP; SPG; HA; DHU; TL; PTC; NLR

### **16.0 Recommendation**

- 16.1 That subject to no objection being raised by the Arboricultural Officer planning 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 - Non-Standard Condition

The development shall be implemented in all respects strictly in accordance with amended drawing numbers 2011/410/05, 2011/410/06, 2011/410/07 submitted to the Council 5 September 2011, 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 - A3.6 Building Solely for Purposes Incident to Dwelling

The permitted boat store shall be used solely for purposes incidental to the enjoyment of the dwelling at 100 Coast Road and shall at no time be used for any trade, commercial, business or other use.

Reason: For the avoidance of doubt as to the scope of the permission and to protect the amenities of the surrounding area.

## 4 - 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 ensure that the development preserves and enhances the character and visual amenity of the Conservation Area.

## 5 - 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 neighbouring residential properties. The height of the boat store at 6 metres combined with its orientation may result in external lighting having an unacceptable impact on the amenity of neighbouring residential should it be located on the higher parts of the building.

## 6 - C11.14 Tree / Shrub Planting

Before any works commence on site, details of tree and/or shrub planting including in the areas shown on submitted drawing number 2011/410/05 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.

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

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

No work shall commence on site until all trees, shrubs and other natural features shown to be retained 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.

#### 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 trees and hedgerows on and immediately adjoining the site shown on the approved plans to be retained 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 to be retained shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that these 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

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres to the east and 2.4 metres by 43 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate inter-visibility 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.

### 11 - Non-Standard Condition

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining 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.

### 12 - 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.

### 13 - Non-Standard Condition

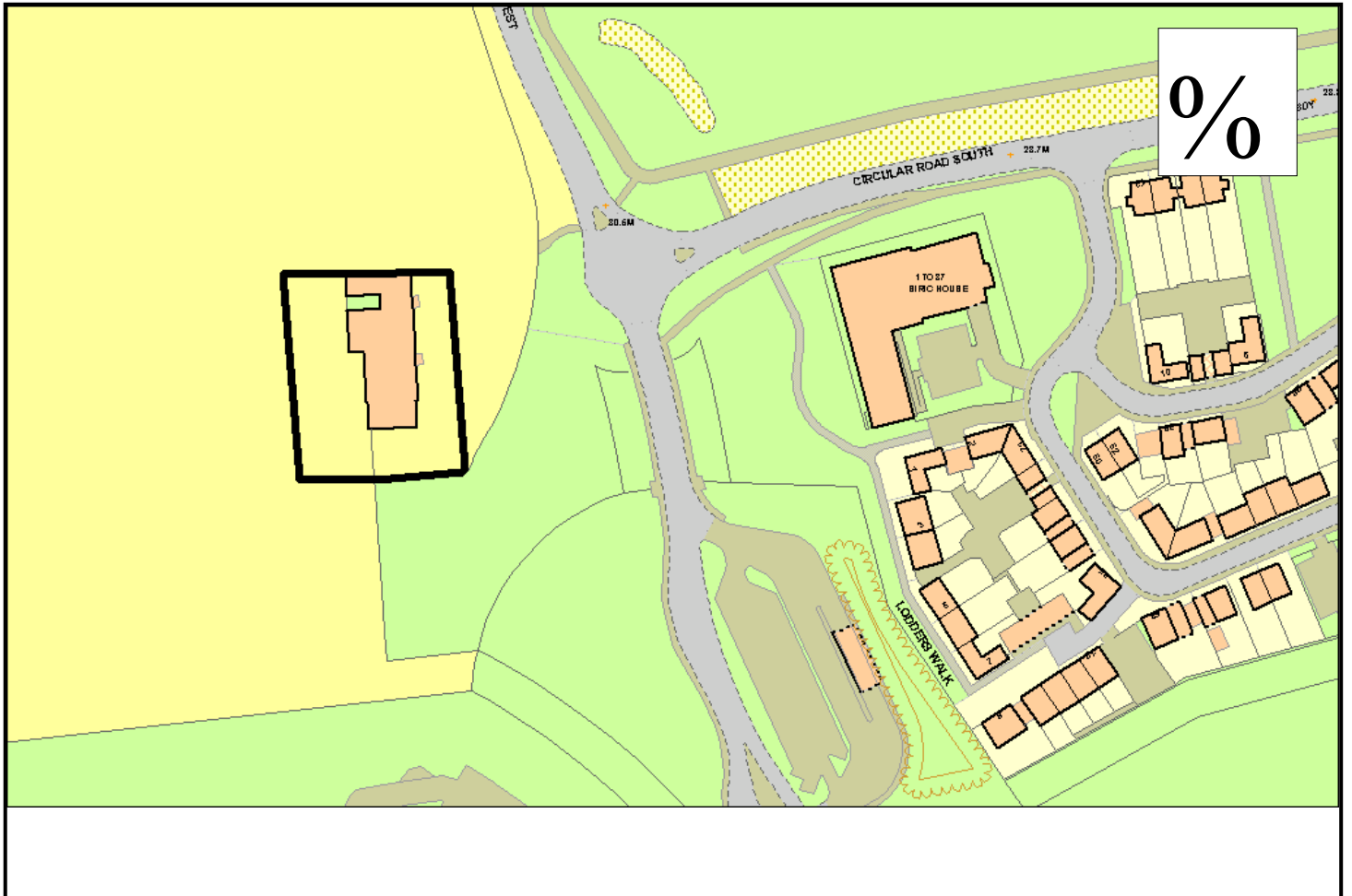
No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway 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.

