

Planning Committee

Town Hall, Colchester
14 February 2013 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 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 refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

Private Sessions

Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Mobile phones, pagers, cameras, audio recorders

Please ensure that all mobile phones and pagers are turned off or switched to silent before the meeting begins and note that photography or audio recording is not permitted.

Access

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

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Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
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e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

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.

REASONABLE DECISIONS AND REASONS FOR REFUSAL.

Circular 03/2009: “Costs Awards In Appeals And Other Planning Proceedings”

Attention is drawn to the following paragraphs of Circular 03/2009:

A3 *“the costs regime is aimed at ensuring as far as possible that... planning authorities properly exercise their development control responsibilities, rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason”.*

B20 *“Planning authorities are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.”*

B25 *“Whenever appropriate, planning authorities will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. They should consider any conditions proposed to them before refusing permission. A planning authority refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.”*

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 14 February 2013 at 6:00pm

Members

Chairman : Councillor Theresa Higgins.
Deputy Chairman : Councillor Helen Chuah.
Councillors Nick Barlow, Nigel Chapman, Peter Chillingworth, John Elliott, Stephen Ford, Sonia Lewis, Cyril Liddy, Jackie Maclean, Jon Manning, Nigel Offen, Philip Oxford and Laura Sykes.

Substitute Members : All members of the Council who are not members of this Committee or the Local Plan Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Lyn Barton, Mary Blandon, Mark Cable, Barrie Cook, Nick Cope, Beverly Davies, Annie Feltham, Marcus Harrington, Dave Harris, Jo Hayes, Pauline Hazell, Peter Higgins, Brian Jarvis, Michael Lilley, Sue Lissimore, Colin Mudie, Gerard Oxford, Will Quince, Lesley Scott-Boutell, Terry Sutton, Anne Turrell, Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

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

An Amendment Sheet is available on the council's website by 4.30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the 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 two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

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**

1 - 15

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.

That the Chairman be asked to agree pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972 to consider the following item at the meeting as a matter of urgency because the deadline date for a response to consultation by Essex County Council is 18 February 2013.

The report concerns an Essex County Council planning application for the construction of a new 300 place primary school with external hard and soft play areas, canopy and 20 space car park.

Essex County Council has now formally notified this Council of the proposed amendments to this application and has asked for written comments by 18 February 2013.

See report by the Head of Environmental and Protective Services (attached).

5. **Declarations of Interest**

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

- Where a Councillor has a disclosable pecuniary interest, other

pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.

- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgment of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6. Minutes

16 - 30

To confirm as a correct record the minutes of the meeting held on;

3 January 2013

17 January 2013

31 January 2013

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. 122122 Former Cooks Shipyard Phase 3, Walter Radcliffe Way, Wivenhoe
(Wivenhoe Quay)

31 - 45

Variation of Conditions 2 and 8 of application 091559 in order to include A3 restaurant use and to include reference to Drawing Nos. 1369-105 and 1369-102

2. 122146 10 Easter Park, Colchester (Mile End) **46 - 59**

Proposed new Volkswagen car dealership for sale and service of motor vehicles including associated office and parts storage and MOT testing facility (Resubmission of 120452)
3. 122272 Old Police Station, 37 Queen Street, Colchester (Castle) **60 - 69**

Alterations, demolitions and repairs to existing building, including change of use to creative business centre and cafe
4. 122273 Old Police Station, 37 Queen Street, Colchester (Castle)

Listed building application for alterations, demolitions and repairs to existing building, including change of use to creative business centre and cafe.

Refer to the final page of the report above for details of the Listed Building Application (121273).
5. 122040 11-16 Duffield Drive, Colchester (St Andrew's) **70 - 74**

Installation of 10 LM of 6ft timber fencing, including concrete gravel boards and posts and 1 no. timber gate
6. 121424 Abbey House, Flagstaff Road, Colchester (New Town) **75 - 91**

Conversion of former MOD Police Station to form 2 residential units, together with conversion of Coach House to form garaging and storage, plus associated external works
7. 121426 Abbey House, Flagstaff Road, Colchester (New Town) **92 - 108**

Application for approval to reserved matters following outline approval (O/COL/01/0009) for the proposed erection of five residential units (Plots 3-4), including associated works
8. 130017 Meadowside Lodge, Olivers Lane, Colchester (Stanway) **109 - 115**

Extension to existing outbuilding

9. 121987 8 Sandmartin Crescent, Stanway (Stanway) **116 - 124**

Picket fence between drives of No. 6 and 8 Sandmartin Crescent (1 metre tall and 8.6 metres long)

- 8. Endorsement of proposed amendment to the S229a Garrison legal agreement in respect of the provision of affordable housing on Area 1** **125 - 129**
(Berechurch)

See Report from the Head of Environmental and Protective Services

- 9. Endorsement of proposed amendment of the legal Agreement in respect of the provision of play equipment on land at Maximus Drive and Rawlings Crescent, Colchester** **130 - 132**
(Mile End)

See Report from Head of Environmental and Protective Services

- 10. Endorsement of proposed amendment to the s106 legal agreement in respect of the provision of affordable housing on Area S2SW of the Garrison Urban Village Development – Application No. 091563** **133 - 136**

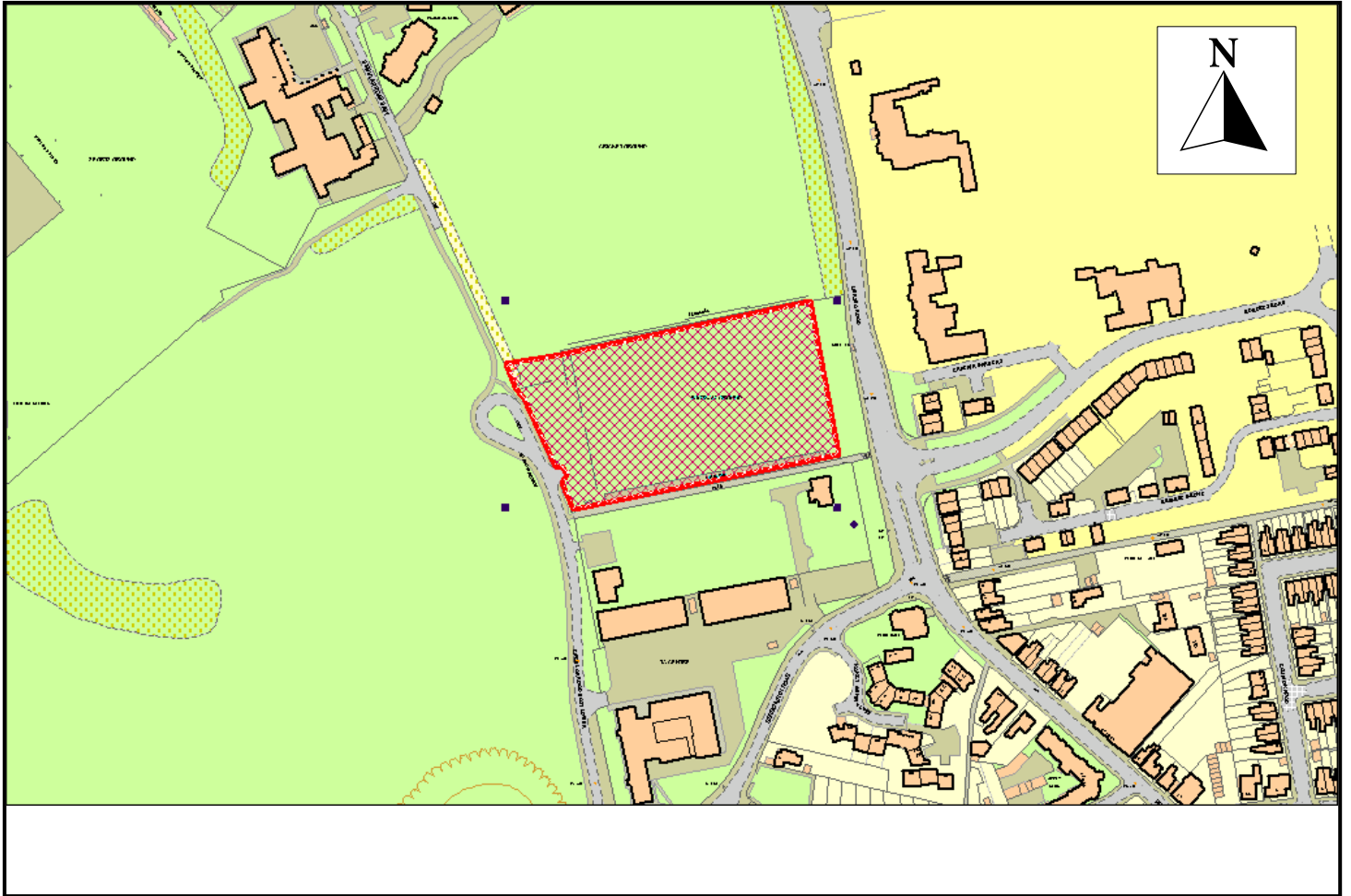
See report from the Head of Environmental and Protective Services.

- 11. 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).

- 12. Amendment Sheet** **137 - 148**

See Amendment Sheet attached



Application No: 121762

Location: Garrison Area E, Circular Road East, Colchester

Scale (approx): 1:2500

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Planning Committee

**Urgent
Item**

Date 14 February 2013

| | | | |
|-----------------------|--|---------------|--|
| Report of | Head of Environmental & Protective Services | Author | Alistair Day ☎ 01206 282479 |
| Title | Planning application for the construction of a new 300 place primary school with external hard and soft play areas, canopy and 20 space car park. | | |
| Wards affected | New Town | | |

This report concerns an Essex County Council planning application for the construction of a new 300 place primary school with external hard and soft play areas, canopy and 20 space car park.

1. Decision(s) Required

- 1.1 Members are asked to endorse the proposal to withdraw the letter of objection (dated 5th November 2012) in respect of this application and that Essex County Council is advised that this Council has no objection to the amended scheme being approved, provided appropriate conditions are attached to secure a high standard of development.

2. Reasons for Decision(s)

- 2.1 At its meeting on 1 November 2012, the Planning Committee resolved to formally object to this application on the grounds of the school's poor design and adverse impact that the development proposal would have on the character and appearance of this part of the Garrison Conservation Area. The Planning Committee was also extremely concerned at the under provision of cycle parking and the absence of a robust Travel Plan.

3. Alternative Options

- 3.1 Members may consider that the design amendments do not satisfactorily address to the concerns previously expressed by this Council. If this is the case the Council will need to update its current letter of objection so that it is pertinent to the latest proposal.

4. Background Information

- 4.1 Essex County Council consulted Colchester Borough Council on their planning application for a new primary school at the Garrison. The County Council requested this Council's observations on the development proposal and advised that our reply would be taken into account by them when determining the application.
- 4.2 Given the strategic importance of this development to the local area, the Planning Service Manager considered it prudent to seek the Planning Committee's endorsement of the officer recommendation that this application should be refused. The application was considered by the Planning Committee on 1 November 2012 and the Committee resolved to endorse and strengthen the officer's holding letter of objection.

4.3 Following the Planning Committee meeting, Essex County Council were advised in writing that this Council wished to sustain its objection to this proposal. A copy of this letter is attached to this report.

5. Proposals

5.1 Following receipt of this Council's letter of objection, the County Council commissioned the Essex Design Review Panel to undertake an independent review of the design the proposed school. A copy of Review Panel Report is attached to this report.

5.2 In the light of the comments made by Essex Design Review Panel and this Council, the design and layout of the proposed school has been modified. These amendments include:

- The widening of the entrance glazing (to double width) to signify its importance and prominence to visitor entrance
- Omitting the use of gault brick in favour of single colour of facing brick (red).
- Amending the design of the north elevation so that it is more symmetrical with double storey element to north western portion, including projecting window to provide interest and enhance connection to adjacent cricket pitch and views to north
- Articulating the corner of the north elevation with slot windows to replicate eastern elevation
- Reducing the size of the roof vents and adjacent roof lights so that they are considerably less dominant
- Amending the design of the western façade so that it is broken down into defined bays with emphasised verticality by the introduction of recessed rainwater pipes. The recessed / stepped facade is omitted from western elevation
- Additional brickwork detailing in the form of vertical banding of expressed brick to external corners and ridge points to identify changes in facade, bays and entrances.
- Enhanced external landscaping to emphasise visitor entrance, give more civic presence to the building frontage facing Abbey Field and relate better to the surrounding context.
- Lowered roof profile and reduced parapet height

5.3 The above amendments were outlined to officers from this Council at a meeting on 21 January 2013. The feedback provided by your officers at the meeting was that scheme had improved aesthetically and, in particular, that entrance was now clearly eligible. It was suggested the hall block should reflect the modular rhythm generated by the classroom blocks and ECC agreed that this would be explored further. The view was also firmly expressed that high quality materials and detailing were paramount to the success of the scheme. These elements should ideally form part of the application rather than being left to resolution by condition. In addition to the general comments on the design of the proposed school, the provision of cycle parking was also queried; ECC officers advised that the school would not be in full occupation for a number of years and that additional cycle parking could be provide in the future.

5.4 Essex County Council has now formally notified this Council of the proposed amendments to this application and has asked for written comments by 18 February 2013.

- 5.6 The commentary below provides a brief up-date of the main planning issues.

Design

- 5.7 The amended scheme represents a significant improvement on that originally submitted. The roof form of the proposed school has not significantly changed and is not typical of those found on the former garrison site. It is acknowledged that the roof form not only reflects the internal plan layout (and therefore the building form) but also assists considerably in breaking-up the mass of the school. Moreover, the use of a single colour of brick and the amended design detailing of elevations has helped to soften the potentially aggressive appearance of saw-tooth roof. The success of this scheme will be dependant on high quality material and architectural detailing. Overall, it is considered that the changes that have been made to the design of the school, justify the Council withdrawing its objection to the design of the proposed school. It is recommended that this Council draw to the County's attention for the need to condition the materials and design detailing of the proposed school.

Landscape and Arboricultural Issues

- 5.8 This Council's Landscape Officer previously recommended that amendments were made to the hard landscaping detailing and that the boundary treatments were strengthened with appropriate species of trees and shrub planting. The revised layout proposals have simplified the hard landscaping. To ensure the implementation of a high quality hard and soft landscaping scheme, the Landscape Officer has advised that grant of any planning approval will need to be the subject of appropriate worded conditions.
- 5.9 The Council's Arboricultural Officer has advised that insufficient information has been submitted to enable an informed assessment of the likely impact of the proposed development on the trees identified for retention. If the County is minded to grant consent for this development, the Tree Officer has advised that tree protection conditions are included.

Community Use

- 5.10 In the original consultation response, Officers noted that the school has the potential to from a key asset of the Garrison Urban Village development. It was therefore recommended that the school should provide for additional social and community uses from the outset and that these uses should be secured as a part of the planning permission.

Air Quality

- 5.11 The proposed school site is located close to Mersea Road Air Quality Management Area (AQMA) and this development has the potential to create significant increase in traffic, particularly at dropping off and picking up times. The Environment Control advised that it is not clear from the submitted information whether the proposed development will have an impact on the AQMA. Environmental Control therefore recommended that this issue is clarified prior to the determination of this application. No further information appears to have been submitted in respect of potential impact on air quality. It is therefore recommended that this matter is drawn to the attention of the County Planning Officer and that they should satisfy themselves that this proposal will not have an adverse impact on air quality prior to the determination of this application.

Contamination

- 5.12 The Council's Contamination Land Officer advised that the submitted survey reports relate to the current condition of the unmanaged playing field and provide recommendations for returning the field into a useable condition. The submitted report is not therefore a contaminated land risk assessment for the development site as a whole. Consequently, since the land is recorded as being former MoD land, it is recommended that suitably worded conditions are attached to any permission to cover for the potential for contamination.

Highway and Transportation Matters

- 5.13 Officers have been advised that the Local Highway Authority is content that this proposal will not have an adverse impact on the local highway network, in terms of capacity or safety.
- 5.14 Committee Members opposed the relaxation of the existing traffic regulations on Circular Road East, noting that on other school sites in Colchester, ECC has sought pedestrian / cyclists access only in front of schools to avoid conflict with cars. It is understood that it is still intended to change these restriction prior to the opening of the school.
- 5.15 Members of the Planning Committee were also extremely concerned at the under provision of cycle parking and the absence of a robust Travel Plan. The level of cycle parking proposed remains below that set out in the adopted parking standards. The County have advised that school would not be fully occupied for a number of years and that additional cycle parking could be provide in the future. While it is not considered good practice to permit reduced cycle parking provision for a school located in a sustainable urban location, this element alone would not justify a planning refusal. It is therefore recommended that the County is advised that it should set a good example in respect of its development and provide cycle parking that is fully in compliance with the adopted standards.

6. Strategic Plan References

- 6.1 None directly arising from this report.

7. Publicity Considerations

- 7.1 None directly arising from this report.

8. Financial Implications

- 8.1 There are no additional financial implications for this Council arising from this report.

9. Equality, Diversity and Human Rights Implications

- 9.1 None directly arising from this report.

10. Community Safety Implications

- 10.1 None directly arising from this report.

11. Health and Safety Implications

11.1 None directly arising from this report.

12. Risk Management Implications

12.1 None directly arising from this report.

Environmental & Protective Services

Ms S Bailey
Essex County Council
Minerals & Waste Planning
Environmental Planning
County Hall
Chelmsford, Essex
CM1 1QH

Contact: Alistair Day
Phone: 01206 282479 Fax: (01206) 282598
E-mail: planning.services@colchester.gov.uk
Your ref: CC/34/12/COL
Our ref: 121762
Date: 5 November 2012

Dear Ms Bailey

Proposal: An application for the construction of a new 300 place primary school with external hard and soft play areas, canopy and 20 space car park.

Location: Garrison Area E, Circular Road East, Colchester

I write further to my holding letter of objection dated 24 October 2012 and our subsequent telephone discussion on 2 November 2012 regarding the above planning application that is currently being considered by Essex County Council. As discussed, I can confirm that this Council wishes to sustain its **objection** to the current planning application.

As you are aware, the planning application for the erection of a new 300 place primary school on Garrison Area E was considered by this Council's Planning Committee on 1 November 2011. The Planning Committee unequivocally supported the officer recommendation that this application should be refused. The Planning Committee also resolved that both Members and Officers from this Council should attend your Planning Committee to raise a strong objection to the proposed school in its current form and the detrimental impact that it would have on the Garrison Conservation Area.

I should advise that the Planning Committee considered that the Officer's letter of objection was very restrained in its criticism, particularly in terms of the design of the school and the adverse impact that the building will have on the character and appearance of this part of the Garrison Conservation Area. The Planning Committee wished to strengthen the officer's letter by making the following comments:

Consultation with CBC

This Council is extremely disappointed that Essex County Council failed to consult with our planning officers at an early stage of this proposal; the placement of details in the

central library prior to a public exhibition and a 21 day notification during the course of the current application does not equate to collaborative working.

The approach adopted by Essex County Council is particularly disappointing because of the clear ethos of Localism. This is most clear through the lack of dialogue with this Council's Planning Service and the consequent lack of local understanding that is illustrated most significantly by the fact that the several of the key referenced buildings are either the ones that are the poorest quality in this area or are identified for demolition; referencing such buildings simply illustrates that there are fundamental flaws with the adopted design approach.

Design and Heritage Issues

The design of the school fails to relate to the historic context and the key characteristics of the historic Garrison buildings. The asymmetrical saw tooth roof creates an aggressive roof form and this, combined with the different coloured vertical brick banding (plus arbitrary brick patterning) and random disposition of windows, results in a building that is wholly out of character with this area. The plans do not follow/realise the core DAS identified principles.

The entrance is by no means the grand feature that the school requires, that other schools have incorporated recently, or that the DAS implies will be provided.

The minor superficial changes that have been made do not address this Council's fundamental concerns regarding the design of the proposed school. A copy of the Urban Design Officer's comments on the revised proposal is attached to this letter.

The concerns expressed by this Council regarding the design of the school and the detrimental impact that it would have on the character and appearance of this part of the Garrison Conservation Area are shared by English Heritage. The fact that English Heritage has expressed similar concerns clearly indicates that we have been reasonable and accurate in our assessment of this proposal. What will it take for ECC to admit that the current design solution is flawed and that this is the wrong building for this location; who will ECC listen to before it is too late etc?

Highways Issues

The Planning Committee is extremely concerned at the under provision of cycle parking and the absence of a robust Travel Plan. It is of fundamental importance that a good Travel Plan is in place before the school opens; if it is not right from the start then it will be too late. Encouraging cycling will be an important part of the Travel Plan; there needs to be more covered cycle parking to facilitate and encourage this use in line with healthy lifestyles that schools promote. Members noted that there was existing shortages at several Colchester schools where cycle proficiency messages from the schools have resulted in high demands.

The Planning Committee is opposed to the relaxation of the existing traffic regulations. On other school sites in Colchester, ECC has sought pedestrian /cyclists access only in front of schools to avoid conflict with cars; in this instance they are encouraging cars to the school frontage.

Community Use

Members observed that there is a shortage of community buildings in the area and that the school should from the outset facilitate and encourage community use. Using the school for community use will also help generate funds for the school. The community use of the school be secured through a legal agreement and not left to whim of school governors.

I would ask that ECC Members are fully advised of the above comments, together with the draft minutes of the Planning Committee meeting, the additional comments of this Council's Urban Design Officer and the my letter dated 24 October 2012 when making their decision in respect of this application. (The minutes of the Committee are to be agreed at the next Planning Committee on the 15 November 2012).

I understand from our telephone discussions that you have received English Heritage's observation in respect of this application and I have therefore not attached a copy of their email to this letter. If this is not the case, please will you advise me accordingly?

Finally, I would confirm that this Council requires notification when this application is to be presented to your Planning Committee and I hereby formally advise that both Officers and Members from this Council wish to speak at your Committee meeting. I would also ask that you advise this Council of any decision that your Council makes in respect of this planning application.