## **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.



**Application No:** 111135

**Location:** Former Garrison Theatre Build, Circular Road South, Colchester

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

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**7.7 Case Officer: Alistair Day**

**Due Date: 11/08/2011**

**Site:** Former Garrison Theatre Build, Circular Road South, Colchester

**Application No:** 111135

**Date Received:** 16 June 2011

**Agent:** Mr David Crowdell

**Applicant:** The Redeemed Christian Church

**Development:** Change of use of garrison theatre building to (D1) church and ancillary use.

**Ward:** Shrub End

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

## **1.0 Introduction**

- 1.1 This application is referred to the Planning Committee because a legal agreement is required to secure a financial contribution to cover the cost of approving, reviewing and monitoring the travel plan.

## **2.0 Synopsis**

- 2.1 The report gives consideration to a proposal to change the use of the former Garrison Theatre to church use (D1) with ancillary uses. An assessment is made of the proposed use, together with the design, transport and accessibility implications and proposed parking provision. The report concludes that, subject to appropriate conditions and a legal agreement to secure the travel plan etc, the proposal is considered acceptable and that planning permission should be granted.

## **3.0 Site Description and Context**

- 3.1 The application site forms part of the former Nineteenth Century Goojerat Barracks that were rebuilt in 1970-5, with the exception of Garrison Theatre (c1898) that was retained'.
- 3.2 The former garrison theatre constitutes three sections with a double-height auditorium to the centre with a stage to the south end and dressing rooms below at basement level. To the north end of the building is the former canteen with a basement beneath. The east and principal elevation has separate entrances to the canteen and auditorium. The building is constructed of red brick in English bond with stone window sills and some decoration in red Mansfield sandstone. The roof is covered in slate with dormer windows inserted in the east and west elevations, with a central louvred cupola. In the theatre, the stage, dressing rooms, and viewing balcony to the north end of the theatre with its stair and railings, survive.



3.3 The garrison theatre forms part of the Colchester Urban Village Development and is located within Areas L & N of this development. The Garrison legal agreement identifies the theatre as a retained building.

3.4 The building has been considered for Listing and English Heritage commented as follows:

“... given the decorative excesses of the pre-1914 era and more sophisticated architectural designs which followed, the Garrison Theatre at Goojerat Barracks is of utilitarian design - its plain construction and functional architecture reflecting the context in which it was constructed. It is a late rather than early example. The Selection Guide for Military Buildings (English Heritage, March 2007) states that more selection is required for buildings from this period on account of their greater survival. Architectural quality, planning interest, degree of alteration and group value with other related structures will be key considerations. Due to the ongoing development works on the former Goojerat Barracks site, the former theatre can only be assessed as an individual building ..... the theatre is a late Victorian theatre of which many better examples survive, and it lacks the level of architectural quality that is required to designate such buildings. Unfortunately, as a result, the former garrison theatre at the former Goojerat Barracks does not meet the criteria for listing in a national context.”

3.5 Notwithstanding the above, the theatre building has been identified as a building of local architectural or historic interest and is located within the Garrison Conservation Area.

3.6 The application site is located some 20 metres to the west of the roundabout that forms the junction of Circular Road West, the entrance to the Merville Barrack and Circular Road South. To the north, west and south of the application site a detailed (reserved matters) application has been approved for residential development and this is currently under construction. The land to the east of the application site is identified as public open space.

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

4.1 The current application proposes the change of use of the former garrison theatre to a church use (D1) with ancillary uses.

#### **5.0 Land Use Allocation**

5.1 Garrison Regeneration Area  
Garrison Conservation Area

#### **6.0 Relevant Planning History**

6.1 091619 Reserved Matters application for the erection of 256 dwellings - approved

- 6.2 O/COL/01/0009 A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003

## 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 5: Planning for the Historic Environment  
Planning Policy Statement 9: Biodiversity and Geological Conservation  
Planning Policy Guidance 13: Transport  
Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation  
Planning Policy Statement 22: Renewable Energy  
Planning Policy Statement 23: Planning and Pollution Control  
Planning Policy Guidance 24: Planning and Noise  
Planning Policy Statement 25: Development and Flood Risk
- 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  
SD2 - Delivering Facilities and Infrastructure  
SD3 - Community Facilities  
CE1 - Centres and Employment Classification and Hierarchy  
CE2 - Mixed Use Centres  
UR1 - Regeneration Areas  
UR2 - Built Design and Character  
PR1 - Open Space  
PR2 - People-friendly Streets  
TA1 - Accessibility and Changing Travel Behaviour  
TA2 - Walking and Cycling  
TA3 - Public Transport  
TA4 - Roads and Traffic  
TA5 - Parking  
ENV1 - Environment  
ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP3 Planning Obligations and the Community Infrastructure Levy  
DP4 Community Facilities  
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses  
DP7 Local Centres and Individual Shops  
DP10 Tourism, Leisure and Culture  
DP14 Historic Environment Assets  
DP15 Retention of Open Space and Indoor Sports Facilities  
DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access  
DP18 Transport Infrastructure Proposals  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes  
DP25 Renewable Energy

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

The Garrison Master Plan and associated Development Briefs  
Community Facilities  
Vehicle Parking Standards  
Sustainable Construction Open Space, Sport and Recreation  
The Essex Design Guide  
External Materials in New Developments

## **8.0 Consultations**

8.1 Highway Authority in their amended comments received on 8 September 2011 have stated that they do not wish to raise an objection to this proposal subject to the attachment of the following conditions:

- All vehicular access to the proposal site shall be via the estate roads which form part of Area L and N of the Garrison Urban Village development only
- The proposed car park shall be fully operational prior to occupation of the proposed development
- Prior to occupation of the proposed development a travel plan to include, but not to be limited to, a £3,000 contribution to cover the cost of approving, reviewing and monitoring the Travel Plan
- Prior to commencement of the proposed development details of a wheel cleaning facility within the site and adjacent to the egress onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The wheel cleaning facility shall be provided at the commencement of the development and maintained during the period of construction

8.2 Environmental Control in their initial consultation response raised no objection to this application and recommended that Standard Advisory Notes for the Control of Pollution during Construction & Demolition Works.

Following the submission of additional information by the applicant regarding the nature of the proposed uses, Environmental Control were re-consulted and have advised that a condition should be attached stating that there shall be no amplified sound played in the building after 9pm.

Environmental Control have also recommended that conditions are attached to cover the potential for the discovery of contamination.

- 8.3 Landscape Officer has no objection subject to the attachment of appropriate conditions.

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 52 letters of representation have been received in respect of this application. 49 letters, including one from the MP for Colchester, express support for the proposal highlighting the good work that church undertakes. 2 letters have been received objecting to this application on the grounds that it does not represent a community use. The remaining letter provides non-committal comments in respect of this proposal.

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

## **10.0 Parking Provision**

- 10.1 See paragraph 12.19 to 12.28

## **11.0 Open Space Provision**

- 11.1 N/A

## **12.0 Report**

### The Use

- 12.1 Outline planning Permission was granted in 2003 for Garrison Urban Village Development; this proposal comprised residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment, public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. The theatre building was identified in the garrison legal agreement for retention but was not identified as one of the buildings to be transferred to the Council for community use. The Council's adopted Development Brief for this site for this part of the Garrison site requires the MRS building to be used for health uses and the former gymnasium to be used for community / leisure uses and this is reflected in the signed legal agreement.
- 12.2 The Council's Development Brief does not identify a specific use for the former theatre building, however the approved Master Layout Plan submitted by Taylor Wimpey does identify this building for possible community, leisure or education uses. Within the garrison legal agreement, community and leisure uses are defined as including nursery provision, education classes, social functions, cultural, sport or leisure activities, religious or charitable organisations and medical and health facilities.

- 12.3 Core Strategy Policy UR1 states that new development in Regeneration Areas (of which the Garrison is one) will be encouraged provided the design and scale is sympathetic to the character of the area and that it enhances historic buildings and features. Policy SA GAR1 of the Site Allocations Plan states that areas identified as predominantly residential will also include leisure, community and health uses.
- 12.4 The former theatre building is identified as a retained building due to its architectural and historic interest; the building is also located within the Garrison Conservation Area. Garrison Areas L & N are proposed in the approved master plan as residential with the garrison theatre identified for potential community, leisure or education uses.
- 12.5 It is proposed that the theatre building will essentially have a D1 use and is to be used by The Redeemed Christian Church of God. The church will typically be open between 8:00 and 19:00 seven days a week with services held on Sundays with an evening service held twice a month between 17:00 and 19:00. It is anticipated that the church will have a congregation of about 200 people and live music will be played during church services and during choir practices. In addition to church services it is also proposed to hold night vigils between 21:00 and 01:00 twice a month; no music is to be played at the night vigils and they are to be attended by approximately 35 members.
- 12.6 In addition to the proposed church use, the applicant also intends to use the building for a number of ancillary functions. These include: community health and cohesion groups, a community café, summer clubs, care & toddler groups, IT training, youth forums, single people ministry, and social groups. Full details of the types of activities proposed are set in Appendix 1 together with background information in respect of the operators / applicant.
- 12.7 The principle of using the former theatre building as church (D1 use) with ancillary community uses is considered compatible with the Council's adopted planning policies and guidance documents.

#### Design and Layout

- 12.8 Core Strategy Policy UR2 seeks to promote and secure high quality design. Encouragement is given to creative design and innovative sustainable construction methods. The Policy states that developments that are discordant with their context and fail to enhance the character and quality of the area will not be supported. Core Strategy Policy ENV1 also requires development proposals to be appropriate in terms of their scale, siting and design. Development Plan Policy DP1 sets out design criteria that new development must meet; these require new developments to respect the character of the site and its context in terms of their detailed design and respecting and enhancing their surroundings.
- 12.9 The current application proposes to change the use of the existing theatre building with an area of car parking and landscaping to the rear (south) of the building. No changes are indicated to the exterior of the building as a part of this proposal, although it is noted that the windows and so on are to be renewed.

- 12.10 When designing the layout of the new residential development the location of the garrison theatre was carefully considered to ensure that it was integrated into the new residential development. The proposed car parking is located to the rear of the garrison theatre and this, together with the proposed open space, has been designed to create an informal landscape square fronted by residential development.