Yours sincerely

Alistair Day

Alistair Day
Planning Officer



ESSEX DESIGN REVIEW PANEL MEMBERS
St John's Green Primary School Design Review - 17/12/12:
Chair: Barry Shaw, Planning and Urban Design Consultant
Andrew Claiborne, Architect and Course Group Leader
Architecture & Planning, Anglia Ruskin University
Liz Gibney, Architect and Urban Designer, JMB Urban Design
David Tucker, Architect, and Director of Rivington Street Studio

Shelley Bailey
Senior Planner
Essex County Council
E3, County Hall
Chelmsford
Essex CO1 1QH

02 January 2013

CONFIDENTIAL

Dear Shelley,

Essex Design Review Panel report: St John's Green Primary School, Colchester

Part 1 - Overview of the scheme and the role of the Design Review Panel

The Essex Design Review Panel consists of 20 experts in various aspects of environmental planning and development including planning, architecture, urban design, landscape design and sustainability. The Panel's purpose is to offer an independent, well considered and expertly informed opinion on design proposals. Ideally, the Panel is invited to view schemes as part of the crucial pre-application stages of design development, when ideas and suggested improvements can be implemented as part of the evolution of initial design concepts resulting in well-designed schemes and a smooth passage through formal planning processes.

The Essex Design Review Panel met on 17th December 2012, to consider the design suitability and quality of proposals for St John's Green School, a 300 place primary school set within the garrison conservation area of Colchester. The site forms part of the redevelopment of the former garrison for new housing and the site is allocated for primary school use in the area masterplan. The school will provide extra school places to cater for a rapidly expanding population in the town, and will become part of the existing St John's Green Primary School, located within a 5 to 10 minute walk. The school site borders Mersea Road with access from Circular Road East. It is the former garrison football pitch, located next to an existing cricket pitch and opposite Abbey Field - a large area of protected open space. It lies in proximity to a range of historically interesting and locally listed Victorian barracks buildings, displaying a range of garrison architecture, and the site is close to new housing both off Mersea Road and adjacent to Abbey Field. Four members of the Essex Design Review Panel convened for a visit to the site, followed by a presentation from the architects.

The Design Panel route is intended to be helpful, non-judgemental and interactive, enabling the delivery of locally responsive, innovative development. It is therefore unfortunate that the Panel did not have the opportunity to review the St John's Green Primary School scheme at an earlier stage in the process, when they would have had more confidence that the appointed scheme architects would have had time to act upon and respond to any their comments. The scheme was submitted for design review by Essex County Council as the determining planning authority shortly before being determined by committee in January 2013. Therefore, the comments below are offered in the knowledge that a great deal of work has been put into the design for the school, with the possibility that if a considerable redesign is advised at this stage it could jeopardise the delivery of much needed extra school capacity in 2014.

The Panel commended the excellent collaboration that had taken place between the architects, the head teacher and his team, and Essex County Council's infrastructure delivery team, but the Panel

was aware that an objection on design grounds had been raised by Colchester Borough Council, the local planning authority managing surrounding new housing development in the garrison area. The Panel was not provided with details of the objection in advance, as the role of the review was to obtain a fresh and independent opinion on the design of the scheme. However, as planning objections can often cause delays and put budget and time constrained objectives at risk, the Panel felt that in future it would help to expand collaboration via a consultative 'development team' approach to include local authority planners.

It would prove useful to include design review at an earlier stage, especially for development in sensitive locations, town centres or areas seeing rapid change. Design review could be either a formal Panel approach or via a review of internal processes, and either way should help to safeguard the practical and educational outcomes of school infrastructure delivery. Improved processes would provide a forum for more in depth engagement and discussion to enable potential concerns to be aired and resolved before the application stage, reducing risks, time and resources later on. Finally, a proactive and collaborative approach should be considered, beyond relying on local planning officers and councillors to accept invitations to attend public consultation events.

Part 2 – Design Review Panel observations and recommendations

Presentation

The Panel thanked the design team for a very thorough presentation and excellent narrative of the design development process. It was clear from the presentation and the comments made by the headteacher that through a process of consultation and evolving designs, the education and practical brief for the building had been fulfilled. From an architectural point of view however, and in light of the building's position within the garrison conservation area, the Panel did note some opportunities that had been missed, and some aspects of the final design that could be further improved.

Site position

The Panel was not convinced by the rationale for the building alignment based on a series of axis lines imposed on to an aerial photograph of the site. The view of the Panel was that many of these lines are arbitrary with more useful reference points available which could have informed site positioning, especially interaction with surrounding open spaces, the setting of identified historic buildings, and the public realm. The Panel did not disagree with the position of the school, but opportunities to create meaningful interactions with the setting seemed to have been overlooked.

In particular, the opportunity to address the neighbouring cricket pitch seemed to have been overlooked in considering site context and layout. The Panel would have expected the potential for community uses linked to the cricket pitch to have been investigated, complemented by a more outward looking northern elevation which could have provided good views across a pleasant outlook over the cricket pitch. In addition, the Panel noticed that the view of the exposed northern elevation of the school from the roundabout to the north would be a key view of the building, which is at present poorly articulated and would not advertise the school well to passers-by.

On the site visit the Panel noticed a number of issues affecting land immediately adjacent to the site, regarding the southern footpath bordering the site and the disused bomb shelters along the eastern edge of the site in the tree belt between the school site and Mersea Road. It will be very important as the project progresses to ensure there are detailed plans in place to address issues of safety, openness and quality for both the footpath and the protected historical site. The bunkers are

in an intermediate state and could be a dangerous feature adjacent to a primary school and should be addressed by the land owner on the same timescale as the school.

Internal plan

The Panel felt that the concept for a ground floor central heart was well positioned, and would work well near the cruciform and the with the double axis for movement.

There was some concern about the use of first floor voids in a primary school, due to some issues they could create from both a safeguarding and acoustic perspective. The design does enable visual connectivity between the ground and first floors but further detailed design work is required to ensure potential difficulties are overcome. The use of a large void means that the heart space, which would work very well on the ground floor, does not exist at the first floor level where it creates a lot of corridor circulation space which will need to be carefully managed.

It was noted that in the final design, the first thing that visitors would see on entering the school building via the front entrance is a door to the disabled WC in the lobby. This door should be repositioned to enable a better use of the lobby entrance space.

The Panel also noted that the classrooms towards the northern end of the building do not address the potential view over the cricket pitch as mentioned above, due to the positioning of ancillary areas and the fire escape stair at this end of the building. If the Panel had seen the design at an earlier stage in the planning process, it may have suggested that the design team review the internal classroom and hall layout to explore further options for interaction with the cricket pitch, particularly in relation to a wider range of additional community uses that this could possibly facilitate.

Future adaptability

The Panel found the design drawings lacking in communicating any structural form for the proposed building, and agreed that the scheme seems not to offer flexibility to allow for possible expansion in the future, other than via a separate teaching block. Nor does the design offer adequate flexibility in the use of space should methods for teaching and learning change at the school in future. A building that is unable to be adapted to meet the future needs of the school can be seen as not very sustainable in a social sense. A scheme with stronger community links via the northern elevation could also be seen as more socially sustainable, in accordance with the requirement for 'sustainable development' in the National Planning Policy Framework. It was noted, however, that the site was originally set to accommodate 210 pupils rather than the current 300 places, and that there are no immediate plans for expansion.

Form, scale and elevations

The Panel noted that the building's form has followed directly from the internal plan layout, thus delivering the functional design brief but not being led by surrounding built context. However, the general scale, form and mass of the building were all deemed acceptable and the Panel agreed that the stepped-out nature of the eastern façade is useful, since it opens up the building and improves community orientation. The Panel agreed that the site can take some considerable height so the two storey approach was commended, as necessary for architectural and functional reasons. In terms of retaining a degree of domestic scale for the benefit of the youngest pupils it was felt that such concerns do not generally worry young children themselves, and the Panel agreed the scale of the building is fine with domesticity of minor concern.

However, the Panel felt that the design falls short of the architect's stated intention to have at least three active elevations with no obvious rear elevation, in response to the openness of the setting.

The visual links, fenestration and access to the north are constrained (as mentioned above) with the only entrance and exit point from this façade being the proposed fire exit, suggesting subservience for this elevation. The southern façade might also be improved by allowing more natural light to the kitchen.

The Panel commended the inset windows which are an important reflection of the style of surrounding older buildings, albeit interpreted in a contemporary way. The use of colour to highlight the window recesses also met with approval, although the brick soldier courses is highlighted in the design guide document as inappropriate to a conservation area site, as it does not reflect the quality of detail of older buildings.

The Panel felt the slight stepping-back of elements of the western elevation was an unnecessary expense if the sole purpose of it was to highlight the use of two types and colours of brick. The stepping-back could perhaps be dispensed with if just one brick is used here (see the Panel's comments below regarding the use of materials). The Panel noted the concerns of the architects that the use of one brick might make the building appear too large, but the Panel felt it would be more in keeping with the garrison built context, where more uniform building façades are a repeating feature.

Roof design

The Panel agreed that the roof design seemed to have developed out of the internal plan layout and therefore the building form, rather than picking up queues from the surrounding built context. The roof design offers both pros and cons – it does well to break up the form and mass of the building, but would produce many valley gutters.

The use of a saw tooth roof may have been influenced by another building in the area but that was not been made clear in the presentation, and the Panel could not see where the reference was from or why the decision had been made - the Panel would have possibly preferred to see symmetrical roof pitches more akin to the surrounding conservation area barracks buildings. There was some concern that the asymmetric pitches may appear somewhat industrial particularly with the inclusion of the projecting ventilation towers, but the Panel was not overly concerned by the roof form itself and understood that it may be difficult to modify at this stage in the project. However, the Panel agreed that the vertical projecting roof towers housing ventilation grilles do not benefit the design overall, which would be better without them as long as ventilation could be set into the roof in a different way, along with the roof lights.

Materials

The Panel was very interested to explore the proposed use of materials in relation to the strength of the surrounding conservation area, where a singular expression is present in the existing garrison buildings through the use of one brick. The design and access statement demonstrates some good contextual exploration including a detailed investigation of local materials. It correctly highlights a mixed built form with a variety of materials locally, and the Panel agreed with the decision to use brick as a dominant building material. However, the better quality surrounding buildings in the garrison conservation area are predominantly uniform in their façades, whereas the proposed new school mixes red and gault bricks from two nearby buildings. The strength of Colchester's Victorian barracks buildings is often in the detailing of the brick, which along with the familiar use of one colour of brick signifies their individual character. This quality of detail is picked up by the proposed school design and interpreted via the coloured deep reveals to the windows, and these would be better set in a more uniform façade, at least on the flatter, western elevation.

For this reason the Panel felt that the proposed dual use of red and gault bricks is not entirely suitable for the character of the area, and although it differentiates the different elements of the proposed building, particularly where the stepping-out occurs on the eastern elevation, it is not to the benefit of the design as a whole since it disrupts the unity of the western façade, which also houses the main entrance. Partly as a result of this the impact and prominence of the main entrance is lost.

The Panel would advise the use of one type of brick across the western façade without the use of single brick step-backs, on the condition that a suitable quality and colour of brick is used to satisfy the need to satisfactorily complement the building's setting and context. This advice is accompanied by the concern that with the cost of the second stage of the design and build scheme being based on the planning scheme, all external materials should be specified in detail at the planning stage to ensure the eventual appearance is not weakened via alternative (and cheaper) materials being selected by the contractors at a later stage. Without the careful specification of brick at this stage, the scheme could cause harm to the place and create a building that neither preserves nor enhances the conservation area or contextual setting. A crisp and simple brick would be most effective, although perhaps plain red would not work well if a cheap type of red brick were sourced - engineering brick has worked well in school buildings elsewhere (reference was made to Christ's College Secondary School, Guildford by DSDHA and Kingston Business School by Hawkins/Brown).

Landscape

The landscape design for the school needs a much stronger treatment than that expressed in the design proposals seen at the review session, especially considering the building's setting. At present the landscape plan does not reflect the building and seems very disjointed. Landscape leading to the school entrance appears confusing with a combination of footpaths and paved areas, and further consideration of the materials and design for this area is advised to avoid visually distraction. There was also concern that visitors arriving by car would face quite a blank southern façade which would not make a strong impression of make the route to the entrance clear. Further detailing of landscape design to complement the building design is advised.

Conclusions

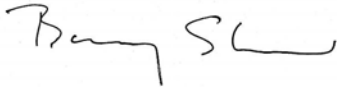
In conclusion, the Panel commended the analysis undertaken by the architects in the design and access statement but felt this had not been interpreted in the final design with complete success. The site layout and internal plan work well in most aspects, and the design meets the client's educational and functional brief, but as a piece of architecture it does not respond to the site well enough. This may be due to missing the significance of stronger aspects of the surrounding conservation area barracks buildings, references to which have been too diluted in the final design. In addition, the prospect – the view of the school from all surrounding areas – seems to have been overlooked with the northern elevation a key view in, but a very weak point.

The design lacks the flexibility that may be required in future, leaving its long term adaptability in doubt although the brief for a durable building has in other ways been met. The decision to use brick for the main façades material is sound, but the Panel strongly recommend modifications to the western elevation materials as outlined above. A simpler approach here could still achieve the architects' intention of using the building to draw together different elements of surrounding built context, without overdoing the use of two types of brick which could create an overly busy façade. Similarly, simplification could prove economically sound through a rationalised roof form, dispensing with the ventilation towers which might appear to be too industrial.

The landscape design could be stronger, and could be used to help define what is currently quite a weak main entrance to the school building, as well as improving the visibility of a pedestrian route to the main entrance from the 'rear' car parking area. Careful treatment of the adjacent lane and bunkers also needs to be ensured as the design and construction stages develop. The school building should link and interact with its rich and varied setting as much as possible, to encourage new community interaction with, and pride in, this new element of St John's Green Primary School.

If any of the above comments are unclear or if you require any further information please do not hesitate to contact the Essex Design Review Panel via Jenny Ruder in the first instance, on jenny.ruder@essex.gov.uk or tel. (01245) 437162.

Yours sincerely,



Barry Shaw
Chair, Essex Design Review Panel

cc. Peter Courtney, Associate, LSI Architects
Jackie Lowe, Principal Design Services Commissioner, ECC
Rachel Moulton, Associate, LSI Architects
Don Parker, Project Manager, Infrastructure Delivery, ECC
Carl Studd, Farrans

PLANNING COMMITTEE
3 JANUARY 2013

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman,
Peter Chillingworth*, Helen Chuah*, John Elliott*,
Sonia Lewis, Cyril Liddy*, Jon Manning, Nigel Offen*,
Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Dave Harris for Councillor Stephen Ford
Councillor Marcus Harrington
for Councillor Jackie Maclean*

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

71. 121353 Land adjacent (south), Grange Road, Tiptree

Councillor Elliott (in respect of his previous acquaintance with the applicant) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Harrington (in respect of the statement contained in his election address indicating his support for Colchester United Football Club) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the variation of condition 27, in respect of hours of operation, condition 28 in respect of proximity to residential curtilages and condition 34 in respect of the use of pitches of planning permission 091627 which had been given approval on 7 January 2010. The application had been deferred from consideration at the meeting on 29 November 2012 in order to provide for a larger capacity venue to facilitate attendance at the meeting of those members of the public who wished to observe the proceedings. The Committee had before it a report in which all information was set out, see also amendment sheet.

The Committee had undertaken a site visit on 29 November 2012 in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Andrew Tyrrell, Planning Manager, and Mark Russell, Principal Planning Officer, attended to assist the Committee in its deliberations. The Principal Planning Officer explained the site history of the land to the south of Grange Road, Tiptree, (also known as Florence Park) which was in use as the Colchester United Football Club training ground, comprising five pitches and a club house. It was surrounded by disused farmland (zoned for housing), existing houses and paddocks and Grange Road itself. The original proposal to extend the hours of use to all day Monday to Friday (previously only two and a half hours per day) and to include use on Sundays (previously not permitted) was described in detail. It was also explained that the application had been driven by a wish on the part of the club to maintain Category 2 status in the Elite Player

Performance Plan (EPPP). The original proposed hours had been subject to negotiation to include shortening the days to 3:30pm and having a day of non-use as well as longer hours in the late pre-season and weeks of non use prior to this. Also proposed was the relaxation of the 40 metre buffer (from pitch to residential curtilages) to relate only to existing and not proposed new houses together with permission to use more than two pitches at any one time.

The report provided information on the letters and emails from objectors (mainly residents) and supporters (mainly living more remotely). The objections related to noise nuisance as well as Highway concerns and the operation of the facility outside of the existing conditions.

The Council's Environmental Control team had undertaken an analysis of the noise issues and had proposed a careful expansion of times of operation, with the exclusion of Sunday usage, and a rewording of the condition allowing more than two pitches to be used at the same time, whilst accepting the change to the buffer condition.

Mr Caffery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He stated that he was representing a number of Tiptree residents. He was concerned that the existing hours of operation had not been described correctly and he objected to the total number of hours of operation being proposed. The facility had originally been occupied by the applicant prior to consent being granted and the current conduct of the operation, including episodes of bad language and traffic difficulties, was causing stress, harm and anxiety to residents. Enforcement action had not been undertaken by the Council so far and he was concerned that with proposals for tournaments and training sessions the noise levels and traffic problems would be increased. He considered that any approval granted by the Council would result in a continuation of existing nuisance problems.

Mr Ashley Byrne addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He stated that he was representing a number of Tiptree residents. He was concerned about the current operation of the facility on Saturday and Sunday mornings, outside the existing hours of operation. He considered that the noise levels recorded by the Environmental Control team were causing a significant nuisance and threatened the emotional well being of residents. He was concerned that the case officer responsibility for the application had been changed and, in his view, this had resulted in the officer recommendation being changed to one of approval. He was of the view that the applicant should be required to comply with the existing conditions attached to the planning approval and he considered that residents should be entitled to experience a respite in the operation of the facility at weekends.

Mr Staff addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He considered that the report contained discrepancies and he was concerned that the club's ambitions in relation to the Elite Player Performance Plan would not accord with the Football League's requirements. He requested the Committee ensure that the application was dealt with transparently as he was concerned that greater commercial gain was being sought at the expense of nuisance to residents. He was of the view that the information contained

in the amendment sheet did not support the officer's recommendation for the application to be approved. He urged the Committee to refuse the application and to agree to take enforcement action in relation to the existing conditions of use.

Mr Robbie Cowling addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained his vision for the site in terms of its mix of professional with community facilities. Changes in the professional football game had created new types of players and these changes were also being transferred to the younger teams. He confirmed that the club had applied for Category 2 status in the Elite Player Performance Plan, 15 full time and 10 part time staff were employed and £250, 000 had been invested in the facilities which would give the under 18s an opportunity to succeed either in their chosen field of football or by means of other educational opportunities. He explained that Category 2 status had been granted subject to the proposals regarding the pitches and hours of operation being approved. He referred to the Olympic legacy which demonstrated the importance of providing role models for young people to emulate.

Mr Sam Szmodics addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he had joined the Colchester United training facility at Shrub End, Colchester and at the University of Essex when he was an 8 year old boy. He had attended different venues at different times of the week over the years and he had succeeded in playing for the under 21 team. The advantage of the facility at Florence Park was that the staff were dedicated, and there were opportunities in the class room, in the gym and due to the high standard of pitches. The Category 2 status meant that the standard of opposition was better and the club was currently at the top of the league. The team had succeeded in qualifying for the Third Round of the FA Youth Cup and the long term aim was to produce local players good enough to play in the first team. He considered that he was part of a great club which demonstrated great family values.

Mr Tony Humes addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He explained that he was the Academy Manager at Colchester United Football Club and he had been involved in Youth Development for 12 years. He was passionate about the Football Club and its philosophy to invest in youth and the development of young players for the first team. The Academy provided a long term programme of self development, providing the young players with an aspiration to succeed within an holistic education programme, catering for their physical and emotional development. He had been at the club for 3½ years which provided a professional environment for children, teenagers and parents to be involved with. He considered that the Elite Player Performance Plan had brought improved standards and was of the view that the entire staff at the club believed that they could make a long term future for the club.

Councillor Bentley attended and, with the consent of the Chairman, addressed the Committee. He explained that five Borough Councillors were interested in the application, the three Tiptree ward councillors as well as the two Birch and Winstree Councillors. He considered that his role was to protect the interests of the residents of Tiptree and he was of the view that the current application would be the first of many to vary conditions attached to the original planning approval. The report acknowledged

that noise was an intrusive issue for residents and he was of the view that the nuisance would not be reduced as a result of increases in the hours of operation. He sought assurances regarding the enforcement of the conditions attached to the consent. Although he acknowledged that the Committee would not be in a position to take it into account, he confirmed that the residents had submitted a complaint to the Local Government Ombudsman regarding the application. He was of the view that most training facilities for Football Clubs, for example in Norwich and Ipswich, were in rural locations, which Florence Park was not. He wanted the young players to do well but he questioned why the training facilities could not be provided next to the Community Stadium where there was sufficient land available for such use. He felt sometimes people need to do the right thing not the best thing.

Councillor Fairley Crowe attended and, with the consent of the Chairman, addressed the Committee. She was concerned that the applicant should have been aware of the required hours of operation when the training facility was first opened and, if he was not, how had the circumstances changed so quickly. She was of the view that, because the club had not adhered to the existing conditions, any subsequent permission should be for a temporary period of 12 months only. She had visited the facility when a game was being played and was of the view that the noise was very loud, especially given how close the neighbouring houses were in relation to the pitches. She felt parking restrictions were necessary to overcome traffic issues and that a residents' parking scheme should be introduced. She questioned the way in which it was proposed to notify residents of the ad hoc tournaments and matches.

Councillor Martin attended and, with the consent of the Chairman, addressed the Committee. He was of the view that the original purpose of the facility was for training pitches but that this had now changed to a requirement for matches to be played and this was now resulting in excessive noise and nuisance. He agreed that the club could impose controls on the behaviour of players but this was more difficult in respect of visiting players and spectators. He felt it was reasonable for the operation of the facility to be stopped at 1pm. He was concerned about the holding of up to six tournaments a year, involving numerous visitors and problems with adequate parking facilities. He considered that there was adequate scope to extend the existing car park which would address some of the problems experienced by residents. He felt that the 40 metre buffer between the pitches and the new housing development should be maintained.