#### Impact on Neighbouring Properties

- 12.11 Development Plan Policy DP1 requires all new development to be designed to a high standard and to avoid unacceptable impacts on the residential amenity, particularly with regard to privacy and overlooking. Development Plan Policy DP12 states in considering new development proposals the Council will have regard to avoidance of adverse overshadowing between buildings, acceptable levels of daylight and acceptable levels of privacy for rear facing habitable rooms and sitting out areas.
- 12.12 At present there are no residential dwellings immediately adjacent to the application site. Construction work has however started on implementing the approved residential scheme. The Council's Environmental Control Team have been consulted on this application and have been specifically requested to provide advice on the types of uses proposed for this building and their potential impact on the new residents. Having carefully considered this proposal, Environmental Control have confirmed that they do not have an objection to this proposal subject to the attachment of appropriate conditions.

#### Heritage Issues

- 12.13 Core Strategy policy ENV 1 requires new development to conserve or enhance the historic environment of Colchester. Development Plan Policy DP14 states that development will not be permitted that will adversely affect a listed building, conservation area or important archaeological feature and/or their setting.
- 12.14 The current application proposes the conversion of an existing building that has been identified as being locally important with no significant changes to the exterior of the building. The landscape setting to the front of the garrison theatre is to be retained. The current proposal is considered compatible with the aforementioned policies.

#### Highway and Accessibility Issues

- 12.15 Core Strategy Policies TA1, TA2, TA3 and TA4 address transport strategy and promote accessibility and changing travel behaviour. These policies seek to strike a balance between improving accessibility through land-use planning, managing traffic flows and growth and seek to encourage a change in travel behaviour and where appropriate give priority to walking, cycling and public transport. These policies are closely linked to Core Strategy policies PR2 (People Friendly Streets) and UR1 (Urban Regeneration). Policy PR1 aims to provide a network of public open spaces that meet local community needs within walking distances of people's homes and work.
- 12.16 Policy DP17 provides guidance on ensuring accessibility for sustainable modes of transport as well as requirements for Travel Plans and Transport Assessment and the requirements for incorporation of satisfactory and appropriate provision for pedestrians and cyclists as well as protection for the public rights of way network.

- 12.17 Access to the garrison theatre will be gained via the new estate roads that are being constructed as a part of the adjacent residential development; there will be no direct vehicular access from Circular Road West. Pedestrian and cycle routes have been planned as a part of the residential scheme and these have taken account of the location of the theatre building. The existing bus stops in Circular Road West and Butt Road are also only a short walk from the Theatre building.
- 12.18 The current application is considered to conform to Core Strategy Policies TA1, TA2 and PR2.

#### Parking Provision

- 12.19 Development Plan Policy DP19 refers to the adoption and application of parking standards in a Supplementary Planning Document adopted in November 2009. This policy notes that the level of parking provision required will depend on location, type and intensity of use.
- 12.20 Maximum parking standards apply to non-residential development; the total number of car parking spaces that would be permitted in this case is 57.
- 12.21 The current application proposes 29 parking spaces (including 3 x 17 seater minibus spaces and one disabled parking space) together with motorcycle (3 bays) and bicycle parking (10 spaces). The applicant has also indicated willingness to sign-up to a travel plan.
- 12.22 It is accepted that the current proposal provides approximately 50% less than the maximum number of parking spaces permitted under the adopted parking standards. It is however important to note that the adopted parking standards for non-residential development specify maximum standards and that within urban areas a reduction to vehicle parking standards can be considered acceptable.
- 12.23 The size of the parking area has been dictated by the constraints imposed by recent residential planning approval. When designing the layout of the residential development consideration was given to the parking arrangements for the Theatre building and the need to balance an appropriate level of parking provision with the site's accessibility location and its residential context; a 50+ space car park was considered to create a visually dominant area of car parking which would be out of context with the intended residential character of the area.
- 12.24 The applicant (Redeemed Christian Church of God) currently operates from a converted warehouse in Brook Street; this is a temporary arrangement and relocation to the Theatre building will provide the church with a permanent base. It is understood that their current site has limited parking (approximately 8 spaces) and the church has operated from the site for about five years without having a detrimental impact on surrounding highway or nearby residents.

- 12.25 The increase in parking (compared to their current site) is clearly welcomed by the applicant but this is not the primary reason for the proposed relocation of the church to the former Theatre building; it is instead the desire for a permanent building that will function both as a church and as a facility to serve the community that has prompted the prospective purchase of this building. The applicant is clearly conscious of the need for their proposal not to have a detrimental impact on the amenity of the future surrounding residents caused by visitors to the site travelling by car and has indicated a willingness to agree to a travel plan, should planning permission be granted. The Highway Authority has recommended that a planning condition is attached to any planning permission and that this should include a financial contribution to cover the cost of approving, reviewing and monitoring the Travel Plan. A legal agreement (rather than a planning condition) will be required to secure this provision.
- 12.26 The adopted parking standards require three disabled parking spaces or 6% of the total capacity, whichever is greater. The current application proposes the provision of one disabled parking space and, as such, does not technically comply with the adopted parking standards. Given the reduced level of car parking proposed as a part of this development and the willingness to sign-up to a travel plan, the proposal to provide one disabled parking space is considered acceptable in this instance.
- 12.27 The adopted parking standards for motorcycle parking require a minimum of 1 space + 1 per 20 car parking spaces. The proposal to provide three motor cycle parking spaces complies with the parking standards. The level of cycle parking required is 1 space per four staff plus visitor parking (which is to be determined by the individual merits of the case); the current application proposes 10 cycle parking space.
- 12.28 In this instance, given the site's location and the fact that the applicant is willing to sign up to a travel plan, the proposal to provide 29 parking spaces (instead of a maximum of 54 spaces) is considered acceptable. Members should note that the number of spaces that could be provided within the application site will be the same for any end user of the Theatre building and will appreciate that many churches are in urban areas where parking is at a premium and users of such buildings do not have a significantly detrimental impact on nearby residential amenity.