In response the Principal Planning Officer acknowledged Mr Caffery's comment regarding reductions in hours and clarified that there was a reduction in respect of the revised hours originally applied for herein not in respect of the existing permitted playing time authorised by the previous permission. He noted that several conditions had been breached in the past but this did not affect the material planning consideration and merits of the proposal made in this application. He acknowledged the parking issues and that the Highways Authority would be monitoring the situation and may consider the introduction of parking restrictions in the future. It was explained that specialist legal advice had been obtained in respect of the Elite Player Performance Plan requirements which had confirmed that the activities needed to be conducted at the principal venue unless a special dispensation was granted otherwise and, as such, there may be an option for the club to seek permission to use an additional alternative venue such as at Warrior's Rest although the club had claimed that Warrior's Rest was

not suitable for these purposes. The Principal Planning Officer went on to confirm that the applicants were applying to vary conditions as a result of changes in circumstances since the original permission was granted for the use of this site and that it had been considered that the enforcement of the noise levels was not previously required as the levels had not been considered to constitute a statutory nuisance by the Environmental Control Team.

Guy Milham, Environmental Protection Officer attended to assist the Committee in its deliberations. He confirmed the results of his investigations that the noise levels recorded were not considered a statutory nuisance in that the maximum recorded equated to the level of normal speech. He acknowledged that shouting and occasional whistles may seem intrusive but this was because there were no other noises from the site. He considered that, if the proposals were accepted, the likely exposure to noise would be no more than two hours at any one property.

Members of the Committee raised various issues which included:-

- The reasons why the Committee had not been invited to consider enforcement action,
- The non compliance with existing conditions by the club in terms of hours of use and numbers of pitches in operation,
- Problems and potential injuries to residents associated with footballs being kicked over the boundary fencing,
- Concern regarding the relaxation of the 40 metre buffer between the pitches and new housing,
- Car parking problems, the need for additional parking provision and the potential negative impact on residents if parking restrictions were imposed,
- The need for the aspirations of the applicant to be borne in mind in terms of job creation and the prosperity of the business ,
- Questioning the need for activities to continue from 10am to 6pm in the month of July,
- The likely impact for residents of the staging of up to six tournaments each year,
- The impact of the facility on the young people who train and have the opportunity to use the educational facilities,
- The need for a balance to be drawn between the impact of noise and disturbance against the economic impact and commercial importance of the facility,
- The need for the applicant and the staff at the club to take measures to improve relations with residents,
- Concern regarding the need for residents to have a break from the activities and the potential for May to June to be designated as being free from tournaments or matches

In response the Committee was reminded that parking provision was not part of the planning application and, as such, it would be unreasonable to revisit the original permission or to fundamentally amend the proposal by means of the addition of conditions to this affect unless it was required directly as a result of the new hours. Regarding the complaint about enforcement, it was explained that, where it was considered possible that an application may be acceptable, then the outcome of such application would be awaited before the taking of any enforcement action. Since the

initial complaint, the hours of use observed had reduced, whilst at the same time the Council had been involved in a range of negotiations and communications with all parties interested in the case, including both Colchester United Football Club and local residents groups. Regarding concerns about footballs being kicked over the boundary fence, it was considered that the angle of flight would be unlikely to lead to these incidents or to injuries to residents. Concerning the relaxation of the 40 metre buffer between the pitches and the new housing, it was stated that the determination of the application should be in accordance with current facts and conditions on the ground as they were now and not in respect of future considerations which may be subject to change. The Committee members were advised that the preclusion of tournament usage of the facility during May and June could be considered if they so wished. Confirmation was also provided that the needs of the applicant were a material planning consideration as set out in the list of considerations at the front of the agenda, indicating that economic and social benefits needed to be balanced against environmental harms. This was consistent with the National Planning Framework and local policies which provided for a balance to be drawn in consideration of most planning applications as to how much weight to give to various factors.

RESOLVED (EIGHT voted FOR, FOUR voted AGAINST and TWO ABSTAINED from voting) that that the application be approved with conditions and informatives as set out in the report and on the amendment sheet subject to the following:

- (a) Condition 27 to be amended in respect of May and June to state no use of pitches for matches or tournaments;
- (b) Condition 27 to be amended in respect of July to state that Monday, Tuesday, Thursday and Friday permitted hours to be 10.00 to 17.00;
- (c) One further extra condition to be applied to provide for the establishment of a community liaison group to meet on a regular basis and to report back on its discussions.

72. 122071 57 Rosabelle Avenue, Wivenhoe

The Committee considered an application for a two storey side extension to a dwelling. The application had been referred to the Committee because the applicant was a member of staff for the Council. 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.

73. Enforcement Report // Application no. 121353 Land adjacent (south), Grange Road, Tiptree

Councillor Elliott (in respect of his previous acquaintance with the applicant)

declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

Councillor Harrington (in respect of the statement contained in his election address indicating his support for Colchester United Football Club) declared a non-pecuniary interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered a report giving details of the options available to the Committee in relation to a series of complaints regarding breaches of condition at the Florence Park training ground. It was explained that the current usage of the training ground appeared to be in compliance with the amended conditions the subject of the planning application considered at Minute No 71 above.

RESOLVED (UNANIMOUSLY) that, due to the current usage of the training ground being in compliance with the conditions approved by the Committee at Minute No 71 above, no enforcement action be taken at this time.

PLANNING COMMITTEE
17 JANUARY 2013

Present :- Councillor Theresa Higgins* (Chairman)
Councillors Nick Barlow*, Nigel Chapman*,
Peter Chillingworth*, Helen Chuah*, John Elliott*,
Sonia Lewis, Cyril Liddy*, Jackie Maclean*, Nigel Offen,
Philip Oxford and Laura Sykes*

Substitute Members :- Councillor Michael Lilley for Councillor Stephen Ford
Councillor Mary Blandon for Councillor Jon Manning

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

74. Minutes

The minutes of the meeting held on 29 November 2012 were confirmed as a correct record.

75. 121487 Garage court adjacent to 64 Stalin Road, Colchester

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of 14 existing garages and the erection of two four bedroom affordable housing units. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

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

Carl Allen, Planning Officer, attended to assist the Committee in its deliberations.

A member of the Committee explained that local residents were concerned by the proposal. They did not want to lose use of the garages and no residents had yet formally accepted offers of alternative garages. The scheme would lead to more on street parking. The road was narrow and further on street parking would block the bus route and in particular create problems for buses turning into Roosevelt Way. This stretch of Stalin Road was also on a DVLA test route. The Planning Officer explained that the Highways Authority had visited the site and did not consider that the proposal would create any obstacle to the bus route.

Concern was also expressed by the Committee about the loss of the trees on either side of the entrance to the site. Whilst it was noted that neither of these could be retained it was suggested that an additional condition be added requiring the replacement of the trees in alternative location on the site.

RESOLVED that the application be approved with conditions and informatives as set out in the report together with an additional condition requiring the replacement of the trees that would be lost in an alternative location on the site (THIRTEEN voted FOR and ONE voted AGAINST)

76. 121483 Land adjacent to 9 Rosalind Close, Colchester.

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of 47 existing garages for the erection of three two bedroom affordable bungalows with associated parking and additional parking from residents. The Committee had before it a report in which all information was set out.

Peter Hill, Planning Officer, attended to assist the Committee in its deliberations.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee. She explained that of the 38 dwellings on Rosalind Close, 19 were occupied by students. Students were unlikely to rent garages and student homes could have multiple cars. The issues raised by student occupation were not addressed in the report. This was a challenging area for parking and residents were concerned about the impact of the proposal on their ability to park informally. The net gain of three additional spaces would not match the need for parking spaces.

The Committee expressed concern about the quality of design in all the garage court schemes submitted by Estuary Housing Association contained on the Committee's agenda. The Committee also noted that the schemes made no contribution to public open space, but that this was balanced by the fact the schemes delivered 100% affordable housing.

It was explained that the Council's parking standards imposed no additional requirement for parking for student homes.

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

77. 121481 Garage court adjacent to 1 Affleck Road, Colchester.

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition for the existing ten garages for the erection of three affordable housing units. The Committee had before it

a report in which all information was set out.

Peter Hill, Planning Officer, and Vincent Pearce, Development Service Manager, attended to assist the Committee in its deliberations.

Mrs Cardy addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. Whilst the need for affordable housing was appreciated, she expressed concern that the proposal would change the outlook to the rear of her property and overshadow her back garden. The proposed development would dominate her garden wall and obscure the view from her garden. Whilst there was an offer of an alternative garage in a relatively close location, this may not be convenient or easy to use. The loss of on road parking would lead to increased parking on Hawthorn Avenue. This could increase congestion on Hawthorn Avenue and reduce the visibility for road users at the junction of Affleck Road and Hawthorn Avenue. If the scheme were to be approved, conditions should be imposed limiting working hours to 8am to 5pm, with no works on Saturdays.

Councillor J. Young attended and, with the consent of the Chairman, addressed the Committee to indicate there was strong local opposition to the proposal. There was an imbalance between the parking that was provided for new residents and the parking provision that existing residents were losing. In view of Mrs Cardy's representations, she could not agree with the statement in paragraph 14.1.1 that there was "no potential for material harm to the light, outlook or privacy of those properties." Concern was also expressed that by enclosing part of the path connecting Affleck Road with Parsonon Walk, the scheme could create areas where crime could potentially occur and therefore requested additional lighting on Parsonon Walk. The loss of parking would force cars on Hawthorn Avenue thereby causing an obstruction. She reiterated the request that restrictions on hours of work should the application be approved.

The Committee discussed the addition of conditions relating to lighting on Parsonon Way and hours of work. The Planning Officer explained that the demolition of the existing garages would lead to an overall improvement in security. As Parsonon Walk fell outside the area covered by the application and as the application did not materially worsen the position on the footpath, a condition to install additional lighting could not be justified. However, the Development Service Manager undertook to liaise with Colchester Borough Homes to see if lighting could be provided. It was noted that the standard hours of work informative was included as part of the permission.

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

78. 121485 Garage court off Mason Close, Colchester.

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of 34 garages for the

erection of two three bedroom and one two bedroom affordable housing units. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

Lucy Mondon, Planning Officer, and Andrew Tyrrell, Planning Manager, attended to assist the Committee in its deliberations.

Mr French addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He explained that his property would be overlooked by the upstairs windows of the new dwellings. No visitor parking was proposed for the new development. The parking provision for existing residents was already poor and if on street parking was to increase this would hinder access to Mason Close by emergency vehicles.

Councillor Hazell attended and, with the consent of the Chairman, addressed the Committee. Whilst she supported the policy to replace derelict garages with affordable housing, she explained that these garages were not derelict. They were valued by residents and were used by residents for cars or for general storage. Eldred Avenue was already swamped by parking. Residents had been advised by the Council that it would not reconfigure the existing parking outside the existing properties on Mason Close. Residents would be severely affected as they would lose garages but with no new provision for parking. If the development were to proceed, emergency vehicles would find it difficult to access Mason Close. If the Committee were minded to grant the application, conditions should be added to allow the existing parking spaces to be enlarged and reconfigured using the greensward and to allow the allocated parking spaces for 1- 3 Mason Close to be realigned to create a useable access to the gardens of 2 and 3 Mason Close. A condition to limit the working hours should also be added.

Members of the Committee expressed concern about the suitability of Mason Close for further development. Mason Close was narrow and difficult to access. The proposal would only exacerbate these problems. It was noted that the proposal did not meet parking standards as no visitor parking was provided.

It was explained that in terms of overlooking, the distances between the proposed dwellings and neighbouring properties complied with the Essex Design Guide. Pitched roofs were proposed for the car ports in order to alleviate the perception of overlooking. This had reduced the number of parking spaces that could be provided. However, the Planning Manager considered that there was sufficient space to create an additional car parking space to meet the requirement for visitor parking. The wider issues about access to Mason Close were outside the scope of this application and the turning area was of sufficient size for large emergency vehicles. There was no objection from the Highway Authority.

The Committee considered whether it should defer for a renegotiation to reduce the scale of the development. However, it was noted that the scheme complied with all relevant standards and could not therefore be classed as overdevelopment. However, the Committee considered that it should defer for negotiations to secure a visitor parking space. If negotiations were successful, a delegated approval subject to

conditions as set out in the report could be issued. If not, the application should be referred back to the Planning Committee for determination.

RESOLVED (THIRTEEN voted FOR and ONE voted AGAINST) that the application be deferred for negotiations to secure a visitor parking space. If negotiations were successful, a delegated approval subject to conditions and informatives as set out in the report to be issued. If not, the application to be referred back to the Planning Committee for determination.

79. 121486 Land adjacent to 20 Swan Grove, Chappel.

Councillors Chapman, Offen and L. Sykes (in respect of their membership of the Board of Colchester Borough Homes) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the demolition of four garages for the erection of two three bedroom and one two bedroom affordable housing units. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

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

David Whybrow, Principal Planning Officer, and Andrew Tyrell, Planning Manager, attended to assist the Committee in its deliberations.

Ted Gittens addressed the Committee on behalf of residents of Swan Grove pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The need for affordable housing was accepted. There was already an under provision of parking and this scheme would only exacerbate the situation. Concern was also expressed about the impact of the scheme on neighbouring dwellings. The detached dwelling would only be 15 metres from the rear of 12 Swan Grove. This would give a perception of overlooking and an overbearing effect. The scheme would impact on the amenity of 20 Swan Grove by bringing parking and traffic noise closer to the property. The application would do nothing to resolve existing parking problems and would cause greater tensions with the community and should not be approved.

Members of the Committee expressed concern about a number of different elements of the application. It was noted that the Highways Authority had objected on parking and highways safety grounds. The parking problem was particularly acute in the evening. Taking into account the “unofficial” parking areas used by residents, the scheme would lead to a deficiency of at least four spaces. The amount of parking proposed for the new housing was less than that required by the Council’s parking standards.

In addition, the lack of an open space contribution raised different issues in a rural ward. As little new housing was built, opportunities to receive section 106 contributions

towards open space were very limited. Therefore the local community was being denied an opportunity to gain a considerable contribution. Also, as the housing would not be reserved for use by local people but for general housing needs within the borough, there was no benefit to the local community. Concern was also expressed about the design of the new homes which were out of character with the rest of the estate. The proposed development would also close off the site and prevent any future development of the area to the south of the site. Whilst it was accepted this area was not allocated in the Local Plan it would be a suitable site to be developed as an exception site, particularly in view of possible changes to land use policies resulting from the National Planning Policy Framework.

The Principal Planning Officer and the Planning Manager explained that the site to the south of the application site had no land use allocation and was outside the village envelope. There were also other potential access routes to the site. It would not be appropriate to refuse the application based on speculative considerations about the future use of this site. Whilst the design of the properties was not of high standard, it was not unacceptable. Additionally, the Committee needed to consider the wider benefits to the residents of the Borough, not just impacts on the immediate locality. With regard to the Highway Authorities stance, the Planning Manager expressed some concerns with their reasoning and suggested that members may consider deferring the application to allow further exploration with Essex County Council officers.

A member of the Committee did explore a potential reason for refusal on the grounds of prematurity ahead of possible changes through Local Plan process but this was rejected on the basis of being unreasonable in view of the fact that the site is already on the defined village boundary.

The Committee were invited to consider deferring the application to seek further clarification of the views of the Highways Authority. However, the Committee considered that the opinion of the Highways Authority was clearly set out at paragraph 8.2 of the report

RESOLVED (ELEVEN voted FOR and THREE voted AGAINST) that the application be refused on the grounds of impact on parking and highway safety as set out in the objection by the Highway Authority at paragraph 8.2 of the report.

80. 121803 Pendleton, The Street, Great Tey.

Councillor Lewis (in respect of her knowledge of the applicant's agent) declared a non-pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(5).

The Committee considered an application for the construction of a new two bedroom detached property. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

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

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations.

Dr Jane Pearson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. The main issue raised by the application was the impact on the conservation area. It was noted that the previous application had been refused by the Inspector because of the impact on conservation area. The new application did not improve matters. It was noted that the Parish Council objected to the application. She objected to the application on the grounds of scale, form and design. The proposed development would overlook and invade the privacy of their property, which was a listed building. It would also increase the risk of damage to their property. It would intensify parking on The Street. The application was contrary to policy and would harm the character of the neighbourhood.

Gordon Parker, agent for the applicant, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He stated that the principle of the development had been accepted and called on the Planning Committee to show consistency of approach. On other applications the requirement for a protection zone each side of a new entrance of 3 metres to protect neighbours' amenity had not been imposed. Therefore there were no sustainable reasons for the refusal of the application.

The Principal Planning Officer explained that the recommendation on this application was consistent with the earlier decision. This form of access from The Street was not acceptable.. Whilst there may be ways to access the site through Garden Fields, he had consistently opposed this form of backland development. The Committee had to judge each case on its individual merits.

Members of the Committee expressed concern about the impact of the proposal on the neighbouring listed buildings and the conservation area. It was noted that the previous development which the inspector had refused at appeal was a bungalow. The proposed two storey building would be likely to have an even greater impact. The proposed access arrangement would have a detrimental impact on the amenity of Cob Cottage.

RESOLVED (UNANIMOUSLY) that the application be refused for the reasons as set out in the report.

81. 121457 Moss Farm, Penlan Hall Lane, Fordham.

Councillor Chillingworth (in respect of his business relationship with the applicant) declared a pecuniary interest in this item pursuant to the provisions of Meetings General Procedure Rule 7(12) and left the meeting during its consideration or determination.

The Committee considered an application for listed building consent for a single storey garden room extension. The application had been deferred by the Planning Committee

at its meeting on 11 October 2012 in order to re-negotiate the size and design of the garden room. The Committee had before it a report in which all information was set out together with additional comments on the Amendment Sheet.

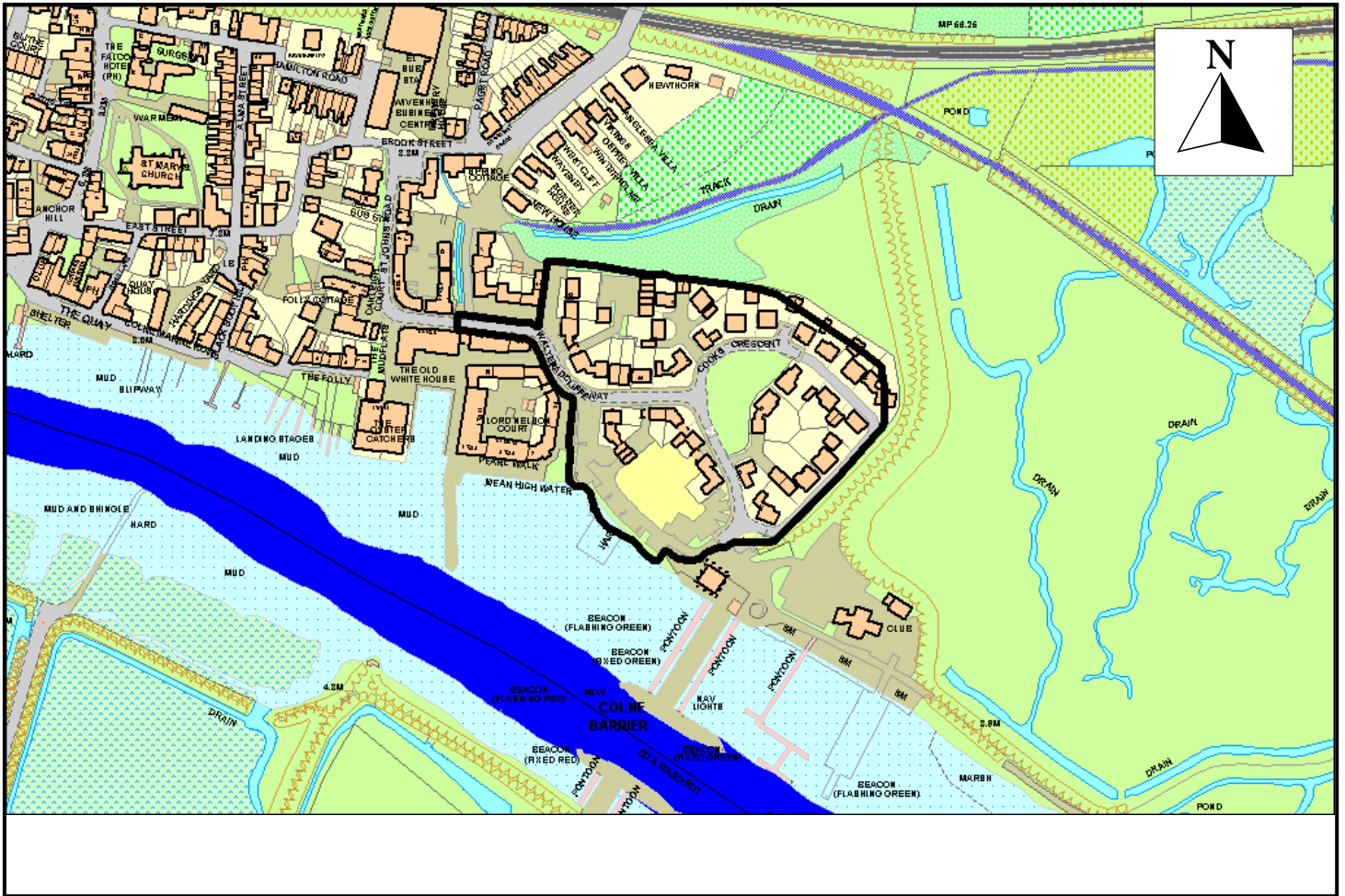
Lucy Mondon, Planning Officer, and Simon Cairns, Planning Project Manager, attended to assist the Committee in its deliberations.

Mr Richardson addressed the Committee pursuant to the provisions of Procedure Rule 8 in support of the application. He explained that he had acquired the property six years ago. Prior to that it had been a tied cottage and it was in a run down condition when it was acquired. The property had been completely renovated and the proposed garden room would be the final piece of the jigsaw and would enable residents to enjoy views of the countryside. He had taken on board the comments of the Committee at the previous meeting and the views of the conservation consultant who was now content with the proposal.

Members of the Committee sought some clarification of the views of the conservation consultant. The Planning Project Manager indicated that he believed that the consultant may have misdirected himself and failed to apply the correct test. The value of the building was still discernable. It remained listed and therefore the Committee had to apply the relevant statutory test. He believed that a substantial reduction in the size of the extension had not been secured and that substantial and material harm to the listed building would result.