### Landscape

- 12.29 The landscaping surrounding the front (north) of the site will remain essentially unaltered. To the rear of the site a car park is to be provided which will need to be designed using appropriate hard and soft landscaping.

## **14.0 Conclusion**

- 14.1 The proposed change of use of the former garrison theatre building to a church with ancillary uses is considered acceptable. It is therefore recommended that this application is approved subject to the conditions set out below and a legal agreement to secure the travel plan.

## **15.0 Background Papers**

- 15.1 PPS; Core Strategy; CDBP; SPG; HA; HH; TL; NLR



## 16.0 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:

- A travel plan including a financial contribution to cover the cost of approving, reviewing and monitoring the travel plan.

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

- Time
- Implemented in accordance with approved plan
- Contamination
- Windows to be repaired
- Landscaping
- Tree protection
- Drainage
- Refuse and Recycling
- Highway conditions
- Car parking
- Hours of operation of proposed use
- No amplified music
- Construction method Statement
- Lighting

## Appendix 1



RCCG STILLWATERS COLCHESTER

### Proposed Plan of Use Of the Former Garrison Theatre Colchester

#### WHO ARE WE

The Redeemed Christian Church of God (RCCG Stillwaters Colchester) is a **not for profit** Christian charitable organisation registered in the United Kingdom. (Charity no 114124, Company Reg no7530478) We commenced activities in Colchester in July 2004. Our desire is to be an open, inclusive, authentic, spirit filled, spirit led 21<sup>st</sup> century church without walls welcoming and accepting people from all walks of life into our church family. We are a multinational and multiethnic church espousing Christian and sound family and community values.

Our congregation is diverse with over 20 nationalities in our membership. Approximately half of our congregation are students, many international students from the University of Essex many of whom are displaced from their natural environment, lonely and homesick whom we

assist and support helping them to integrate into the society and providing them with friendship and a church family

We have other service arms both with social and community services. We are a multi-diverse church and fully integrated into the community with a provision to serve the community. We are hampered by lack of space for further development therefore the need for a new building.

The vast majority of our church members live and work or school in Colchester. Our congregation live within a 3mile radius of the Former Garrison Theatre with a significant number living within a mile radius. Our present place of worship on Brook Street is less than a 10minute drive from the proposed building.

## **WHAT IS THE AIM OF THE BUILDING PROJECT**

The proposed project will refurbish the historic building of the former garrison theatre, an interesting example of a late Victorian theatre. The building is constructed of English bond brick elevations together with exposed steel and cast iron trussed roof with slate covering. Suitable for community use, approximately 709 sq.m on a site of around 0.19 ha (0.48 Acres) situated in the south east corner of the former Goojerat Barracks (now beside the Melville Barracks) as a 'fit for purpose' community building, the proposed usage of which is outlined below.

The former Garrison Theatre in the south east corner of Circular Road South and Circular Road West, in an area of severe deprivation, high unemployment and low educational achievement will be used for a project that will primarily serve residents of the New Town, Christchurch and Berechurch Road Wards, all of which are ranked in the most deprived 10% of local authority wards in the country. The Christchurch Ward, immediately to the East of the proposed new community facility, suffers exceptionally high levels of deprivation, particularly concentrated in the old garrison, which is just a few hundred yards from the project site, situated on the western periphery of the Berechurch Road Ward.

## **RCCG STILLWATERS CENTRE**

Over 4-5 years RCCG Stillwater's Centre has been based in a converted warehouse on Brook Street which is presently inadequate for the needs of the church. Our search for a permanent place of worship led to our making a bid for the former garrison theatre as we believe it will serve the needs of both the church as well as that of the local community.

In addition, a substantial amount of funding has been secured to carry out the refurbishment of the 709 square meter's space to create a community facility, and a place of Christian Religious worship.

## **WHAT WE PLAN TO DO**

Still waters relevance to the community is demonstrated through its ministries, where church is taken outside walls and into the community via the following means:

### **RELIGIOUS ACTIVITIES**

Place of Christian Religious Worship and Church administration

When Jesus Christ ministered to people on earth the record shows that he was mindful of all aspects of their lives

He healed many diseases and disfigurements and brought peace to those who were tortured mentally. He preached 'inclusion'. He enlightened people concerning their spirituality and pointed them to a more fulfilling life.

It is our primary duty and responsibility as a church to hold religious services, to preach the Gospel of Jesus Christ, and to provide all likeminded people with the opportunity to worship together. We therefore aim to use this building as a church.

We also intend to use the building as a centre for the coordination of our church administration and ministry.

It will also be used for church seminars and conferences.

## COMMUNITY CENTRE ACTIVITIES

Over the years we have engaged in active consultation with our project users, staff and volunteers to find the best ways to meet the needs of our community. All the projects offer a holistic service, designed to meet individual needs through advice, referrals, activities, information and practical help. We place a large emphasis on community support and empowering local people, and volunteers are valued highly and continue to be at the heart of all our projects.

In the new building we will increase the number of people we are working with thanks to increased space, accessibility, extra opening hours, new facilities, better publicity and extra staff and volunteers. The outcome will be improved quality of life, provision of needed skills and training, and improved opportunities, circumstances, relationships, and confidence.

### Support for Community groups

We feel that an important service to the community is provided by offering use of the church centre and its facilities to community based groups who need a base for their activities in the Shrub End / New Town/ Berechurch area.