Whilst members of the Committee noted the extensive work the applicant had undertaken to renovate and improve the condition of this property, the proposal did not overcome their concerns about the scale of the extension and its impact on the listed building. The other extensions to the property had the effect of "turning the building round" so that it was proposed that the garden room would be built on what was originally the front elevation of the building, but would now be perceived as the rear of the building which would appear incongruous and inappropriate.

RESOLVED (UNANIMOUSLY) that the application be refused for the reasons as set out in the report and an additional reason that the extension was proposed to be built on what was originally the front elevation of the building, but would now be perceived as the rear of the building because of the garden room addition, which would appear incongruous and inappropriate.



Application No: 122122

Location: Former Cook's Shipyard - Phase 3, Walter Radcliffe Way, Wivenhoe

Scale (approx): 1:2500

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **14 February 2013**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson Due Date: 28/02/2013

MAJOR

Site: Former Cook's Shipyard – Phase 3, Walter Radcliffe Way, Wivenhoe

Application No: 122122

Date Received: 29 November 2012

Agent: Melville Dunbar Associates

Applicant: Lexden Restorations Ltd

Development: Variation of Conditions 2 and 8 of application no. 091559 in order to include A3 restaurant use and to include reference to Drawing Nos. 1369-105 & 1369-102

Ward: Wivenhoe Quay

Summary of Recommendation: Defer for a Section 106 Agreement linking it to the existing agreement with 091559

1.0 Reason for Referral to the Planning Committee

1.1 This application is reported to the Planning Committee as it is classed as a major application and objections have been received.

2.0 Synopsis

2.1 The following report describes the proposed variation to conditions on Phase 3 of the Cooks Shipyard Site in Wivenhoe. It also explains the planning history. Consultations, Town Council comments and neighbour representations are set out and where necessary commented upon.

3.0 Site Description and Context

- 3.1 The former Cooks Shipyard site is located on the east side of the town accessed via Anglesea Road or through the historic centre. The site as the name suggests was formerly used as a shipyard and has a substantial river frontage. The east boundary of the site is close to a water meadow (passed to the Council under the original Section 106 Agreement) and open land. Beyond this there is farm land and the coastal footpath. The north boundary is separated from Anglesea Road by unused land and the west boundary is adjacent to the historic town and Conservation Area.
- 3.2 Phase 3 is adjacent to the water meadow and unused land it has a frontage to the river frontage and is close to the Environment Agency building and Colne Barrier. The specific location is a three storey building proposed facing the river which has approval for commercial purposes.

4.0 Description of Proposal

- 4.1 The phase 3 planning permission includes a three storey building comprising B1 Business space on the upper floors and A1 retail space on the ground floor. The retail use was added at the request of the planning committee. This application is to change the use of the retail space to a restaurant. This requires an amendment to Condition 02. New drawings showing the ground floor layout and externally the extraction equipment requires an amendment to the drawing numbers – Condition 08.

5.0 Land Use Allocation

- 5.1 Regeneration Area
Conservation Area
A public footpath crosses the site.
The adjacent land is part of the Coastal Protection Belt and Site of Special Scientific Interest.

6.0 Relevant Planning History

- 6.1 O/COL/01/1799 - Outline planning permission approved on 5 November 2004 for erection of houses, flats, offices, fisherman's store and W.C. Refurbishment of wet dock, jetty, slipway and waterfront. Reconstruction of St John's Road and Walter Radcliffe Way.
- 6.2 RM/COL/04/2159 - Phase 1 - Reserved Matters approval for new access road, one 3-bed house, a 1-bed maisonette, four 2-bed maisonette, five 2-bed flats, 19 garages and 28 space parking court
- 6.3 RM/COL/05/1808 - Phase 2 - Reserved Matters approval - Removal of public footpaths, restoration of White House, fisherman's store, six commercial units, 12 houses and 42 flats, seven polyfunctional spaces and associated parking for all the above.
- 6.4 072630 - Reserved Matters approval for access road, play area, dinghy park and public car park.

- 6.5 072248 - Demolition of White House and erection of new dwelling - Refused
- 6.6 072249 - Conservation Area application for the above - refused.
- 6.7 072701 - Reserved matters approval for Phase 3 comprising 32 residential units, affordable housing, commercial units – Planning permission granted
- 6.8 091559 Full application approved to erect 32 dwellings and class B1 and A1 retail floor space

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

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

- SD1 - Sustainable Development Locations
- UR2 - Built Design and Character
- ENV1 - Environment
- TA4 - Traffic
- TA5 - Parking

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

- DP1 Design and Amenity
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage

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

- Vehicle Parking Standards

8.0 Consultations

8.1 Natural England has no comments to make.

8.2 Environmental Control comments as follows:-

“Should planning permission be granted Environmental Control wish to include standard conditions.”

8.3 The Environment Agency state:-

“Flood Risk

The proposed development will only be acceptable if the following measure(s) as detailed in the Flood Risk Assessment reference 40494, dated March 2011, submitted with this application are implemented and secured by way of a planning condition on any planning permission.”

8.4 The Highway Authority have responded as follows:-

“The Highway Authority is concerned amount the level of traffic associated with this development site. Any development proposals are assessed from the point of view of the impact the traffic will have on the very narrow streets in the area. In this case it is recognised that a restaurant was initially included in the Cook’s Shipyard proposals and that the level of traffic was considered at the time.

The current permission includes commercial use which could give rise to staff, customer, delivery and service vehicles. The change to a small restaurant will, in this Authority’s opinion, not give rise to any more vehicle trips, and, having regard to the fact that custom is likely to be drawn from the surrounding residential areas from which visitors could walk to the site, could be lessened.

In this regard the Highway Authority raises no objection to this proposal as it is not contrary to policy.”

9.0 Town Council's Views

9.1 Wivenhoe Town Council comment as follows:-

“Wivenhoe Town Council supports this application for local business venture. The Town Council is glad to see it is not residential development and the Town Council will not support any change of use at a later date to residential.

It should be noted that the 21 space car park is under the Town Council’s jurisdiction and will become a Pay and Display car park.”

10.0 Representations

10.1 Nine letters of objection have been received - Insufficient parking provision. Flaws in the traffic report which suggests no additional traffic between 8.00- 9.00 relatively little between 5.00-6.00 and the bulk between 13.00-14.00 and at weekends. No other hours have been considered the report also assesses the restaurants impact on traffic in and out of the village this is not the issue it is the impact on the access roads to cooks shipyard. A restaurant was turned down at the original application stage due to additional traffic flow in an already heavily stretched traffic system. This restaurant will add traffic through a densely populated area through narrow winding streets. Nothing has changed. Parking is insufficient most customers wil come in from outside not on foot or by bike.

11.0 Parking

- 11.1 A total of 25 parking spaces are provided for the whole building which has consent for 688 square metres of B1 commercial and 253 square metres of A1 retail. The parking standard for all commercial uses is still a maximum.
- 11.2 The existing parking requirement is one space per 30 square metres of B1 space, one space per 20 square metres of A1 space a total of 33 spaces.
- 11.3 The parking requirement for a restaurant is one space per 5 square metres. A total requirement for the building is 80 spaces. There is obviously a considerable shortfall in provision on site. However, in addition to the 25 parking spaces, there is a 21 space public car park next to the building and a further nine spaces available for public use.
- 11.4 Provision is also made for 34 cycle spaces and two motorcycle spaces.

12.0 Open Space Provisions

- 12.1 There is no open space requirement.

13.0 Air Quality

- 13.1 The site is outside the air quality management zone

14.0 Development Team and Planning Obligations

- 14.1 The application has been considered by the development team who welcome the provision of a restaurant in the area. No financial contributions or other obligations are required.

15.0 Report

- 15.1 The main issues are related to traffic, resident's amenity, the provision of mixed use development and design. Relevant history is discussed below.

Relevant History

- 15.2 Planning application O/COL/01/1799 approved in 2004 covered the whole of the Cooks shipyard site. This application was reported to the planning committee on the 21 February 2002 and at that time included a restaurant on the ground floor of a building within phase 1. The building fronted the river and had a ground floor area of approx 600 square metres. The traffic generated by this use was included in the traffic assessment and was agreed by the Highway Authority and welcomed by the Planning Authority as adding to the mix of uses and the vitality and vibrancy of the water front. However the Planning Committee was concerned at increased traffic and parking issues as a result of the restaurant and the application was deferred to see if the restaurant could be reduced in size. When the application was reconsidered by the planning committee on the 7 March 2002 the restaurant element had been withdrawn and replaced with four flats.

- 15.3 At the time whilst officers regretted the loss of this facility the overall mixed use element was considered satisfactory. Since then an application to extend the range of uses for commercial use on another phase has been refused planning permission due to adverse impact on residential amenity (these units have residential floorspace above) and as Members will recall planning permission was recently granted for the conversion of some of these units to residential use.
- 15.4 The current application has a footprint of approx 300 square metres, half the size of the outline application, with 50 covers.

Traffic/Parking

- 15.5 The representations relate to already heavily stretched traffic system additional traffic and lack of parking provision. They also question some elements of the traffic report.
- 15.6 Members will note the Highway Authority has considered the traffic report. They are aware of the issues raised by residents in respect of this application and in respect of previous applications. The HA has not objected to the application. The restaurant is approx 50% smaller than the one proposed in 2001 and in addition to the onsite parking the site is adjacent to a public car park. This car park will be managed by the town council and is referred to in their response to the application. Whilst the parking available is below the maximum standard the parking document does state:-

“A lower provision of vehicle parking may be appropriate in urban areas (including town centre locations) where there is good access to alternative forms of transport and existing car parking facilities. Wivenhoe includes several restaurants and public houses, which operate successfully with no on-site parking”

Amenity Issues

- 15.7 The restaurant is proposed on the ground floor of a three storey building all proposed for commercial use. An application to extend the range of uses in other buildings was refused due to the impact on the amenity of residents in flats above the commercial floor space. This is not an issue in this case. Whilst the application includes a metal extraction duct this should not impact on residential amenity. The applicant has indicated the proposed opening times are 09.00 – 00.30 hours, seven days a week. This information is being considered by Environmental Control and their comments will be included on the amendment sheet.

Mixed Use

- 15.8 The master plan for Cooks Shipyard promoted a mixed use development including a restaurant to facilitate an active water front area. Overtime the mixed use element has been reduced by the removal of the restaurant and the lack of success in marketing other units. It is hoped that extending the range of uses in this freestanding commercial building will assist in the marketing of the other units and in encouraging a vibrant water front.

16.0 Conclusions

16.1 Whilst residents have raised strong objections on traffic and parking grounds the Highway Authority has recommended approval of the application. It is considered this small restaurant will provide an acceptable mix of uses on the water front and permission is recommended.

17.0 Recommendation

17.1 Defer for a section 106 agreement linking it to the existing agreement with 091559 which secures the construction of the commercial building within a specified timescale.

18.0 Conditions

1 - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from 10 November 2011.

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

2 - Non-Standard Condition/Reason

This consent relates to an A3 restaurant use only with a maximum of 50 covers.

Reason: To avoid doubt as to the scope of the consent granted.

3 - Non-Standard Condition/Reason

Finished floor levels should be set as high as reasonably possible but no lower than 3.8m above Ordnance Datum (AOD).

Reason: To reduce the risk of flooding to the proposed development and future occupants.

4 - Non-Standard Condition/Reason

Surface water run-off generated on site shall be discharged to the River Colne and storage shall be provided on site to accommodate the 1 in 100 year storm, inclusive of climate change, as detailed within the submitted FRA.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

5 -Food Premises (Control of Fumes and Odours)

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme for the control of fumes, smells and odours that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. This scheme shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such control measures as shall have been agreed shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes and odours in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

6 - External Light Fixtures TBA

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

Reason: To reduce the risks of any undesirable effects of light pollution.

7 - Illuminated Signs

Any externally illuminated sign shall comply with the guidelines in the current "Institution of Lighting Engineers Guidance TR5 Brightness of Illuminated Advertisements".

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

8 - *Development to Accord With Approved Plans

The development shall be carried out in accordance with the approved plans drawings nos. 1369-P001 rev J, P002 rev J, P003 rev H, P004 E, P010-53, P061, P062, P063, P070A, P071A, P072A, P073A and P074A, 1369-102 and 1369-103 unless otherwise agreed in writing with the Local Planning Authority.

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

9 - Materials to be Agreed

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

10 - Non-Standard Condition/Reason

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

- Existing and proposed finished contours and levels.
- Means of enclosure.
- Car parking layout.
- Other vehicle and pedestrian access and circulation areas.
- Hard surfacing materials.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).
- Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

- Planting plans.
- Written specifications (including cultivation and other operations associated with plant and grass establishment).
- Schedules of plants, noting species, plant size and proposed numbers/densities.
- Planting area protection or decompaction proposals. Implementation timetables.

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

11 – Non Standard Condition/Reason

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed in writing 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.

12 - Non-Standard Condition/Reason

Prior to the commencement of development details of a management company to be responsible for all areas other than those in private ownership or leased to Wivenhoe Town Council, shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of these areas.

13 - Non-Standard Condition/Reason

The business units hereby permitted shall be used solely for B1 business purposes and either A1 retail purposes or A3 restaurant purposes on the ground floor as indicated on the approved drawings.

Reason: For the avoidance of doubt as this permission authorising restaurant use shall not be exercised in addition to the extant permission 091559 (which granted planning permission for A1 retail use on the ground floor granted by the Local Planning Authority on 10 November 2011) but shall be an alternative to that permission.

.

14 - Non-Standard Condition/Reason

Prior to the commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property shall be submitted to the Local Planning Authority for approval. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

15 - Non-Standard Condition/Reason

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

16 - Non-Standard Condition/Reason

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Conditions 14 and 15 above.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

17 – Non Standard Condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of conditions 14 and 15 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.

18 – Non Standard Condition

The development shall be carried out in accordance with the Flood Warning Response Plan prepared by Richard Jackson dated November 2009, Flood Warning and Excavation Plan submitted by Richard Jackson dated May 2010 Revision A and Site Specific Flood Risk Assessment prepared by Richard Jackson dated November 2009 together with the additional information submitted by Richard Jackson in correspondence dated 6 April 2010 and 18 June 2010.

Reason: To ensure appropriate measures are put in place to protect residents and property against flood risk in accordance with Planning Policy Statement 25.

19 - Non-Standard Condition/Reason

In relation to the B1 business units, no machinery shall be operated, no process shall be carried out and no deliveries taken at, or despatched from the site outside the following times 8.00 a.m. to 7.00 p.m. Monday to Saturday nor at any time on Sundays or Public Holidays. Reason: To safeguard the amenities of nearby residential properties.

20 - Non-Standard Condition/Reason

In respect of the B1 business units, work shall only take place and deliveries shall only be taken at or despatched from the site during the following times 8.00 a.m. to 7.00 p.m. Monday to Saturday and at no time on Sundays or Public Holidays. Reason: To safeguard the amenities of nearby residential properties.

21 - Non-Standard Condition/Reason

In respect of the A1 retail units, the units shall only be open to the public and deliveries shall only be taken at or despatched from the site during the following times 8.00 a.m. to 7.00 p.m. Monday to Saturday and at no time on Sundays or Public Holidays. Reason: To safeguard the amenities of nearby residential properties.

22 - Non-Standard Condition/Reason

Prior to the commencement of any work on site, a scheme of surface water and foul drainage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out prior to the occupation of the building hereby permitted. Reason: To ensure satisfactory arrangements are made for the disposal of foul and surface water drainage.

23 - Non-Standard Condition/Reason

No development shall take place until a Method Statement for work on the southern site boundary including proposes changes in levels and construction of retaining river walls have been submitted to and approved in writing with the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To protect visual and residential amenity.

24 - Non-Standard Condition/Reason

All external joinery shall be of painted timber, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure a satisfactory visual appearance.

25 - Non-Standard Condition/Reason

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 ensure that construction is carried out at suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties.

26 - Non-Standard Condition/Reason

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

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

27 - Non-Standard Condition/Reason

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 that roads. The carriageways and footways shall be constructed up to and including base course surfacing to ensure 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 up-stands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and paths in front each dwelling shall be completed with the final surfacing within twelve months from the first occupation of such dwelling.

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

28 - Non-Standard Condition/Reason

Each internal estate road junction shall be provided with a clear to ground level visibility splay with dimensions of 2.4m (measured along the centre line of the side road) by 43m (measured along the nearside carriageway edge) on both sides. Such visibility splays shall be provided before the road is first used by vehicular traffic and shall be retained free from obstruction at all times.

Reason: To ensure a reasonable degree of intervisibility between drivers of vehicles at and approaching the road junction, in the interests of highway safety.

29 - Non-Standard Condition/Reason

Prior to installation details and materials of the shopfronts for the retail units shall be submitted to and agreed in writing with the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be retained. Reason: To ensure a satisfactory form of development.

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

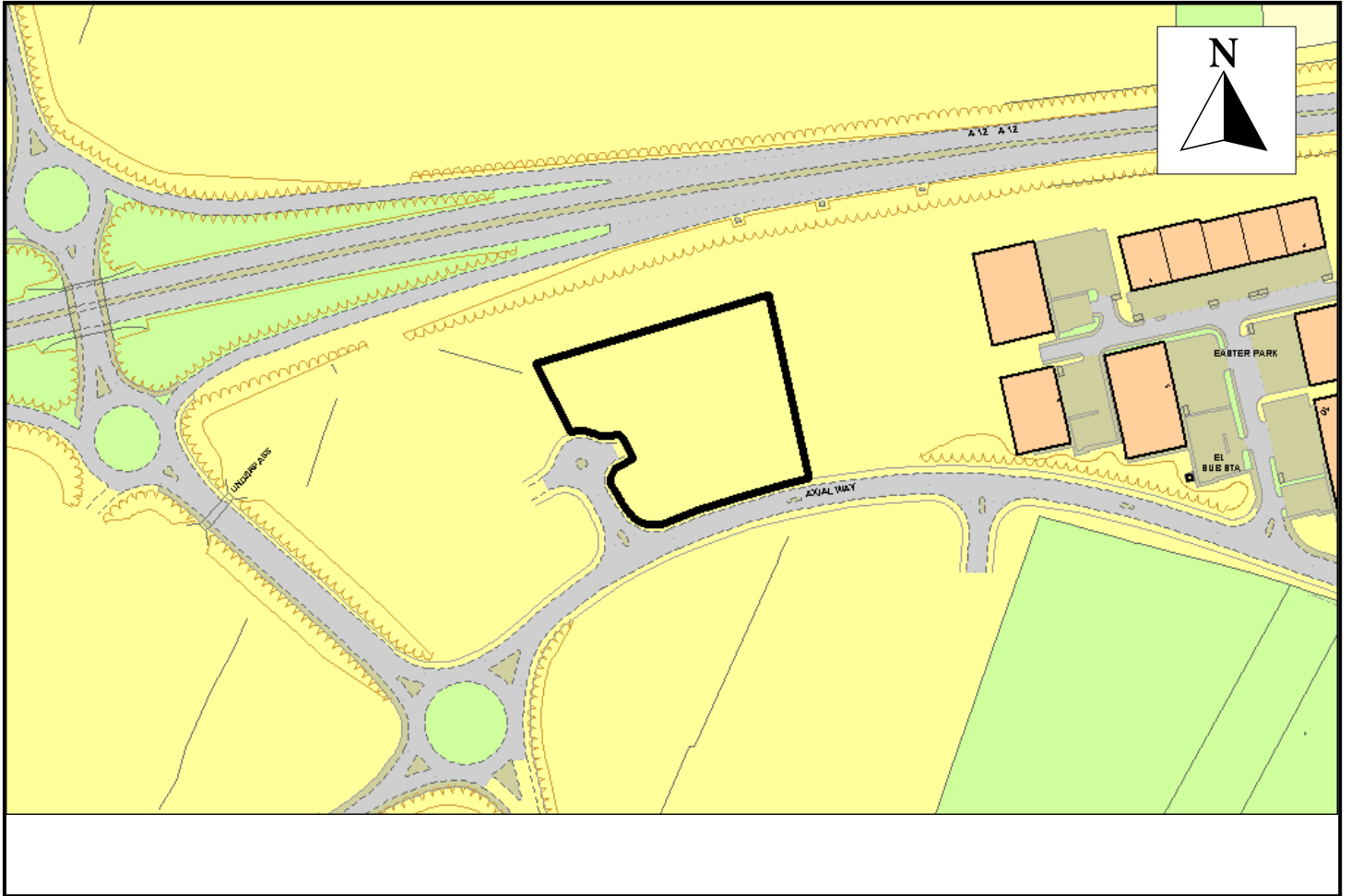
(4) Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 9 meters of the tidal of fluvial flood defence.

(5) The above conditions are required to ensure the proposal complies with the County Council's Highways and Transportations Development Control Policies as originally contained in Appendix G to the Local Transport Plan 2006/2011 as refreshed by Cabinet Member decision dated 19 October 2007.

(6) The applicant is reminded of their duties and responsibilities with regard to the line of public Footpath 13 which runs across the site. Should any works affect the line of the right of way these must be carried out in agreement with this authority and application for the necessary works should be made initially by telephoning 01206 838600.

20.0 Positivity Statement

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



Application No: 122146

Location: 10 Easter Park, Colchester, CO4 5WY

Scale (approx): 1:2500

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7.2 Case Officer: Sue Jackson Due Date: 05/03/2013

MAJOR

Site: 10 Easter Park, Colchester, CO4 5WY

Application No: 122146

Date Received: 4 December 2012

Agent: Mr Paul Jackson

Applicant: Mr Innes Mason

Development: Proposed new Volkswagen car dealership for the sale and service of motor vehicles including associated office and parts storage and MOT testing facility(Resubmission of 120452)

Ward: Mile End

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is reported to the planning committee because it is a major application and an objection has been received from the Myland Community Council

2.0 Synopsis

2.1 This report will describe the application proposal and address the objection received.

3.0 Site Description and Context

3.1 The site is vacant land along Axial Way close to Easter Park. The rear boundary abuts the A12 and is close to the junction to the new stadium/ park and ride. It is also close to the Northern Gateway major development area.