In this respect it is the policy of the church to give due consideration to using the building for the benefit of the local community. In this way, Stillwaters can encourage and facilitate community activities and services which might otherwise be hindered by cost, particularly at the start-up phase.

### Community Health and Cohesion

As Christians we feel compelled out of love to be concerned for the wellbeing of all our neighbours. There are many facets to the notion of wellbeing - physical and mental health, social health and spiritual health.

We aim to run health information and enlightenment seminars in conjunction with local statutory bodies and relevant NHS organisations to foster health and well being in our community.

RCCG Stillwaters as a church is blessed with many health professionals like GPs, Hospital Consultants, Senior Nurses and Health carers and support workers who are excited about this project, ready to provide their expertise voluntarily for the community to benefit

### Community Cafe

We anticipate that due to the usage of the premises by internal and external services, it will be envisaged that this facility will help to support and provide adequate nutritional provision which will meet dietary standards.

This facility is a community service that will be made available to users of the building.

### Summer Clubs

The Summer Club was started by the church because of the lack of activities and facilities for children and young people (aged 7-12) during the long summer holidays. The Club which takes place on the church premises is within walking distance of some primary schools uses the opportunity to harness togetherness and unity amongst children from different ethnic groups and build friendships, learn teamwork and have fun in a safe and secured environment. The children come mainly from the local houses and from low income families who cannot afford other child care provision.

We also hope to eventually run a breakfast and after schools club from the premises. This service we believe will be of tremendous help to parents of school age children

### Carers & Toddlers

Weekly toddler group and community network supporting parents and children, through play and friendship. Weekly activities include story time, crafts, games .This is available for the local community to utilise

### IT Training

Our goal in the new building is to support new ICT initiatives. We intend to employ a qualified development manager to run training courses in the new IT suite, to help raise skills levels and ready people for work. We will run training courses for the community to improve skills and confidence in IT.

We will in particular be targeting youths, single parents, the unemployed and the elderly. The aim will be to empower them with computer literacy thus enabling them to pursue their needs

### Youth Forum

We intend to run a youth group that will empower the youth and engage their energies and support the crime reduction initiatives of the government.

We intend to provide support, role modelling, educational and enlightening programmes that will help release the potentials of the youth.

The centre will also be open to other interest groups in the community subject to space availability.

## **Single People Ministry**

We work with the single people fostering their spiritual, social, education and health development needs. through the provision of a broad and balanced curriculum of prayer, events and activities.

This includes single parents both male and female as this group is disadvantaged, often needing support which we aim to provide.

Meetings will hold in designated meeting rooms. Activities will centre on development of life skills and confidence enhancement as well as group support.

## **Advocacy**

One of the requirements in our local community is the need for advocacy. Often in caring and sharing the most common theme is people have been through so much that no one is willing to give them a job, accommodation etc. These people need support to break out of the cycles they are stuck in. We intend to provide an advocacy service in other to perform the specified role.

## **Social groups**

The centre will be a drop in centre for different social groups for interaction and meeting.

Community groups will be able to hold meetings and use it as a 'village hall'. It can also be used for lunch meetings for senior citizens.

Other voluntary community organisations will be able to use the building subject to availability of space.

## **Care and Share**

### **Crime / Anti-social behaviour**

As we have been working in tandem with statutory services with disadvantaged groups through the Care and Share programme, some of whom are, drug users, alcoholic dependents and ex offenders; alternative measures of risk assessment can be provided in a holistic manner. This would help people to re-engage with the community and improve their opportunities and quality of life towards reducing crime

We serve vulnerable and under privileged people and those with needs via the Care & Share program within Colchester, providing non perishable food on a monthly basis. The programme has been running for the past four years via links to Colchester Emergency Services and Barton House in Colchester.

## **Befriending Service**

Many people with community care needs are excluded in some way from participating in social and community life. Befriending is one way by which the People supported by

community care services are often socially isolated and lonely. Befriending services have been developed by voluntary organisations to provide people in this situation with opportunities for social interaction and a sense of being part of a community can be supported to get more fully involved.

A drop in centre where Befriending is available provides companionship for isolated people, the chance to develop a new relationship, and opportunities to participate in social activities. We can use befriending as a complement both to the organisation's other services and to statutory services and not as a substitute for home care or other support. Befriending can be used by people of all ages and with all kinds of support needs eg elderly people. Most users also have contact with other agencies which provide community care services.

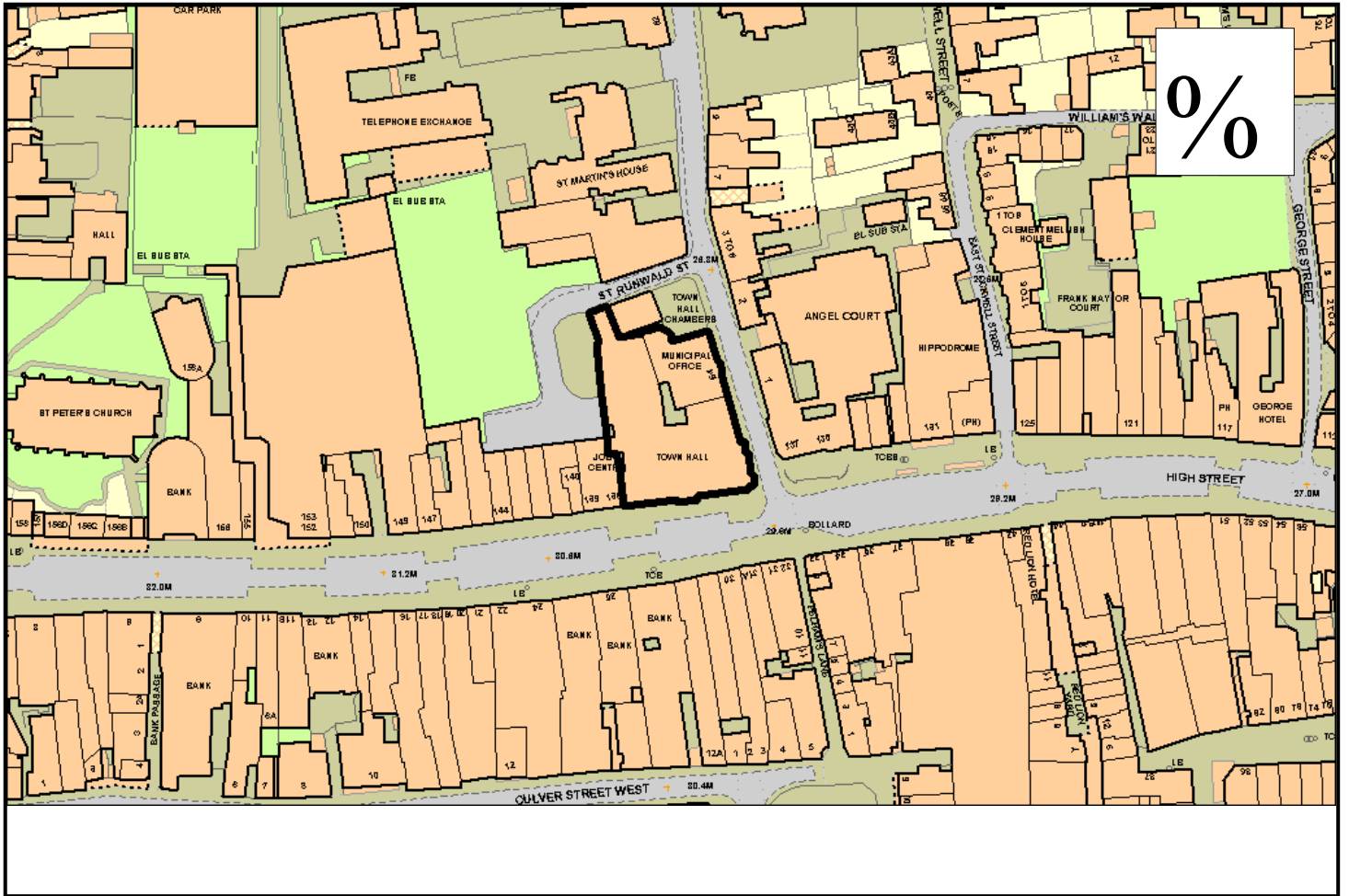
**The centre will be manned by a Centre Manager supported by other staff.**

**It will be open every day of the week.**

**The facility is for the community and community participation is solicited and will be actively encouraged**

**Please direct all queries to**

**Dr A O Obisesan Bsc(Hons) MBChB FWACS FRCOG  
Senior Pastor / Trustee  
RCCG Stillwaters Colchester  
Tel 07956689193  
Email: [aobis@aol.com](mailto:aobis@aol.com), [abiobis@gmail.com](mailto:abiobis@gmail.com)**



**Application No:** 111289

**Location:** Colchester Borough Council, Town Hall, High Street, Colchester, CO1 1PJ

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

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## 7.8 Case Officer: Alistair Day

## OTHER

**Site:** Town Hall, High Street, Colchester, CO1 1PJ

**Application No:** 111289

**Date Received:** 26 July 2011

**Agent:** NPS

**Applicant:** Colchester Borough Council

**Development:** Listed building application to install an additional handrail to the main internal staircase.

**Ward:** Castle

**Summary of Recommendation:** Application to be referred to Secretary of State for this approval

### 1.0 Introduction

1.1 This application is referred to the Planning Committee because it is a Council application and the scheme of delegation requires such application to be considered by the Planning Committee.

### 2.0 Synopsis

2.1 The main issue for consideration is whether the insertion of the new handrail to the second floor would materially affect the special interest of this grade I listed building.

### 3.0 Site Description and Context

3.1 The High Street was the Via Principalis of the Roman colonia. From its junction with North Hill and Head Street, the High Street run eastwards along the main ridge of the town, with the land falling away to the north and south. The width of the street reflects its commercial importance and its function as the site of the town's market throughout the centuries. The main retail and commercial area effectively ends at Cowdry Crescent and All Saints Church.

3.2 Approaching from the east, the former All Saints Rectory and Castle Public House form a gateway to the High Street. The Town Hall with its magnificent tower projects into the street and plays a pivot townscape role acting as a focus in sequential views along the street. Beyond the Town Hall, views are closed by the buildings on the west side of North Hill and Head Street and dominated by the impressive bulk of the 'Jumbo' water tower.

3.3 The Town Hall is the most impressive building in the High Street. Built in 1898 in red brick and Portland stone and designed by the architect John Belcher; Belcher designed in a free classical style with more braggadocio than anyone and Colchester Town Hall is proof of this.