4.0 Description of the Proposal

4.1 This full application proposes the relocation of the existing Volkswagen dealership from Ipswich Road. The dealership building comprises a 2-storey flat roofed building constructed of aluminium rainscreen cladding coloured white, with grey laminated showroom glazing and silver microrib panels. To the front of the site an area of 40 spaces is proposed for customer parking and 12 demonstrator vehicles. The main used car display area for 60 cars is shown to the side of the building. Along the rear boundary with the A12 is shown staff parking, and Inchcape vehicle storage and a small prep building. A landscaped area between 9 metres- 18 metres along the Axial Way frontage is indicated.

5.0 Land Use Allocation

5.1 Adopted Borough Site Allocations Policies (October 2010)
SA NGA1 Appropriate Uses within the North Growth Area

5.2 Site Allocation Policies
SA NGA2 Greenfield Sites in the North Growth Area
SA NGA3 Employment Uses in the North Growth Area

6.0 Relevant Planning History

6.1 120452 application for an identical proposal refused due to the prominence of the used car display area in the public domain, prominence of palisade fencing and lack of landscaping,

7.0 Principal Policies

7.1 The National Planning Policy Framework (NPPF)

7.2 Core Strategy (December 2008) are relevant:

- SD1 - Sustainable Development Locations
- SD2 - Delivering Facilities and Infrastructure
- CE1 - Centres and Employment Classification and Hierarchy
- CE3 - Employment Zones
- UR2 - Built Design and Character
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment

7.3 Adopted Colchester Borough Development Policies (October 2010):

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage

8.0 Consultation

8.1 **Urban Designer** The setback of the parking is largely adequate, although I defer to the landscape officer for a more accurate assessment.
The architectural approach provides a building in keeping with the character of the area.

8.2 The **Landscape officer** has no objection subject to conditions.

8.3 **Planning Policy** was asked to respond to the comments from the **Community Council**:-

“Further to Myland CC comments on the proposed car showroom use, I can confirm that my comments made in June 2012 remain valid.

Policy for the site is contained in Core Strategy Centres and Employment policies CE1, Tables CE1a and 1b and CE3. These policies establish an employment hierarchy for Colchester, with Strategic Employment Zones the key focus for new business development. Appropriate Land Uses for Employment Zones are set forth in Table CE1b – these include a wide range of business uses in the recognition that flexibility is required to maintain Colchester’s economic vitality. Car showrooms, as sui generis uses, are considered to be acceptable Secondary Land Uses. Policy SA NGA3 provides further detail on uses, and specifies that ‘Display, repair and sale of vehicles and vehicle parts, including cars, boats and caravans’ is an acceptable use. LDF policies do not use the number of jobs to be created as a criterion. The proposed use is accordingly compliant with Council employment policy.

Further to their request to limit use of the existing showroom site to employment only, it is noted that the use receives protection under Policy DP5 (as whilst the site is used for business purposes it is allocated for predominantly residential purposes). This provides that sites and premises currently used or allocated for employment purposes will be safeguarded for appropriate employment uses. The policy does however then list criteria permitting alternative uses, so a blanket prohibition on alternative uses for the current showroom site is not considered appropriate, particularly given that the site lies within a predominantly residential area. The policy also provides that planning contributions towards alternative employment and training schemes will be sought where sites are redeveloped for non-employment uses and alternative employment land is not provided.

8.4 **Environment Agency** raised no objection to the previous application subject to conditions.

However they have now issued a holding objection subject to the receipt of further information.

We have inspected the application, as submitted, and are raising a holding objection on flood risk grounds. Our detailed comments are provided below.

Surface Water Management

The site lies within Flood Risk Zone 1, the low risk zone, as defined in Table 1 of the Technical Guidance to the National Policy Planning Framework(NPPF).

Whilst the site is outside the high risk flood zone, the proposed scale of development may present risks of flooding on-site and/or off-site if surface water run-off is not effectively managed. Paragraph 103 of the NPPF requires applicants to submit an Flood Risk Assessment (FRA) for proposals of 1 hectare or greater in Flood Zone 1.

Building Regulations have a hierarchy of surface water techniques. Infiltration systems should be utilised as a preference unless there are reasons why they cannot be used. It is then preferable to discharge at a restricted rate to a watercourse, with discharge to a sewer system the least preferred option.

Proposed surface water drainage scheme

In order for the principle of development to be established and for us to recommend to the planning authority the appending of conditions, the scheme must be demonstrated to be achievable.

We have reviewed the FRA undertaken by Reports for Planning, dated 18th April 2012 and submitted as part of this application.

Insufficient information has been submitted to demonstrate that the surface water can be discharged at a rate no greater than the existing 1 in 1 year Greenfield. Insufficient information has been submitted to demonstrate that the surface water can be discharged at a rate no greater than the existing 1 in 1 year Greenfield runoff rate, and that the appropriate quantity storage can be accommodated on site. We are therefore raising a holding objection until such time as the following has been addressed:

- Infiltration testing should take place across the site in accordance with BRE365, and the FRA should include the infiltration test results. The scheme should provide details of the location and sizing of the proposed infiltration drainage systems to dispose of the surface water. Justification must be given where infiltration SuDS are not utilised
- No percolation tests have been undertaken/submitted
- As this is a Greenfield site, run-off from the development site should be restricted to the equivalent existing greenfield run-off rates for a range of events; the final discharge at outfall should be at the 1 in 1 year not the 1 in 100 year rate
- Hydraulic calculations should be submitted to confirm that the drainage scheme proposed is feasible, and that the size of the structures required to attenuate the 1 in 100 year storm plus climate change can be accommodated on site.
- The FRA must confirm that the receiving watercourse is in a condition to accept and pass on the flows from the discharge proposed.
- The FRA should provide details of the future adoption and maintenance of the proposed surface water scheme for the lifetime of the proposed development

The FRA should consider exceedance and conveyance routes and calculations of any network performance in the 1 in 30 year or 1 in 100 year rainfall events, including climate change.

Informative

Flood Defence Consent is required for ditch crossings & structures/fill/diversions, these are administered by the Lead Local Flood Authority, in this case Essex County Council.

Pollution Prevention

It is an offence to pollute surface or groundwater under the Environmental Permitting Regulations 2010. Given the proposed use of the site the applicant should ensure they have adequate pollution control measures in place. In particular we recommend they consider the following:

- Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.
- Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings susceptible to oil contamination shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor. All washdown and disinfectant waters shall be discharged to the foul sewer. Detergents entering oil separators may render them ineffective
- No foul sewage or trade effluent, including cooling water containing chemical additives, or vehicle washing water, including steam-cleaning effluent, shall be discharged to the surface water drainage system.

- All cleaning and washing operations should be carried out in designated areas isolated from the surface water system and draining to the foul sewer (with the approval of the sewerage undertaker). The area should be clearly marked and a kerb surround is recommended.
- All drums and small containers used for oil and other chemicals shall be stored in bunded areas which do not drain to any watercourse, surface water sewer or soakaway.

Further advice can be found at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>.

It is anticipated this holding objection will be resolved prior to the committee meeting.

8.5 The previous conditions related to

- a scheme for the provision and implementation of surface water drainage.
- a scheme for the provision and implementation of pollution control to the water

8.6 **Environmental Control** has no objection subject to conditions

8.7 The **Highway Authority** has no objection subject to conditions

9.0 **Parish Council Comments**

9.1 This application was previously submitted on 9th March 2012 under number 120452 and was fully rejected by Myland Community Council. This current application does not appear to address any of the objections raised at that time.

MCC comments on this current application are:

“MCC ARE OF THE VIEW THAT THIS APPLICATION DOES NOT COMPLY WITH CBC’S DEVELOPMENT POLICY DP5 FOR THIS SITE WHICH IS IDENTIFIED FOR HIGH DENSITY EMPLOYMENT USES

The application is stating that only 40 jobs may be active on this site. This is a gain of just 10 jobs above the existing number on the current Ipswich Road site. This site is designated in the LDF Local plan as B1 to B8 uses, not, as the applicant claims at their paragraph Planning Consideration, SUI GENERIS i.e. open to any unspecified planning use group.

The Cuckoo Farm and Axial Way sites were designed collectively as the employment area to primarily serve the new 3,600 jobs, required by the 2,750 new homes which already have detailed planning consent in North Colchester. (Note: This total does NOT include the additional 1,800 dwellings and thus further job demand of 2500 on the NGAUE).

This planning policy was adopted by CBC to mitigate a critically overloaded highway system, predicated on the 15% original modal shift (now 40%) by ensuring as far as possible that access to jobs for new North Colchester residents, keeps daily car travel outside the parish to a minimum.

The DP gives no detailed analysis of where the total new jobs within this employment zone are to come from, but these are generally discussed as being 3,600 from Cuckoo Farm/ Northern Gateway Mall/ Stadium/ Tourist base and Sports Centre, plus 270 from 20,000 m2 of new B1 to B8 on Axial Way at average job density allowances of 1 FTE/75 m2 (HCA Employment Densities 2010).

Thus until such time as a reliable employment market is established, which will stand a fair chance of meeting the LDF employment policy for the North Colchester Growth area, any application which clearly cannot contribute in any significant way to these objectives, now or in the future, must be declined.

MCC are firmly of the view that:

- A) This Inchcape planning application must fail as it meets none of the criteria for essential new job creation under DP5 required for North Colchester. If CBC do award consent for this application.
- B) The existing Inchcape site in Ipswich Road must be retained for job creating industrial/commercial usage and NEVER be given permission for any form of residential use
- C) Then the current NGAUE planning application must fail on the grounds of non-compliance with both the CBC/ECC proposed Transport Strategy and the adopted Essex/Kent LEP growth strategy criteria providing 19,000 dwellings and 14,200 additional new jobs within the plan period.

The statement by Inchcape that this application has already been approved by CBC cabinet in January 2012 is disingenuous and cannot be correct.

DESIGN

The application shows none of the improvements we suggested from the design submitted earlier this year. The design is just a car park with no perimeter screening and a standard corporate white box of a building. It is certainly not in keeping with the requested LANDMARK. This Architectural design is unimaginative and does nothing to enhance this important new area, which is visible to all users of the A12 and sets the context for the whole town. There are no tree belts or other soft landscape screening provided within this application.

MCC are at a loss to understand the basis of the applicant's statement that 'this car dealership will have wider regenerative effects' and request this application is refused on this site on the grounds of inappropriate use, architectural context and quality which in our view ought to reflect the quality of the A3 bypass at Guilford.

GREEN TRAVEL

This topic is bizarre. The applicant is quite right that a car dealership promotes traffic and therefore cannot possibly minimise traffic movements when undertaking normal trading activities. The total of <40 staff is statistically insignificant in applied policy terms whether they are all car users or not. Customers of the centre from all East and South directions will not use the A12 to access the site, but increase the highway load, especially at weekends, through central Colchester via the NAR system. This non-compliance difficulty is further compounded when considering the actual policy requirements of $45 \times 3.9 \times 1.5 = 260$ FT new workers who should be commuting daily to this site will have to travel elsewhere on an already overloaded NAR/A12 road network. This is against CBC/ECC approved travel strategy for North Colchester MCC oppose this application on its failure to comply with Commuting/ Green Travel policy requirements for an adequate number of employees or customers

SUPPORTING DOCUMENT; SURFACE AND FOUL WATER RUN OFF BY SAVELL BIRD & AXON

This document is the standard strategy first drafted in 2004/5 by SBA for all drainage issues across North Colchester. In 2013 this strategy has not been implemented nor tested. The limited example of its effectiveness, at the Stadium, has been shown to be inadequate in that the ground attenuation assumptions did not work and major additional surface drainage works have been required there.

The NAR3 has not been constructed, partly because of drainage problems and downstream local flooding on Severalls Phase 1 is already evident, even before the area has been built up. MCC maintain the SBA drainage strategy may be so flawed that no more development should be approved in detail for this North Colchester area until the Severalls Phase 2 is largely complete and NAR3 and drainage systems are proved to meet their total design performance.

MCC oppose this application on Storm water strategy as unfounded and unproven until the NAR3 systems are in place and have proved to have the capacities to meet the 130% of particular needs of this poorly drained North Colchester area.
SUPPORTING DOCUMENT; MANAGEMENT SCHEME

No site development/ landscaping drawings or specifications are included with this application. However the Report "Management Scheme" with its woodland management operations goes on for pages! MCC suspect this document is just an office standard from BEA as it bears little relevance whatsoever to the needs of this site.

MCC oppose this planning application on inadequate landscape design proposals
REPORT FLOOD RISK ASSESSMENT

This compulsory assessment has clearly been undertaken without any reference to the troubled history of off-site localised flooding in Myland, due to:

1. impermeable and heaving clay,
2. inadequate ditches and their maintenance.
3. only one holding pond between Myland and the Colne River.
4. No stormwater connection between the applicant site north to Black Brook is proposed.

This concern is reflected in our earlier comments on the SBA section stormwater system designed for the NAR road network.

MCC also oppose this planning application on the grounds of inadequate consultation with local residents and CBC engineers on off-site surface water flooding concerns, and request CBC not to approve any development until the NAR system is installed and tested for capacity performance when Severalls Phase 2 is largely complete."

10.0 Representations

10.0 **Colchester Cycling Campaign** submitted the following response to the previous application:-

"Please take into account the following points when deciding this application:

- Contribution to the Colchester cycling network by way of s106.
- Cycle parking to ECC standards.
- Staff cycle parking should be covered and secure, and in a convenient position immediately adjacent to the staff entrance to the building.
- Customer cycle parking to ECC standards immediately adjacent to the main customer entrance to the building.
- The pedestrian pathway and forecourt layout should be reconsidered to ensure better pedestrian access to the building
- The company should subscribe to the Colchester Travel Plan Club.

We would also be grateful if Inchcape could consider changes to its current premises in Ipswich Road before it is sold. At present, the boundary breaks off the service road on both sides. Bearing in mind that a new housing development is proposed for the nearby Betts site, it would be ideal if the Inchcape boundary could be pulled back by 6m to allow a cycle path to continue across its frontage

11.0 Parking Provision

- 11.1 There is no specific parking standard for a Motor Vehicle Showroom. The parking standard document states "Show area to include space inside and outside, used for the display of cars. Layout must be considered for car transporters to load/unload off off the highway"
- 11.2 The application satisfies these requirements and the parking areas proposed for customers and staff is considered acceptable.

12.0 Open Space Provisions

- 12.1 N/A

13.0 Air Quality

- 13.1 The site is outside the air quality area.

14.0 Development Team and Planning Obligations

- 14.1 This application and the earlier application have been considered by the development team who were made aware of the comments received by CCC and others. The view was taken that as planning permission was required as the use fell outside the approved Cuckoo Farm outline uses (this is a sui generis use) and there had been a substantial package of section 106 with the original outline - A12 junction, cycle paths etc - it was not necessary to provide any further contributions except the need to be a member of the Severalls Travel Plan and the provision of a 3 metre wide cycle way footway link from the main footway/ cycleway to the south east corner of the site.

15.0 Report

- 15.1 The design of the building is considered acceptable and reflects the design of adjacent buildings. This resubmission overcomes the reason for refusal on the earlier application and represents a compromise between the applicants desire to have a prominent used car display area to the front of the site and the Councils aspirations for the Northern Gateway to have an urban design strategy of fine buildings and rich landscaping. This area is now located to the side of the building. Whilst customer parking is shown to the frontage this area will not always be full nor will it always be in use. The frontage landscape area has been widened and the application includes details of proposed landscaping and a management plan.
- 15.2 The Design and Access Statement describes the application in the following terms

"The proposal represents the implementation of a new corporate identity for Volkswagen with the introduction of a worldwide design philosophy. The design concept is a contemporary design of the highest quality featuring a 'White Framed' showroom with curtain wall façades in conjunction with a composite clad aftersales section of the building. The building has been located on the site to ensure it presents itself as a landmark building on this gateway site. The result is a building which will become a well recognised local landmark on what is a prominent location near major road junctions".

15.3 In response to the comments of the MCC spatial policy has confirmed the use is appropriate to the location and has clarified the policy situation regarding the existing site. The urban design officer has no objection to the design which is reflective of adjacent buildings and the applicant will be required to sign up to the Severalls Green travel plan. The response from the EA is waited regarding flood risk and drainage.

16.0 Conclusion

16.12 The use is appropriate for an employment zone and the design of the building and the layout of parking areas within the site are now acceptable.

17.0 Recommendation – Conditional Approval

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 12-13-01B, P149-09C, P149-100B P149-101A P149-10A P149-11B and P149-12A 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 - Materials to be Agreed

Prior to the commencement of development, precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction shall have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

4 - Surfacing Material to be Agreed

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable accessways, driveways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed, in writing, by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed details.

Reason: There is insufficient information within the submitted application to ensure that these details are satisfactory in relation to their context and where such detail are considered important to the character of the area.

5 - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dBA above the background levels determined at all boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

6 - Sound Insulation on Any Building

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against internally generated noise in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

7 -Industrial Processes (Control of Fumes, Odours, Dust etc)

Prior to the first use of the development hereby permitted, control measures shall be installed in accordance with a scheme devised by a competent person for the control of fumes, smells and odours, and dust that shall have been previously submitted to, and agreed in writing by, the Local Planning Authority. The control measures shall thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that there is a scheme for the control of fumes, odours, dust, and smell in place so as to avoid unnecessary detrimental impacts on the surrounding area and/or neighbouring properties, as there is insufficient detail within the submitted application.

8 - *Light Pollution for Minor Development

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures and advice specified in the CBC External Artificial Lighting Planning Guidance Note (EZ1 AONB; EZ2 rural, small village or dark urban areas; EZ3 small town centres or urban locations; EZ4 town/city centres with high levels of night-time activity).

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

9 - Oil Interceptor Required

Prior to being discharged into any watercourse, surface water sewer or soakaway all surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent unnecessary pollution of the groundwater environment quality in the area and/or blocking of the drainage system.

10 - Storage of Oils etc.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls where the volume of the bund compound shall be at least equivalent to 110% of the capacity of the tank. If there is a multiple tankage, the compound volume shall be at least equivalent to 110% of the capacity of the largest tank or 110% of the combined capacity of any interconnected tanks, whichever is the greatest. All filling points, vents, gauges and sight glasses shall be located within the bund and the drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.

Reason: To prevent unnecessary pollution of the groundwater or nearby water courses.

11 - Groundwater Protection

There shall be no discharge of foul or contaminated drainage from the site into either the groundwater or any surface waters, whether direct or via soakaways.

Reason: To ensure satisfactory arrangements are made for the disposal of foul and surface water drainage in order to prevent pollution of the water environment and to protect the groundwater quality in the area in the interests of Health and Safety.

12 - *Full Landscape Proposals TBA

Prior to the commencement of development, full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS; • HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES; • PROPOSALS FOR RESTORATION; • PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

13 - Landscape Management Plan

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

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

14 - Non-Standard Condition/Reason

Prior to commencement of the 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 prior to commencement and during construction of the development.

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

15 - Non-Standard Condition/Reason

Prior to commencement of the development the planning application drawings shall be amended and submitted to and approved in writing by the local planning authority to show the following:

- A minimum 3 metre wide foot/cycleway in the south-east corner of the proposal site between the existing Axial Way foot/cycleway and the site's internal access road. The development shall be implemented in accordance with the approved drawings.

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

16 - Non-Standard Condition/Reason

Prior to the building being used for the purpose hereby permitted the applicant shall submit details to the Local Planning Authority to demonstrate they are members of the appropriate Colchester Travel Plan Club for a 5 year period.

Reason: In the interests of sustainable development.

17 - Site Levels Plan

Prior to the commencement of development, detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, shall have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

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

19.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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

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

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

(4) Non Standard Informative

- The above highway conditions are required to ensure the proposal complies with the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.
- The above requirements should be imposed by way of negative planning conditions or planning obligation agreements as appropriate
- All highway related details should be agreed with the Highway Authority.
- The proposal should accord with the Parking Standards Design and Good Practice.

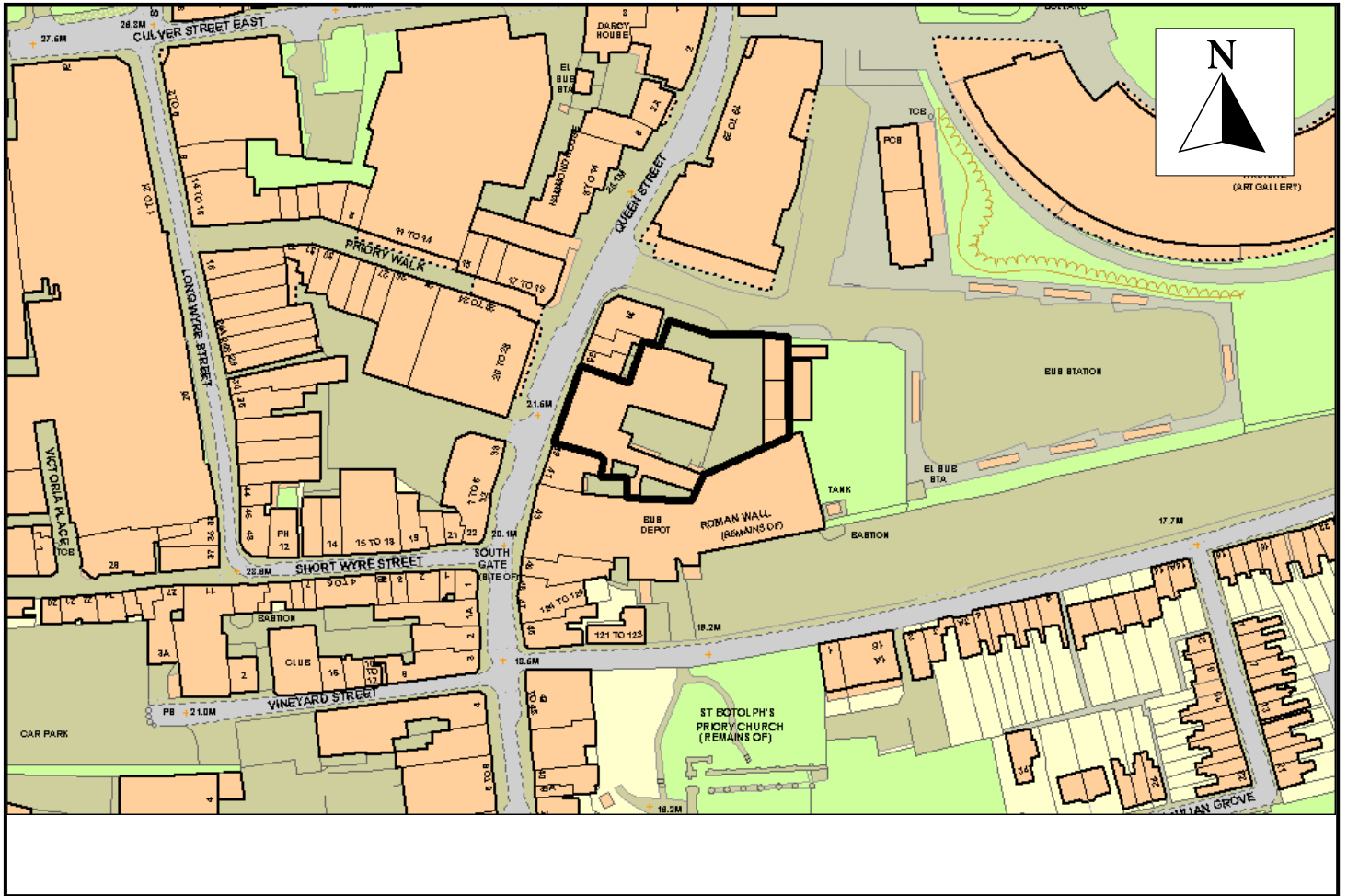
(5) Non Standard Informative

Under Section 23 of the Land Drainage Act 1991, prior written consent from the Lead Local Flood Authority (Essex County Council) is required to construct any culvert (pipe) or structure (such as a dam or weir) to control or alter the flow of water within an ordinary watercourse. Ordinary watercourses include ditches, drains and any other networks of water which are not classed as Main River. If the applicant believes they need to apply for consent, further information and the required application forms can be found at www.essex.gov.uk/flooding.

Alternatively they can email any queries to Essex County Council via watercourse.regulation@essex.gov.uk Planning permission does not negate the requirement for consent and full details of the proposed works will be required at least two months before the intended start date.

20.0 Positivity Statement

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



Application No: 122272

Location: Old Police Station, 37 Queen Street, Colchester, CO1 2PQ

Scale (approx): 1:1250

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7.3 Case Officer: Alistair Day

Due Date: 10/04/2013

MAJOR

Site: Old Police Station, 37 Queen Street, Colchester, CO1 2PQ

Application No: 122272

Date Received: 9 January 2013

Agent: Mr Robert Sakula

Applicant: Ms Josie Worner

Development: Alterations, demolitions and repairs to existing building, including change of use to creative business centre and cafe.

Ward: Castle

Summary of Recommendation: Conditional Approval subject to no objections be raised (that cannot be overcome by conditions)

7.4 Case Officer: Alistair Day

Due Date: 10/04/2013

MAJOR

Site: Old Police Station, 37 Queen Street, Colchester, CO1 2PQ

Application No: 122273

Date Received: 9 January 2013

Agent: Mr Robert Sakula

Applicant: Ms Josie Worner

Development: Listed building application for alterations, demolitions and repairs to existing building, including change of use to creative business centre and cafe.

Ward: Castle

Summary of Recommendation: Conditional Approval subject to no objections be raised (that cannot be overcome by conditions)

1.0 Reason for Referral to the Planning Committee

1.1 These applications are referred to the Planning Committee because the Council is the applicant.

2.0 Synopsis

- 2.1 The key issues explored below are: first: whether the proposed change of use of this building to a 'creative business centre' is an acceptable use in this part of the town centre and, secondly: whether the proposed alteration works would safeguard the special interest of this Grade II listed building together with preserving/enhancing the character and appearance of this part of the Town Centre Conservation Area.

3.0 Site Description and Context

- 3.1 The application site is located on the east side of Queen Street in the St Botolph's area of Colchester town centre
- 3.2 37 Queen Street dates from the mid eighteenth Century. It comprises a three storey red brick building. The front elevation has 7 large sliding sash windows set in a 3:1:3 arrangement with a further one window extension on the north. The ground floor windows have vestigial brick pilasters and small panes. The central first floor window has a pediment with a roundel above. To the rear of the building on the north side is a large annex now subdivided into three storeys; on south side of the rear elevation is a single storey wing. A run of modern garages form the rear (east) boundary of the site.
- 3.3 In the mid-eighteenth century 37 Queen Street was used as a Soldiers' Institution. The rear annexe was a canteen and was probably a single space internally. The building was converted in 1940 into Colchester's Police Station; the cell block wing and the upper floors of the annexe probably date from that time. More recently the building was a pub called the Chicago Rock Café, and is currently TPs.
- 3.4 37 Queen Street, Colchester is a Grade II listed building located within the Colchester Town Centre Conservation Area, designated in 1968. Its immediate neighbours to north and south, numbers 35 and 39 Queen Street, are also Grade II listed.
- 3.5 St Botolphs is in the process of transformation. Colchester new arts centre, Firstsite, has recently opened, and 15 Queen Street has become an important cultural hub. The former bus station and St James House and Roman House are proposed for redevelopment

4.0 Description of the Proposal

- 4.1 The current application seeks consent for the change of use of 37 Queen Street to form a creative business centre. The centre will provide space for hot-desking, start-up companies, social enterprises, business incubation, grow-on space and SME anchor tenants. Exhibition and showcase spaces, meeting spaces and a café are also to be provided.

5.0 Land Use Allocation

- 5.1 Mixed Use & Regeneration Area

6.0 Relevant Planning History

- 6.1 The site has a number of past applications on it; however none are of particular significance to this scheme.

7.0 Principal Policies

7.1 The National Planning Policy Framework 2012 (the framework) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The framework makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The framework also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and an environmental role. The framework clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

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

- SD1 - Sustainable Development Locations
- CE1 - Centres and Employment Classification and Hierarchy
- CE2a - Town Centre
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- 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
- DP6 Colchester Town Centre Uses
- DP7 Local Centres and Individual Shops
- DP14 Historic Environment Assets
- DP17 Accessibility and Access
- DP18 Transport Infrastructure Proposals
- DP19 Parking Standards
- DP25 Renewable Energy

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

- SA TC1 Appropriate Uses within the Town Centre and North Station Regeneration Area

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

Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments
Shopfront Design Guide
Cycling Delivery Strategy

8.0 Consultations

8.1 Environmental Control:

Environmental Protection has dealt with complaints in the past from the current usage of the building. This was due to amplified music being played outside, disturbing nearby residents.

If permission is granted, conditions should be attached relating to Site Boundary Noise Levels, Restriction in Location of Noisy Activities (no music outside), Food Premises (Control of Fumes and Odours) and opening hours

Contamination Land Officer notes that some of the redevelopment includes the former garage and yard areas to the rear and has advised that the applicant will need to clarify that there are no unacceptable risks to the proposed development from former uses.

8.2 Highway Authority - do not wish to make any observations in respect of this proposal.

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

9.0 Parish Council Response

9.1 The Town Centre is not parished. No ward members have called the item in or commented.

10.0 Representations

10.1 None received at the time of writing this report

11.0 Parking Provision

11.1 See paragraphs 15.17-15.19

12.0 Open Space Provisions

12.1 N/a

13.0 Air Quality

13.1 The site affects an Air Quality Management Area. It is not considered that the application will generate any significant impacts upon the town centre air quality zone.

14.0 Development Team and Planning Obligations

14.1 This application is classed as a “Major” application and therefore there was a requirement for it to be considered by the Development Team. The Development Team agreed that it was not necessary to seek any planning obligations to mitigate the potential impact of this development proposal.

15.0 Report

15.1 National planning guidance is set out in the National Planning Policy Framework (the framework). The framework states that the purpose of planning is to help achieve sustainable development and that there should be a presumption in favour of sustainable development. Local planning policies are set out in the Core Strategy (adopted 2008) and the Development Plan Policies document and Site Allocations Plan (both adopted 2010).

Land-use

15.2 37 Queen Street is currently used as public house (Use Class A4) The site was purchased by Colchester Borough Council in 2010 and is currently leased to TPs. The ground floor of the main building, cell block and part of the ground floor of the annexe are currently used by the tenant; the remainder of the building and the garage block to the rear of the site are unoccupied. The building has suffered from a lack of general maintenance in recent years and is in need of full refurbishment (both internally and externally).

15.3 The current application seeks planning permission for the change of use of 37 Queen Street to form a creative business centre. The centre will provide space for hot-desking, start-up companies, social enterprises, business incubation, grow-on space and SME anchor tenants. Exhibition and showcase spaces, meeting spaces and a café are also to be provided.

15.4 The submitted application form describes the proposal as comprising 1480sqm of B1 (office) use and 200sqm of A3 use (café) use. It is anticipated that this scheme will create in the region of new 80 jobs.

15.5 The framework states that the Government is committed to securing economic growth in order to create jobs and prosperity. Policy CE2a of the Core Strategy also seeks to encourage economic development and regeneration in the town centre. Policy DP 6 supports proposal in mixed use areas that will contribute to activity levels and the character of the area; in particular this policy support proposals to bring the upper floors of building back into use for business (or residential) use. The current scheme to re-use 37 Queen Street for business use with the projected creation of 80 jobs accords with the aforementioned national and local planning policies.

Heritage Issues

- 15.6 37 Queen Street is listed grade II for its special architectural or historic interest and is situated within a designated conservation area.
- 15.7 National policy on conserving and enhancing the historic environment is contained in the framework. The framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.
- 15.8 In determining planning applications, the framework advises (paragraph 131) that account should be taken of '*the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*' Paragraph 132 of the framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the framework goes on to advise (at paragraph 134) that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 15.9 At a local level Colchester Borough Council's Core Strategy policy ENV 1 – Environment states the Council will seek to conserve and enhance the natural and historic environment. Policy DP14 of the Council's Development Plan Policies document states that proposals affecting the historic environment should seek to preserve or enhance heritage assets, with an expectation that any new development will enhance the historic environment. Development Plan Policy DP1: Design and Amenity requires all development to be designed to a high standard and respect and enhance the character of the site.
- 15.10 To facilitate the conversion of 37 Queen Street to a fully accessible creative business centre a number of alterations are proposed. It is necessary to consider the impact that the proposed works will have on the significance of the listed building.
- 15.11 In the main historic range, the ground floor will remain essentially unaltered and will be used as a large flexible multi purpose space incorporating a café. The existing layout of the upper floors of the main range will be retained in its present form, refurbished and rooms used as offices / studio space. It is proposed to install secondary glazing to all historic sash windows as a means of improving their energy efficiency. These elements of the proposal are not considered to adversely affect the significance of this building. On the first floor, it is proposed to insert a new platform lift within the stairwell of a historic staircase; this is to enable all users to access the second floor of the building. The level of information submitted in support of the installation of the platform lift is not sufficient to enable a proper assessment to be made of the impact that these works will have on the architectural integrity of the staircase. Additional information has been requested from the architect; if this information is not forthcoming it is recommended that this aspect of the proposed scheme is conditioned out/omitted from the current application.

- 15.12 Externally on the main building, new front doors are to be inserted and the existing sash windows overhauled and refurbished. On the rear elevation, the large modern conservatory structure is to be removed, re-exposing the rear façade. The central section of the rear elevation forms an important and striking feature of this building; the reinstatement of windows and doors of a traditional design (rather than of a contemporary design as currently proposed) would visually re-unite this element of the rear façade and thus significantly enhance its appearance. Amendments to the design of the proposed new windows and doors have been requested; if these are not forthcoming it is proposed to condition these elements accordingly.
- 15.13 Limited works are proposed to the interiors of the annex and generally affect modern fabric; in the main, the existing rooms and spaces will be refurbished. It is proposed to insert a platform lift to enable access to the upper floors; the installation of this lift need not affect historic fabric (subject to detail). Externally it is proposed to renew the windows and doors (the existing windows are generally of a poor quality) and install PV panels on the southern roof slope. The replacement of the existing unsympathetic windows / doors provides an opportunity to enhance the visual appearance of this part of the building; it is unlikely that the PV panels will be viewed from outside the site and, as such, will have a limited impact on the wider setting of listed building and/or the conservation area.
- 15.14 Meeting rooms of varying sizes are proposed in the former cell blocks; it is proposed to retain the existing glazed brick walls, thick glass windows, and steel cell doors thus preserving their original character.
- 15.15 The modern garages detract from the general setting of the listed building and this part of the conservation area. It is proposed to retain the garages (in the short term at least) and use them as low-cost outdoor workspaces for artists, craftspeople or for storage.
- 15.16 The rear courtyard is to be re-landscaped and it is envisaged that this space will become an important social adjunct of the ground floor café and meeting spaces. The enhancement of this courtyard space will serve to improve the general setting of this listed building.

Access and Parking

- 15.17 Existing vehicular access to 37 Queen Street is gained via the rear yard which opens off the unnamed approach to the former bus station site from its junction with Queen Street immediately to the south of St James' House. The existing vehicular access arrangements are not changed as a part of this proposal.
- 15.18 Policy TA1 through TA4 indicate that changing travel behaviour towards sustainable modes will be encouraged through travel plans, improvements to gateways, and by managing travel demand.
- 15.19 It is not proposed to provide general on-site customer parking. Like many of the town centre units it is intended that users of the building will park in the nearby public car parks, rely on public transport or cycle or walk to the centre. However, two disabled parking spaces are proposed in the rear yard.

15.20 It is proposed to provide 20 cycle parking spaces. It is intended that all cycle storage will meet BREEAM requirements on size, proximity and security.

Other Issues

15.21 It is proposed to make the building fully accessible to all users. To facilitate this it is proposed that: a 'new' main entrance will be created at the up-hill of the building, which is closer to the level of the ground floor. The floors within the main building are to be altered to provide a single level where possible (this will be done without any removal of historic fabric). On the first floor the existing three steps between the main building and the annexe are replaced by a 1 in 20 ramp together with a wheelchair platform lift.

15.22 It is proposed to provide a dedicated refuse and recycling area within the rear yard.

15.23 The proposal is intended to meet BREEAM Very Good standards, which is in accord with the standard encouraged in ER1 Energy, Resources, Waste, Water and Recycling. This will need to be conditioned.

15.24 As a town centre site, there is a potential risk of ground contamination and for this reason Contamination Land Officer has recommended the attachment of conditions. Environmental Protection Team have also recommended conditions regarding a construction method statement, the control of noise levels, opening hours and the control of fumes and odours.

16.0 Conclusion

16.1 The proposal will bring significant investment into this part of the town centre and will not only have a positive benefit to the local economy (particularly in terms of employment generation) but will also bring a historically important building back into full re-use.

17.0 Recommendation

Planning Application (121272):

It is recommended that subject to no objection(s) being raised (that can not be overcome by conditions) the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the following conditions.

Condition Heads

Time Limit

Development to accord with approved plans

Additional Detail on Windows & Doors etc

Site Boundary Noise Levels

Restriction in Location of Noisy Activities (no music outside),

Food Premises (Control of Fumes and Odours)

Opening hours

Construction Method Statement (to include the control of dust)

Unexpected Contamination

Sustainability

Signage excluded
Landscaping
Refuse & Recycling
Disabled Parking

Listed Building Application (121273):

It is recommended that subject to no objection(s) being raised by English Heritage and/or the Amenity Societies, the application is referred to the National Planning Casework Unit advising that this Authority is minded to recommend a conditional approval

Conditions
Time
Only Works Shown Within Application
Protection of Architectural Features
Additional Detail on Windows & Doors etc
External Joinery to be Painted Timber
Schedule of Finishes and Decoration
Retention of Existing Doors
Making Good
Signage

18.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works. (2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(2) **ZTA - Informative on Conditions Stating Prior to Commencement /Occupation** PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission. Please pay particular attention to these requirements.

21.0 Positivity Statement

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



Application No: 122040

Location: 11-16, Duffield Drive, Colchester

Scale (approx): 1:1250

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7.5 Case Officer: Simon Osborn

Due Date: 15/02/2013

MINOR OTHER

Site: 11-16 Duffield Drive, Colchester

Application No: 122040

Date Received: 21 December 2012

Agent: Colchester Borough Homes

Applicant: Colchester Borough Council

Development: Installation of 10 LM of 6ft timber fencing, including concrete gravel boards and posts and 1 no. timber gate.

Ward: St Andrews

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council.

2.0 Synopsis

2.1 The key issue explored below is the impact of the proposal upon the character and appearance of the area. The report considers the impact of the proposal on the character of the area to be minimal and there are no other significant material considerations. The report recommends approval is granted for the proposal.

3.0 Site Description and Context

3.1 Duffield Drive is a semi-circular road of single width, which leads to a series of parking courts and garages associated with the dwellings and flats around it. Areas of greensward lie between the road and the building forms and the character of the area is in part open-plan, although a number of the dwellings and flats have fenced enclosures that provide a more private amenity space. The application site relates to a small parcel of greensward immediately adjacent to a block of 2-storey flats (Nos. 11-16) Duffield Drive, and which is sited between two existing enclosed areas of private amenity space for the residents of other flats within this block.

4.0 Description of the Proposal

4.1 The proposal is for a 10 metre length of timber fencing with concrete gravel boards, about 1.8m high, which will include a gated entrance.

5.0 Land Use Allocation

5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 17493/6 – erection of 157 dwellings with 83 garages and 120 parking spaces, approved 1972

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Governments primary objective that there be “a presumption in favour of sustainable development”. There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most 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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

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

The Essex Design Guide

8.0 Consultations

- 8.1 None

9.0 Parish Council Response

- 9.1 Not applicable

10.0 Representations

- 10.1 None

11.0 Parking Provision

- 11.1 Not applicable – the proposal does not create any new residential units.

12.0 Open Space Provisions

12.1 Not applicable – the proposal does not create any new residential units.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

15.1 Duffield Drive is within part of the Greenstead estate where there is a mix of 2-storey flats and houses with streets linked by a network of paths and drives in a generally open plan setting. Duffield Drive also comprises a mix of flats and houses set off a semi-circular road of single width. The drive leads to a series of parking courts and garages. Areas of greensward lie between the road and the building forms and the character of the area is in part open-plan, although a number of the dwellings and flats have fenced enclosures that provide a more private amenity space. The application site relates to a small parcel of greensward immediately adjacent to a block of 2-storey flats (Nos. 11-16) Duffield Drive, and which is sited between two existing enclosed areas of private amenity space for the residents of other flats within this block.

15.2 The fencing enclosure will create an area of private amenity space for some of the adjacent flats. It will be of similar depth to the existing fenced enclosures to either side and will leave a similar depth of open greensward between the fence and Duffield Drive. As a line of “infill” fencing it will not project beyond existing fence lines and will not therefore “stick-out” as an incongruous feature. Accordingly, it is considered the proposal will not have a significant impact on the character and appearance of the surrounding area.

15.3 The agent has indicated that there is a possibility that the design of the fence-line may change through the installation of a pair of double gates along the fence-line, so as to allow grass-cutting mowers to get through and maintain this area, thereafter. This will have no material impact on the proposal. It is considered that the proposal will have no other material planning impacts, including any adverse impact on neighbouring residential amenity. No objections have been received to the proposal.

16.0 Conclusion

16.1 The proposed fence and gate will have no significant impact on the character of the area and as such is considered to accord with relevant adopted planning policies. No objections have been received. The application is therefore recommended for approval.

17.0 Recommendation - APPROVE subject to the following conditions

18.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings Scale 1:1250 location plan, Scale 1:20 extract position plan and proposed materials drawing unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

The fence and gate shall be stained a similar colour as that on existing adjacent sections of fencing, and shall thereafter be retained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To blend in with the character and appearance of the surrounding area.

19.0 Informatives

ZT0 – Advisory Note on Construction & Demolition

(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.

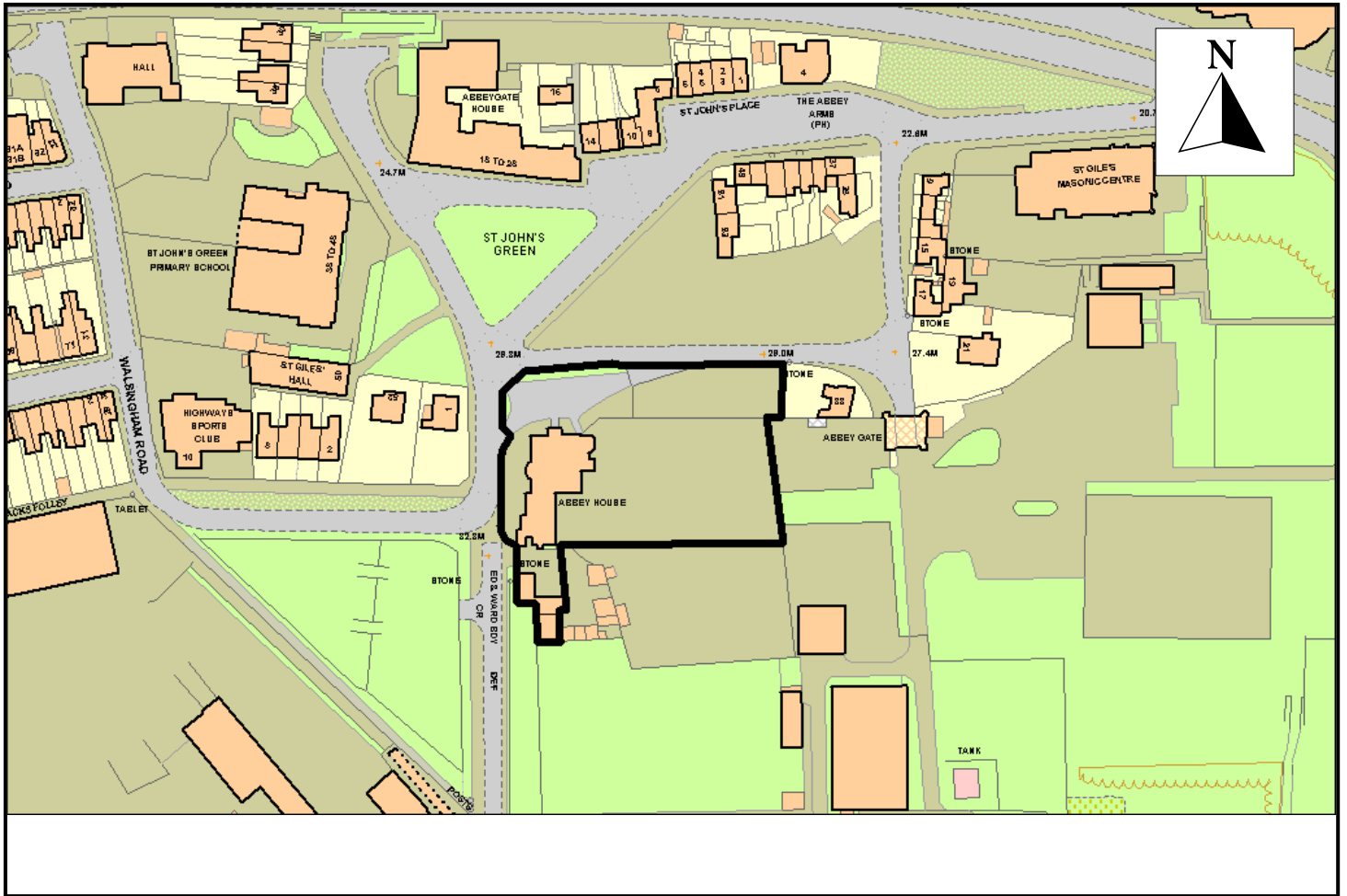
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

21.0 Positivity Statement

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



Application No: 121424

Location: Abbey House, Flagstaff Road, Colchester, CO2 7EZ

Scale (approx): 1:1250

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7.6 Case Officer: Alistair Day

MINOR

Site: Abbey House, Flagstaff Road, Colchester, CO2 7EZ

Application No: 121424

Date Received: 8 November 2012

Agent: Mr Matt Kennington

Applicant: Mr Jonathan Frank

Development: Conversion of former MOD Police Station to form 2 residential units, together with conversion of Coach House to form garaging and storage, plus associated external works

Ward: New Town

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

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because a legal agreement is proposed to:

a) link this development to the construction of the five dwelling houses proposed to the south of Abbey house; and

b) to link this application to the main garrison legal agreement.