3.4 Major changes to the High Street occurred in the Victorian and Edwardian periods. Besides the Town Hall, the Grand Theatre (now Liquid), along with several handsome banks and shops were constructed during this period. Despite the more recent insertion of a number of poor quality modern buildings the High Street retains much that is of interest and of a quality and character that stands comparison with any other English historic town.

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

4.1 It is proposed to install new hand rails to the top flight of stairs of the main internal staircase of the Town Hall. The new hand rail is to match the design of the existing brass hand rails (to the lower flight of stairs) and will be post mounted and fixed to the existing steps.

#### **5.0 Land Use Allocation**

5.1 Civic Hall and Council Offices

#### **6.0 Relevant Planning History**

6.1 090383 - Creation of new gated entrance and flight of steps with landings to form accessible route to building together with new stepped access to churchyard. Installation of stair lift with support guide rail and new external lighting – Town Hall Chambers Churchyard, St Runwalds Street, Colchester – Approved 8.7.09.

6.2 091425 - Internal decorations to the moot hall area, rewire works to moot hall and council chamber, external fabric repairs and decorations and the insulating of the roof void above the moot hall – Town Hall, High Street, Colchester – Approved 2.1.10.

6.3 090735 - Creation of new gated entrance and flight of steps with landings to form accessible route to building together with new stepped access to churchyard. Installation of stair lift with support guide rail and new external lighting - Town Hall Chambers Churchyard, St Runwalds Street, Colchester – Approved 27.8.09

6.4 C/COL/03/1846 - Change of use from Civic Hall and Council Offices to Civic Hall and Council Offices and commercial functions/business meeting rooms - Town Hall, High Street, Colchester – Approved 12.12.03.

#### **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:  
ENV1 - Environment

- 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 has made the following comments in respect of this application:

“The Town Hall is a civic building of the grandest sort, a bravura essay in the Edwardian Baroque style by John Belcher whose quality is reflected in its listing at grade I. The marble staircase within, which leads up from the ground floor passed the civic offices on the first to the grandeur of the Moot Hall at the top of the building, is of a character equal to the building's exterior.

Although the staircase's marble balustrade is finished with a broad handrail this does not provide ready support for people for whom stairs present some difficulty. It is for this reason that it is proposed to fix additional handrails, more suitable to grasp. There are already some later brass handrails on the staircase, and the new rails would imitate these. While the new rails would compromise the architectural effect of the staircase to some degree, the harm done would be modest. The importance of the staircase to the circulation in the building, and the fact that the principal spaces are placed on the upper floors, makes it seem reasonable to incur this harm so as to allow as many people as possible to use the staircase.

English Heritage considers the proposed work unobjectionable.”

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 None received at the time of writing this report

## **10.0 Parking Provision**

- 10.1 N/A

## **11.0 Open Space Provisions**

- 11.1 N/A

## **12.0 Report**

- 12.1 The Town Hall is listed grade I for its special architectural and historic interest and occupies a prominent position within the Colchester Conservation Area No.1. The building dates from 1898 in an exceptionally rich Edwardian Baroque style by John Belcher. The main staircase, which leads up from the ground floor passed the civic offices to the grandeur of the Moot Hall at the top floor reflects the high quality of the building's exterior.

- 12.2 PPS 5 Planning for the Historic Environment (Feb 2005) sets out central government policy in respect of the protection of the heritage assets. Policy HE 9 of PPS 5 states that there should be a presumption in favour of the conservation of designated heritage assets and the more important the designated heritage asset the greater the presumption in favour of its conservation. Core Strategy Policy ENV 1 states that the Council will conserve and enhance Colchester's natural and historic environment. Policy DP14 of the Development Policies (adopted October 2010) states that development will not be permitted that will adversely affect a listed building.
- 12.3 The main staircase has a marble balustrade and is finished with a broad handrail; the design of this handrail does not provide a readily accessible hand grip. A metal hand rail has previously been added to the staircase between the ground and first floor and provides additional support / assistance for visitors travelling between these two floors.
- 12.4 The Moot Hall on the second floor has recently been refurbished and the Council is seeking to maximum opportunities for it use. At present, visitors to the second floor have to use the original handrails and these do not provide ready support for people that have difficulty using stairs. In the interest of improving accessibility to the Moot Hall it is proposed to install additional handrails that are more suitable to grasp.
- 12.5 It is proposed that the new handrail will match the design and materials of those already installed between the ground and first floor. The proposed new handrails would visually cut across the decoration detailing and this would comprise the architectural effect of the stairs. The harm caused by the new handrails would however be relatively modest and is reversible (i.e. they could be removed without significant damage having been caused to the historic fabric of the building). Moreover the installation of the handrails would improve access and circulation around the Town Hall including to the Moot Hall one of the principal room with the building. Given this, it is considered that positive benefits of installing the proposed handrails would outweigh the harm caused to the building by their installation.

### **13.0 Conclusion**

- 13.1 The proposed handrails are not considered to have a significantly detrimental impact on the special interest on the character of the Town Hall and it is recommended that Members endorse this application.

### **14.0 Background Papers**

- 14.1 PPS; Core Strategy; CBDP; EH

## 15.0 Recommendation

It is recommended that Members endorse this application and, in accordance with paragraph 8 of Circular 08/2009 "Arrangement for Handling Heritage Applications", that this application is referred to the Secretary of State for his approval.

### Conditions

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

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 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 drawing nos. X11-5033 01 & X11-5033-2 (dated July 2011) and the supporting details set out in the Design and Access Statement (dated 27 June 2011) and Heritage Statement.

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

### 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.