2.0 Synopsis

2.1 The following report considers the material planning matters. The report describes the site and its setting, the proposal and the consultation responses. The planning merits of the case are assessed and it concludes that the proposal is acceptable.

3.0 Site Description and Context

3.1 The application site comprises Abbey House, its associated outbuildings and former garden area. To the immediate north of the site lies the irregular shaped St John's Green which is surrounded by a mixture of historic properties, many of which are listed. To the east lies the Abbey Gatehouse (listed Grade I) and the Colchester Officers Cub. To the south of the site is the former MoD Flagstaff Complex (Area B1b); this site is subject to an extant consent for a mixed use scheme.

3.2 Abbey House probably dates from between 1820-30 and was remodelled in the mid 19th and 20th centuries. It has two storeys, an attic and small cellar and is constructed of pale grey bricks. The hipped roofs have 20th century plain tiles coverings and there are 20th century dormer windows.

- 3.3 The building occupies a prominent position on the brow of the north facing slope overlooking the town centre and is of a handsome character. Enclosing the northern side of the garden is a tall brick wall which creates a prominent and important feature in the conservation area. The site includes a number of mature trees.
- 3.4 To the south of the Abbey House, there are a number of outbuildings arranged around a yard. All of the outbuildings are part weather boarded and have been re-worked in the 20th century. The stable to the west have some late 19th century fixtures and the remnants of earlier timber cross-framing at first floor.
- 3.5 Abbey House is currently vacant and was most recently used as the offices for the MoD police.
- 3.6 Abbey House is included on the adopted List of Local Buildings of architectural or historic interest and is situated within Colchester Conservation Area No.1. The application site sits within the scheduled ancient monument area of St. John's Abbey, although the Abbey House is not included in the scheduling.

4.0 Description of the Proposal

- 4.1 Application 121425 proposes the conversion of Abbey House to two residential units together with the conversion of the coach house to form garaging and storage

5.0 Land Use Allocation

- 5.1 Garrison Regeneration Area

6.0 Relevant Planning History

- 6.1 O/COL/01/0009 - A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003
- 6.2 072824 - Change of use and conversion of former MOD police station to residential use, comprising 4 apartments and 2 town houses, together with conversion of the existing coach house to form a single dwelling – Approved October 2010
- 6.3 072820 - Reserved matters application for erection of a terrace of 4 dwellings – Approved November 2010
- 6.4 121426 - Reserved matters application for erection of a terrace of 5 dwellings

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and an environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

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

- SD1 - Sustainable Development Locations
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- 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
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP25 Renewable Energy

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

SA GAR1 Development in the Garrison Area

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

The Garrison Master Plan
The Artillery Barracks Development Brief
Vehicle Parking Standards
Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 Urban Design Officer's comments can be summarised as follows:

- Whilst the main façade has been treated with sensitivity, the general re-fenestration of the whole building is not sympathetic to the character of the original design.
- The composition of the house has a strong continuity between elements, expressed through the repetition of the 6 over 6 windows. In the wing alterations the rhythm and composition is unjustifiably ignored with the introduction of doors and also an irregular and unsympathetic range of windows.
- The justification for a slate roof appears to be based on a long lost principle but I would question the aesthetic value of slate used on a roof of this pitch. No details are provided as to the ridge material so this should be a condition of any planning permission.
- Conditions are also required for detailing of all joinery so that the pattern of horns to sashes and other historic features are respected.
- The introduction of roof lights in insensitive locations is clumsy and needs reconsidering.

8.2 Landscape Officer - has confirmed that he is satisfied with the Landscape Strategy for the redevelopment Area B1a. It is recommended that conditions are attached to ensure the landscaping is implemented to a high standard.

8.3 The Tree Officer has also confirmed that he is in agreement with the recommendations made by the developer's Arboricultural Consultant, but has requested the submission of a full schedule of implementation and monitoring prior to the commencement of development.

8.4 The Archaeological Officer has advised:-

"This area sits within the scheduled ancient monument area of St. John's Abbey. The applicant will need to apply for scheduled monument consent. Archaeological monitoring and recording of the foundations for the new garage block are required. I would recommend that standard archaeological condition is attached."

- 8.5 Environmental Control has no objection to these applications, subject to the attachment of appropriate conditions.
- 8.6 The Highway Authority has not raised an objection to this application subject to the attachment of 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 Parish Council Response

- 9.1 N/a

10.0 Representations

- 10.1 None received

11.0 Parking Provision

- 11.1 See paragraph 15.26-15.27

12.0 Open Space Provisions

- 12.1 See paragraph 15.20-15.22

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 The application site forms part of the Garrison Urban Village development which was granted outline planning permission in 2003 and is subject to a s299a legal agreement.
- 14.2 A legal agreement is proposed as part of this application to link this development to the garrison legal agreement and to require the repair of Abbey House (including the repair of existing boundary walls) before the housing proposed under application 121426 is occupied.

15.0 Report

- 15.1 This application forms part of a scheme for the redevelopment of Area B1a of the Colchester Garrison Urban Village development.

Land-use

- 15.2 The Garrison Urban Village development was granted outline planning permission in 2003. The approved Master Layout Plan identifies this site for residential with mixed use. Abbey House is identified as a building to be retained.

- 15.3 In 2007, Taylor Wimpey submitted a planning application for the conversion of Abbey House to five apartments and two dwelling houses. This permission remains extant.
- 15.4 The current application seeks consent for the conversion of the main part of Abbey House into a four bedroom house and the service wing into a three bedroom house.
- 15.5 In view of the above planning context, the proposal to convert Abbey House into two residential units is considered acceptable in land-use terms.

Heritage Issues

- 15.6 National guidance on heritage and the planning system is set out in Section 13 of the NPPF. At the local level, Core Strategy Policy ENV1 and Development Plan policy DP14 reflect the broad thrust of the advice set out in the Framework.
- 15.7 The main heritage issues raised by this application are whether the proposed development would cause material harm to Abbey House, a locally listed building and/or whether it would affect the character and appearance of the conservation area. Much of the site falls within the area covered by the St John's Abbey Scheduled Ancient Monument, although Abbey House itself is excluded from the Scheduling. Consideration does, however, need to be given to the effect that the proposal would have on potential buried archaeological remains.
- 5.8 Abbey House was built in c. 1820-30 and was remodelled in the mid to late 19th century and 20th century. The house has an 'L' shaped plan with a service wing. The main façade has five, six-over-six sliding sash windows with horns on the first floor and four on the ground floor. All of the windows have painted gauged brick heads. The entrance has a central flat-roofed part glazed porch which is approached by a flight of steps. It has Ionic columns and modillions cornice and leads to the part glazed entrance door with a 19th century fanlight over. The west elevation has a two storey bay to the north with four over four and one over one vertical sliding sash windows with horns and two blocked window openings with gauged brick heads. There are later 19th and 20th century single storey additions to the service wing. The south elevation of the service wing has a mid 19th century part glazed door, off centre at the ground floor and replacement windows in the original openings. The east elevation opens onto the formal garden; in the service wing most of the windows are six over six vertical sliding sash windows. The front range has been remodelled, the bay to the south removed and a 20th century single storey extension added. A faceted bay window to the north has a later 20th century open veranda with a pent, slate-covered roof supported on columns at the first floor.
- 15.9 The plan form of the front range is most intact. There are shutter boxes on the ground floor windows and mid to late C19 simple cornices, architraves and door cases in most rooms. There are some four panelled doors remaining. The principal stairs have square-sectioned newel posts with recessed panels and ball finials and turned balusters with scrolls. The service wing has no decorative features at ground or first floor level.
- 15.10 Abbey House has been vacant for a number of years and is starting to show signs of deterioration. More recently, the building has been the subject of vandalism and there is real concern that significant damage may occur to the building.

- 15.11 The current application proposes the conversion of the main part of Abbey House into a four bedroom house. Internally, it is proposed to retain and repair the surviving historic features and thereby restore the house to its former grandeur. Externally the elevations are to be restored by the removal of poor quality additions and the reinstatement of fenestration. The original windows are to be repaired.
- 15.12 It is proposed to convert the rear wing of the house into a three bedroom house. This part of the house has been subject to alteration in the past. The conversion of this wing to a single dwellinghouse provides the opportunity to reintroduce lost features.
- 15.13 It is considered that the proposed conversion of Abbey House into two dwellings will safeguard the future of this locally important building and its contribution to this part of the conservation area. It is recommended that permitted development rights for the extension and alteration of the building and the erection of outbuildings are removed to safeguard the architectural integrity of Abbey House and its setting.

Design and Layout

- 15.14 Section 7 of the NPPF and Core Strategy Policy UR2 and Development Plan Policy DP1 require new development to meet a high standard of design.
- 15.15 The current application relates to the conversion of existing buildings. The design and layout of this scheme has therefore been dictated by the existing arrangement of the buildings. It is proposed to remove the modern unsympathetic additions to Abbey House. New interventions have been designed in sympathy with the architectural character of the building.
- 15.16 The comments made by the Urban Design Officer in respect of the alteration of the original window arrangement of Abbey House have been taken on-board and addressed (in the main) through the submission of amended drawings. The Urban Design Officer also expressed concern at the proposal to change the roof covering from tile to slate. The applicant has asked that the proposed roof material is conditioned so that the original roof covering can be investigated further.
- 15.17 The existing arrangement of windows is such that Plot 1 would directly overlook the rear garden of Plot 2. The applicant has proposed that these windows are obscuring glazed and fixed shut. It is recommended that these works are conditioned accordingly and that permitted development rights are removed for the installation of new windows.
- 15.18 Abbey House is sufficiently distant from surrounding residential properties not to cause overlooking or adversely affect their amenity.
- 15.19 The conversion of Abbey House to two houses accords with the design requirements of DP1 and UR2.

Private Amenity Space and Public Open Space Amenity Issues

- 15.20 Development Plan policy DP16 states that all new residential development shall be provided with private amenity space of a high standard, where the siting, orientation, size and layout make for a secure and useable space. The garden sizes prescribed by this policy are 60sqm for a three bedroom unit and 100sqm for a 4 bedroom house.
- 15.21 The garden size of the main house far exceeds the 100sqm requirement while the proposed three bedroom dwelling house has a private rear garden of 66sqm. The current application therefore accords with policy DP16.
- 15.22 The application site forms part of Area B1a of the Garrison Urban Village development. An area of land adjoining the medieval Abbey Gatehouse has been secured as public open space in relation to this phase of the garrison development.

Access and Parking

- 15.23 Access to Abbey House is currently in the form of two vehicular access points on the St John Green's frontage and an access point on Flagstaff Road. These access arrangements are to be retained as a part of this proposal.
- 15.24 Development Plan Policy DP19 sets out the Council's parking standards. The policy states that a minimum of two car parking spaces are required for each dwelling of two or more bedrooms and an additional 0.25 spaces per dwelling is required for visitor parking.
- 15.25 The access to the main private parking court will be via the existing vehicular entrance on Flagstaff Road. This parking court will also be shared with the five terraced units proposed under application 121426. The visitor parking area is accessed from St Johns Green.
- 15.26 Both the proposed houses have two parking spaces within the courtyard to the south of Abbey House. The parking provision is provided in the form of one garage space with a second space provided directly in front of the garage.
- 15.27 Seven visitor parking spaces are provided on the area of land between the rear garden of Abbey House and St John Green. This parking will be shared by both new terraced housing and the two residential units proposed for Abbey House. Additional parking will also be available outside the front entrance to Abbey House for the residents and visitors to the principal residential unit.
- 15.28 The parking provision accords with the Council's adopted Parking Standards.
- 15.29 The Highway Authority has not raised an objection to this proposal in terms of its impact on the local highway network.

Tree and Landscape Issues

- 15.30 Within the grounds of Abbey House there are some 21 trees of mixed condition and age. The trees have been the subject of an arboricultural report and this concludes that the proposed development will not have a significant impact on the important trees associated with the site. The Council's Tree Officer is in agreement with the submitted report and has not raised an objection to this proposal subject to the attachment of appropriately worded conditions.
- 15.31 The Council's Landscape Officer has not raised an objection to the indicated Landscape Strategy for this site and has recommended that conditions are attached to ensure appropriate detailing. The Landscape Officer has also drawn attention to the need to secure improvements to the boundary treatment to Flagstaff Road, which is particularly prominent.

16.0 Conclusion

- 16.1 It is considered that the proposed conversion of Abbey House into two dwellings will bring a locally important building back into use and enhance the character and appearance of this part of Colchester Conservation Area No.1. This application is therefore recommended for approval.

17.0 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:

- a) *Link this application to the main garrison legal agreement; and*
- b) *Link the repair of Abbey House to the occupation of the new terraced housing proposed under planning application 121426*

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

18.0 Recommended Reasons for the Decision

The proposal accords with the relevant policies in the Statutory Development Plan (as set out above). Having also had regard to all material planning considerations, the Council is of the opinion that the proposal will not cause any significant harm to interests of acknowledged planning importance.

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 2456-11A, 2456-24A, 2456-31H, 2456-33B and 2456-34B unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'. Where remediation is necessary a remediation scheme must be agreed with the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be agreed in writing by Local Planning Authority.

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

4 - Non-Standard Condition/Reason

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

- the parking of vehicles of site operatives and visitors;
- hours of deliveries and hours of work;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

5 - Surface Water Drainage

Prior to the commencement of development, details of surface water drainage shall have been submitted to and approved, in writing, by the Local Planning Authority. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage has been fully installed and is available for use.

Reason: To minimise the risk of flooding.

6 - Building Recording

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

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

7 -Non-Standard Condition/Reason

All new external works and works of making good shall match the existing work adjacent in respect of materials, methods, detailed execution and finished appearance unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: In order to preserve the historic character of this locally listed building and the character and appearance of the Colchester Conservation Area No.1.

8 - Non-Standard Condition/Reason

All new rainwater goods shall be of metal, the profile of which shall match the existing and have a black painted finish unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to preserve the historic character of this locally listed building and the character and appearance of the Colchester Conservation Area No.1.

9 - Non-Standard Condition/Reason

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

Reason: In order to preserve the historic character of this locally listed building and the character and appearance of the Colchester Conservation Area No.1.

10 - Non-Standard Condition/Reason

All external joinery shall be of painted timber, the colour of which shall be agreed in writing by the Local Planning Authority prior to the commencement of work and thereafter shall be retained as such unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to preserve the historic character of this locally listed building and the character and appearance of the Colchester Conservation Area No.1.

11 - Rooflights

The rooflights hereby approved shall be of the "conservation" type with a single vertical glazing bar and mounted flush with the roof slope.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

12 - Tree and Natural Feature Protection: Protected Areas

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

13 - Tree and 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.

14 - 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, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

15 - Tree Canopy Hand Excavation

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

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

16 - *Full Landscape Proposals TBA

Prior to the commencement of development, full details of all landscape works shall have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- PROPOSED FINISHED LEVELS OR CONTOURS;
- MEANS OF ENCLOSURE;
- CAR PARKING LAYOUTS;
- OTHER VEHICLE AND PEDESTRIAN ACCESS AND CIRCULATION AREAS;
- HARD SURFACING MATERIALS;

- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- PROPOSED AND EXISTING FUNCTIONAL SERVICES ABOVE AND BELOW GROUND (E.G. DRAINAGE POWER, COMMUNICATIONS CABLES, PIPELINES ETC. INDICATING LINES, MANHOLES, SUPPORTS ETC.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- PLANTING PLANS;
- WRITTEN SPECIFICATIONS (INCLUDING CULTIVATION AND OTHER OPERATIONS ASSOCIATED WITH PLANT AND GRASS ESTABLISHMENT);
- SCHEDULES OF PLANTS, NOTING SPECIES, PLANT SIZES AND PROPOSED NUMBERS/DENSITIES WHERE APPROPRIATE; AND
- IMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

17 - Landscape Management Plan

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

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

18 - Non-Standard Condition/Reason

The existing wall that forms the enclosure between the shared open space and parking area fronting St Johns Green and the wall on the east boundary of the site shall be repaired in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The agreed works shall be undertaken in accordance with the agreed repair scheme prior to the occupation of any dwelling on this site.

Reason: In order to preserve the historic character of this locally listed building and the character and appearance of the Colchester Conservation Area No.1.

19 - Non-Standard Condition/Reason

Notwithstanding the details submitted, additional drawings of the boundary treatment to the St Johns Green frontage of Abbey House shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be implemented prior the residential occupation of any part of the site and thereafter retained.

Reason: To ensure the erection of a high quality enclosure to this important and prominent boundary and to ensure that the development enhances the setting of Abbey House, locally listed building and this part of Colchester Conservation Area No 1.

20 - *Residential Parking Spaces Retained

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

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

21 - Communal Storage Areas

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

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

22 - Removal of PD for All Residential Extensions & Outbuildings

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

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

23 - Non-Standard Condition/Reason

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

Reason: In the interest of visual amenity and to safeguard the architectural integrity of this local listed building.

24 - *Removal of PD for Windows Above Ground Floor Level

Notwithstanding the provisions of Classes A, B and C of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no windows, rooflights or other openings shall be installed within the walls or roof of the dwellings hereby permitted unless otherwise approved, in writing, by the Local Planning Authority.

Reason: To protect the privacy of adjacent dwellings.

25 - *Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), the first floor windows to the land of Plot 1 (south elevation) and the windows on the east elevation of Plot 1 shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form. Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

26 - Removal of PD Retaining Garage for Parking

Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), the garage accommodation forming part of the development shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety

27 - Non-Standard Condition/Reason

Notwithstanding the provisions of Class of Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any Order revoking or re-enacting that Order) no fence, wall, gates or other means of enclosure other than than shown on the approved drawing shall be erected, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

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

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

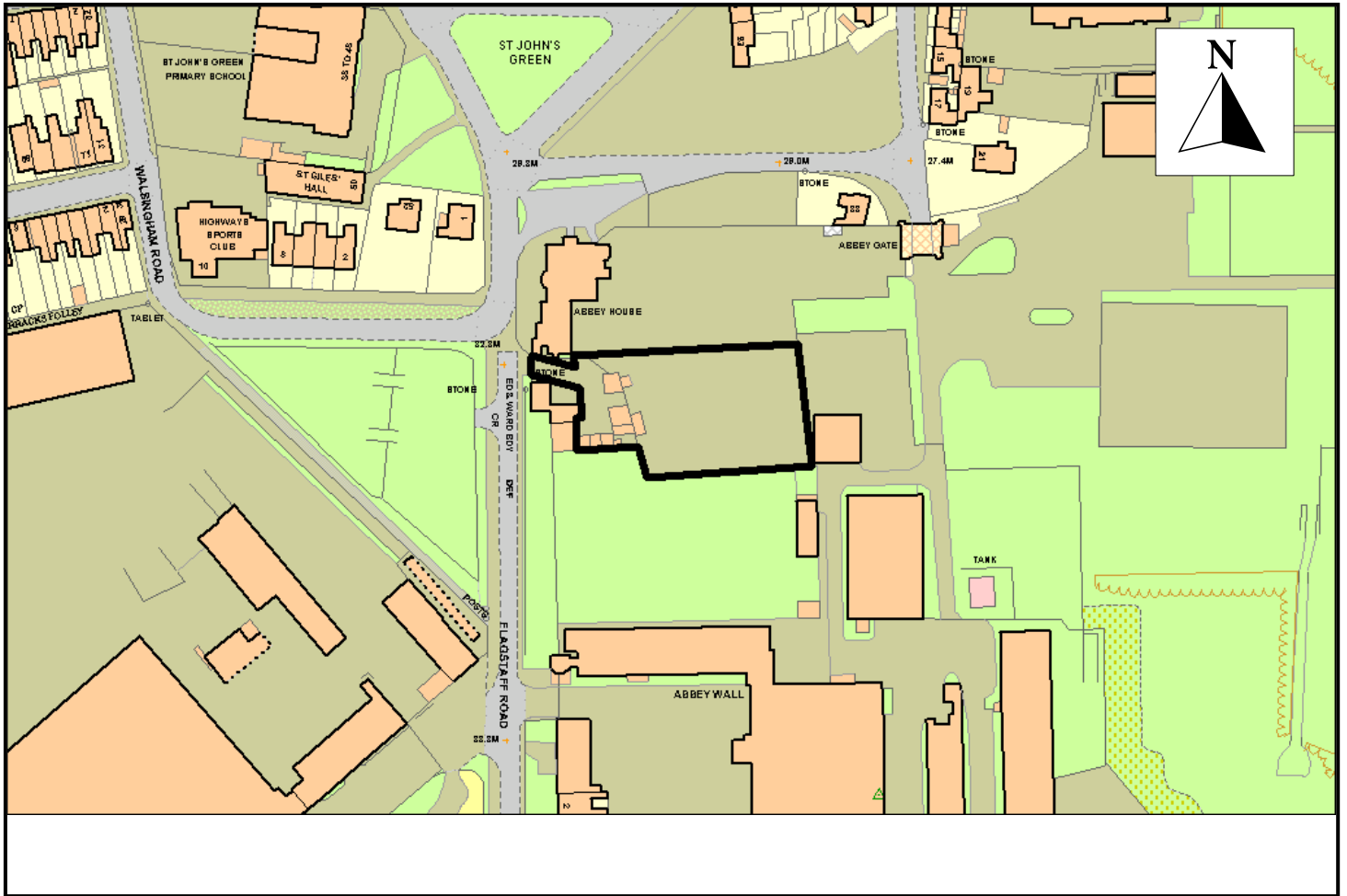
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

21.0 Positivity Statement

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



Application No: 121426

Location: Abbey House, Flagstaff Road, Colchester, CO2 7EZ

Scale (approx): 1:1250

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7.7 Case Officer: Alistair Day**MINOR DWELLINGS****Site:** Abbey House, Flagstaff Road, Colchester, CO2 7EZ**Application No:** 121426**Date Received:** 16 August 2012**Agent:** Mr Matt Kennington**Applicant:** Mr Jonathan Frank**Development:** Application for approval of reserved matters following outline approval (O/COL/01/0009) for the proposed erection of five residential units (Plots 3-4), including associated works.**Ward:** New Town**Summary of Recommendation:** Conditional Approval subject to signing of a S106 Agreement**1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee because a legal agreement is proposed to link this development to the repair of Abbey House and historic boundary enclosures. This application is also referred to the Committee because the garden sizes do not comply with the Council's adopted policy.

2.0 Synopsis

2.1 The following report considers the material planning matters. The report describes the site and its setting, the proposal and the consultation responses. The planning merits of the case are assessed and, in particular, whether the design and scale of the proposed dwellings are appropriate for this historically sensitive location. The report concludes that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

3.1 The application site comprises Abbey House, its associated outbuildings and former garden area. To the immediate north of the site lies the irregular shaped St John's Green which is surrounded by a mixture of historic properties, many of which are listed. To the east lies the Abbey Gatehouse, a grade I listed building, and extensive areas of grassland and tennis courts associated with the Colchester Officers Cub. To the south of the site is the former MoD Flagstaff Complex (Area B1b); this site is subject to an extant consent for a mixed use scheme.

- 3.2 Abbey House probably dates from between 1820-30 and was remodelled in the mid 19th and 20th century. It has two storeys, an attic and small cellar and is constructed of pale grey bricks. The hipped roofs have 20th century plain tiles coverings and there are 20th century dormer windows. The building occupies a prominent position on the brow of the north facing slope overlooking the town centre and is of a handsome character. Enclosing the northern side of the garden is a tall brick wall which creates a prominent and important feature in the conservation area. To the south of Abbey House is the former Coach House and associated buildings. The site includes a number of mature trees.
- 3.3 Abbey House is currently vacant and was most recently used as the offices for the MoD police.
- 3.4 Abbey House is included on the adopted List of Local Buildings of architectural or historic interest and is situated within town centre conservation area. The application site falls within the historic site of St John's Abbey which a Scheduled Ancient Monument.

4.0 Description of the Proposal

- 4.1 This application proposes the erection of a terrace of five houses with associated amenity space and parking.

5.0 Land Use Allocation

- 5.1 Garrison Regeneration Area

6.0 Relevant Planning History

- 6.1 O/COL/01/0009 - A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003
- 6.2 072824 - Change of use and conversion of former MOD police station to residential use, comprising 4 apartments and 2 town houses, together with conversion of the existing coach house to form a single dwelling – Approved October 2010
- 6.3 072820 -Reserved matters application for erection of a terrace of 4 dwellings – Approved November 2010
- 6.4 121424 Conservation of Abbey House to from 2 residential units, together with the conversion of the coach house to form garaging and storage and associated external works.

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and an environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

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

- SD1 - Sustainable Development Locations
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR1 - Regeneration Areas
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- 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
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes
- DP25 Renewable Energy

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

SA GAR1 Development in the Garrison Area

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

The Garrison Master Plan
The Artillery Barracks Development Brief
Backland and Infill
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 Urban Design Officer's comments can be summarised as follows:

- The previous two storey scheme appeared more appropriate in this location. The relationship with the retained building was suitably subservient and visually appropriate as a small scale terrace.
- Visually there is not a justification for a grander terrace because it lacks outlook and presence that such a terrace would expect to have.
- The pastiche design itself is poorly scaled and lacks authenticity, especially as a backland scheme. The arrangement does not provide sufficient setting or sense of place for such a design.
- The lack of chimneys for each unit is a visual mistake and the third storey, mansard is disproportionately too tall. The window light above the entrances is again over scaled and appears crammed into the composition.
- The parapet and brick work above the first floor windows is also disproportionate in the composition. I would suggest that the design can be refined and made to appear less clumsy with more considered detail as a pastiche. It would, however, be more appropriate to reconsider the size and grandeur of the terrace and revert to a more subordinate and appropriate design for the backland location.
- The gardens for four bedroom houses are too small. Family housing, as four bedroom units, should achieve 100sqm. The layout and arrangement does not suggest that children will have a satisfactory amount of private or communal open space. This is further justification to create a smaller scale of development, which will have appropriate amenity for the number of bedrooms and size of families that will reside here.

- 8.2 The Council's Urban Design Officer has made the following comments on the amended scheme:
- There have been a number of changes to this layout and arrangement. These provide more satisfactory gardens and amenity for the family size houses.
 - There have also been some slight amendments to the architecture and quality of pastiche and this has provided a more satisfactory scheme.
 - The recently submitted street scenes and views illustrate significant views to the site. These views show a dependence on trees to mitigate the visual impact of the scheme and providing the future and permanence of these can be conditioned I am satisfied with the amendments.
- 8.3 Landscape Officer - has confirmed that he is satisfied with the Landscape Strategy for the redevelopment Area B1a.
- 8.4 The Tree Officer has also confirmed that he is in agreement with the recommendations made by the developer's Arboricultural Consultant, but has requested the submission of a full schedule of implementation and monitoring prior to the commencement of development.
- 8.5 Archaeological Officer has advised that this area sits within the scheduled ancient monument area of St. John's Abbey. The applicant will need to apply for scheduled monument consent. Archaeological monitoring and recording of the foundations for the new garage block are required. It is recommended that the standard archaeological condition is attached.
- 8.6 Environmental Control has no objection to these applications, subject to the attachment of appropriate conditions.
- 8.7 The Highway Authority has not raised an objection to this application subject to the attachment of conditions.
- 8.8 English Heritage comments on the initial submission are summarised below:
- There is no objection to the principle of a terrace; indeed in previous discussions English Heritage has supported a terrace as a preferred option. It is however crucial that the houses appear subordinate to Abbey House and that they are of a design, form and bulk that accords with the surrounding conservation area, which of course is a designated heritage asset.
 - As submitted, this rather assertive group might be very appropriate to a seaside location or an urban street, but here in the extended grounds of Abbey House, I suggest a more restrained approach with a better solid to void arrangement, simpler detailing and a less bulky roof form, sympathetic to the space and the setting of the main house (itself a heritage asset).

- The deep roof span of almost 10 metres is uncharacteristic of vernacular houses in Colchester. As such the mansard roof appears alien and out of scale. The flank ends could look very intrusive.
- These are basically three storey family houses, and again the scale is wrong on this site. Hipped roofs or a narrower main span with rear outshuts would possibly work. The internal ceiling heights are generous; there is scope for a reduction in the attic rooms. The chimneys should be increased to one per house.
- A historicist approach may not be the only answer here. I support a re-negotiation or refusal in this situation. NPPF gives support not only in terms of heritage settings, but also generally (ref paragraph 57).

8.9 The English Heritage's comments on the amended scheme can be summarised as follows:

- The re-modelled and detailed rear elevation with a series of gabled outshuts is a vast improvement on the previous proposal. This feature with the addition of chimneys will make the roof a much more positive element in longer views. This change has also enabled the roof span of the main range to be reduced and so it now gets much closer to a traditional gambrel form.
- The front elevation will need to be fenestrated in a way that allows more solid to void.
- We have reached a stage where English Heritage does not object to this proposal, but we do urge that the detailing and materials are given careful consideration. If this is the case I consider there would not be an adverse impact on the setting of Abbey House or the adjoining conservation area.

8.10 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 N/A

10.0 Representations

10.1 None received

11.0 Parking Provision

11.1 See paragraph 15.22-15.25

12.0 Open Space Provisions

12.1 See paragraph 15.16-15.19

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

- 14.1 This application forms part of the Garrison Urban Village development for which outline planning approval has previously been granted and is the subject of a s299a legal agreement. A legal agreement is proposed to link this development to the repair and refurbishment of Abbey House (including the repair of existing boundary walls).

15.0 Report

- 15.1 This application forms part of a scheme for the redevelopment of Area B1a of the Colchester Garrison Urban Village development.

Land-use

- 15.2 The application site forms part of the Garrison Urban Village development for which outline planning permission was granted in 2003. The approved Master Layout Plan identifies this site for residential with mixed use. Abbey House is identified as a building to be retained.
- 15.3 In 2007, Taylor Wimpey submitted planning applications for the erection of four dwellings on land to the south of Abbey House and the conversion of the house itself to five apartments and two dwelling houses. These applications remain extant.
- 15.4 This application proposes the erection of a terrace of five houses in broadly the same position as that approved under the Taylor Wimpey scheme.
- 15.5 In light of the above planning context, the proposal is considered acceptable in land-use terms.

Design

- 15.6 Section 7 of the NPPF and Core Strategy Policy UR2 and Development Plan Policy DP1 require new development to meet a high standard of design.
- 15.7 The proposed townhouses are effectively three storeys in height and have been designed in a classical style. The Council's Urban Design Officer and English Heritage raised objection to the design and scale of the scheme as originally submitted. Through negotiation, Officers have secured various amendments to the design of the proposed terrace. The most notable amendment is the remodelling of the rear elevation so that it forms a series of outshuts. This has enabled the roof span of the main range to be reduced so that it is much closer to that typically found on a 19th century residential terrace. Reducing the span of the proposed terrace, together with the addition of chimneys, has also had the effect of making the roof a more positive element in longer views.
- 15.8 The proposal is considered acceptable in terms of its design and accords with the design requirements of DP1 and UR2.

Heritage Issues

- 15.9 National guidance on heritage and the planning system is set out in Section 13 of the NPPF. At the local level, Core Strategy Policy ENV1 and Development Plan policy DP14 reflect the broad thrust of the advice set out in the Framework.
- 15.10 The main heritage issues raised by this application are the impact that the proposed development would have on the setting of Abbey House, a locally listed building, the conservation areas and St John's Abbey Gatehouse, a grade I listed building. Much of the site is also falls within the area covered by the St John's Abbey Precinct Scheduled Ancient Monument. It is therefore important to consider the archaeological implications of this development.
- 15.11 As stated above, the principle of erecting terraced housing in this location has previously been accepted by this Council. The main issue to be considered therefore is whether the increase in the scale will cause material harm to the setting of the nearby listed and locally listed buildings and/or the setting of the conservation area.
- 15.12 The extant planning permission is for a terrace of four houses, which has an overall frontage of 28m; the current proposal has an overall frontage of 30m. The proposed terrace has a span of 9.8m and an overall height of 9.8m; this compares to the approved scheme which has a span of 8m and an overall height of 8.6m. The difference in the dimensions between that of the proposed terrace and that previous approved are not considered to be so materially different as to result in significant harm to the setting of the identified heritage assets.
- 15.13 The terrace proposed under this application adopts a classical design with a mansard roof, which is used to disguise (reduce the visual impact) of the second floor accommodation. The design of the proposed terrace is significantly grander than that previously approved and will visually compete, in architectural terms, with Abbey House. The proposed roof form is also not typical of that found on the historic garrison buildings. While the proposed terrace may visually compete with Abbey House, the terrace, by virtue of its relatively secluded backland location, will not have a significant impact on wider townscape setting.
- 15.14 The proposed townhouses are located on an area of land that has previously be disturbed and, as such, are not considered likely to cause damage to any buried archaeology. It is not considered necessary to attach an archaeological condition as this is covered by the outline planning approval and the requirement to obtain schedules ancient monument consent.
- 15.15 The proposal is considered to be acceptable in terms of policy ENV1 and DP14.

Private Amenity Space and Public Open Space Amenity Issues

- 15.16 Development Plan policy DP16 states that all new residential development shall be provided with private amenity space of a high standard, where the siting, orientation, size and layout make for a secure and useable space. This policy requires gardens of the following sizes to be provided on new residential development:
- One or two bedroom houses – a minimum of 50m²
 - 3 bedroom houses – a minimum of 60m²
 - 4 bedroom houses – a minimum of 100m²
- 15.17 According to the above standards, the garden sizes for proposed terrace houses should all be a minimum of 100sqm. Plot 3 has a garden size of 130sqm; the garden sizes of the remainder of the units range from 54sqm to 70sqm; these gardens do not comply with policy DP16.
- 15.18 The constraints of the site (scheduled ancient monument, locally listed building and mature trees) constitute a significant reason for it not being possible to provide private gardens that meet the Council's adopted garden size standards. The developer has also opined that it is not unusual to find smaller courtyard style gardens in or close to the town centre. A further reason put forward for this development not complying with the adopted garden sizes is the fact that the dwellings have increased in size due to the desire to convert Abbey House in a less intensive / more sympathetic manner.
- 15.19 In terms of amenity issues, the upper floors of the proposed terraced units will overlook the end part rear of the garden of main residential unit proposed for Abbey House. The more sensitive part of this rear garden (i.e. that closest to the house) is set at an obscure angle to the new dwellings and views to this part of the garden are blocked by the large Holm Oak.
- 15.20 With regard to the provision of Public Open Space, this site forms part of the Garrison Urban Village development and an area of land (adjacent to St John's Abbeygate House) has already been secured to meet this requirement.

Access and Parking

- 15.21 The existing vehicular entrance on Flagstaff Road will provide the access to the terraced housing and will be shared with the two units proposed for Abbey House.
- 15.22 Development Plan Policy DP19 sets out the Council's parking standards. The policy requires a minimum of two car parking spaces for each dwelling of two or more bedrooms, in addition to 0.25 spaces per dwelling for visitor parking.
- 15.23 The approach to parking has been to provide two spaces for each of the terraced units within the courtyard between Abbey House and the proposed terrace housing. Each unit is provided with a garaged parking space with a further space provided directly in front of the garage.
- 15.24 Seven visitor parking spaces are provided on the area of land between the rear garden of Abbey House and St John Green. This parking provision is to be shared between new terraced housing and the two residential units proposed for Abbey House.

- 15.25 The parking provision accords with the Council's adopted Parking Standards.
- 15.26 The Highway Authority has not raised an objection to this proposal in terms of its impact on the local highway network.

Tree and Landscape Issues

- 15.27 Within the grounds of Abbey House there are some 21 trees of mixed condition and age. The trees have been the subject of an arboricultural report and this concludes that the proposed development will not have a significant impact on the important trees associated with the site. The Council's Tree Officer is in agreement with the submitted report and has not raised an objection to this proposal subject to the attachment of appropriately worded conditions.
- 15.28 The Council's Landscape Officer has not raised an objection to the indicated Landscape Strategy for this site and has recommended that conditions are attached to ensure appropriate detailing. The Landscape Officer has also drawn attention to the need to secure improvements to that the boundary treatment to Flagstaff Road, which is particularly prominent.

16.0 Conclusion

- 16.1 It is considered that the proposal to erect a terrace of 5 dwellings on land to the south east of Abbey House will not cause material harm to the setting of the nearby historic buildings or that of the conservation area. It is accepted that some of the garden sizes are deficient when compared to the adopted standard; however given that this is a constrained urban site it is considered reasonable to relax this particular policy in this instance.

17.0 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:

- *Linking the occupation of the proposed dwelling houses to the repair of Abbey House*

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

18.0 Conditions

1 - *Reserved Matters Applications

The reserved matters planning permission hereby granted is given in accordance with the terms of the outline planning permission reference 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 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 2456-30F, 2456-31H 2456-33B and 2456—34B unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

The dwellings shall be built using gault bricks, laid in a Flemish bond with a white mortar that is flush pointed. No works shall take place until a sample of the proposed bricks has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed materials.

Reason: To ensure that the development preserves and enhances the character and appearance of the Conservation Area, the setting of the Scheduled Ancient Monument and nearby historic buildings and is in accordance with the approved Design Code for this site.

4 - Non-Standard Condition/Reason

No works shall take place until a sample of the roof materials have been submitted to and approved in in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed materials.

Reason: To ensure that the development preserves and enhances the character and appearance of the Conservation Area, the setting of the Scheduled Ancient Monument and is in accordance with the approved Design Code for this site.

5 - Non-Standard Condition/Reason

All new rainwater goods shall be of metal, have a round or half round profile with a black painted finish unless otherwise agreed in writing by the Local Planning Authority.

Reason To ensure that the development preserves and enhances the character and appearance of the Conservation Area, the setting of the Scheduled Ancient Monument and other nearby historic buildings.

6 - Non-Standard Condition/Reason

No works or development shall take place until additional drawings that show details of the proposed new windows, cills, arches, doors (and their surrounds), eaves, verges, plinths, chimneys and pots, parapet, copings, string course detail and ridge tiles to be used, by section and elevation, at scales between 1:20 and 1:1 as appropriate, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved additional drawings.

Reason To ensure that the development preserves and enhances the character and appearance of the Conservation Area, the setting of the Scheduled Ancient Monument and is in accordance with the approved Design Code for this site.

7 - Non-Standard Condition/Reason

All external joinery shall be constructed of timber and have a painted finish the colour of which shall be approved in writing prior to the commencement of works. The development shall be implemented in accordance with the agreed details.

Reason: To ensure that the development preserves and enhances the character and appearance of the Conservation Area, the setting of the Scheduled Ancient Monument and is in accordance with the approved Design Code for this site.

8 - Non-Standard Condition/Reason

Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable access ways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: To ensure that the development preserves and enhances the character and appearance of the Conservation Area, the setting of the Scheduled Ancient Monument and is in accordance with the approved Design Code for this site.

9 - Tree and Natural Feature Protection: Protected Areas

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

10 - Tree and 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.

11 - 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, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

12 - Tree and Hedgerow Protection: General

No works or development shall be carried out until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved, in writing, by the Local Planning Authority (LPA). Unless otherwise agreed, the details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the Local Planning Authority, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

13 - Tree Canopy Hand Excavation

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

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

14 - Non-Standard Condition/Reason

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 recommendations of the appropriate British Standards) and submitted to and approved in writing by the Local Planning Authority prior to the commencement of the 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 that there is a suitable implementation and monitoring programme for the approved landscaping scheme in the interest of amenity and the character and appearance of the surrounding area.

15 - Non-Standard Condition/Reason

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.

Reason: To ensure the proper management and maintenance of the approved landscaping scheme for the enjoyment of future users, in the interest of amenity and the character and appearance of the area.

16 - Non-Standard Condition/Reason

Notwithstanding the details submitted, additional drawings that show details of the new walls, railings or other means of enclosure shall be submitted to and approved in writing prior to the commencement of the development. The details shall include the position, height, design and materials to be used and shall accord with the type of enclosure as described in the Approved Landscape Code unless otherwise agreed in writing by the Local Planning Authority. The agreed boundary enclosures shall be implemented as approved prior to the occupation of any building on this site and shall be retained thereafter in their approved form.

Reason: To ensure that there is a suitable boundary treatment proposal to be implemented for the enjoyment of future users, in the interest of amenity and the character and appearance of the area.

17 - Non-Standard Condition/Reason

No works or development shall take place until a scheme for the repair of the wall that forms the boundary between the proposed rear garden of Abbey House and visitor parking fronting St Johns Green and the wall that forms the east boundary of the site has been submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the agreed repair scheme prior to the occupation of any dwellings on this site.

Reason: To ensure that the existing walls that form important features of this site are appropriately repaired and that the development enhances the character and appearance of the Conservation Area, the setting of the Scheduled Ancient Monument and other nearby historic buildings.

18 - Non-Standard Condition/Reason

The boundaries to the private rear gardens shall be as shown on drawing no. 12455-31G unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the gardens are of an appropriate size.

19 - Communal Storage Areas

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

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

20 - Turning Areas

Prior to the first occupation of the development, a vehicular turning facility of a design previously agreed, in writing, by the Local Planning Authority shall have been constructed, surfaced and thereafter 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.

21 - Parking Space/Hardstanding Sizes (Open)

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

22 - Non-Standard Condition/Reason

The car parking spaces (including spaces for visitor parking) hereby approved shall be constructed strictly in accordance with the approved plans, hardened and surfaced prior to occupation of the first dwellings and thereafter shall be retained in perpetuity for the parking the vehicles ancillary to the development.

Reason: To ensure adequate parking provision is maintained and to avoid indiscriminate parking on the highway.

23 - Non-Standard Condition/Reason

No works shall take place until additional drawing have been submitted to and approved in writing by the Local Planning Authority to show the following:

- the bin store located adjacent to the main site access off Flagstaff Road
- 1.5 x 1.5 metre pedestrian visibility splays where any private drive meets the back of a footway or shared surface street
- A rumble strip at the back of the footway within the main site access off Flagstaff Road

The approved details shall be implemented prior to occupation of the development.

Reason: To protect highway efficiency of movement and safety.

24 - Residential Code for Sustainable Homes (Part 1 of 2)

Prior to the commencement of development, evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

25 - Residential Code for Sustainable Homes (Part 2 of 2)

Within 3 months of the first occupation of any dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

19.0 Informatives

ZT0 – Advisory Note on Construction & Demolition

(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.

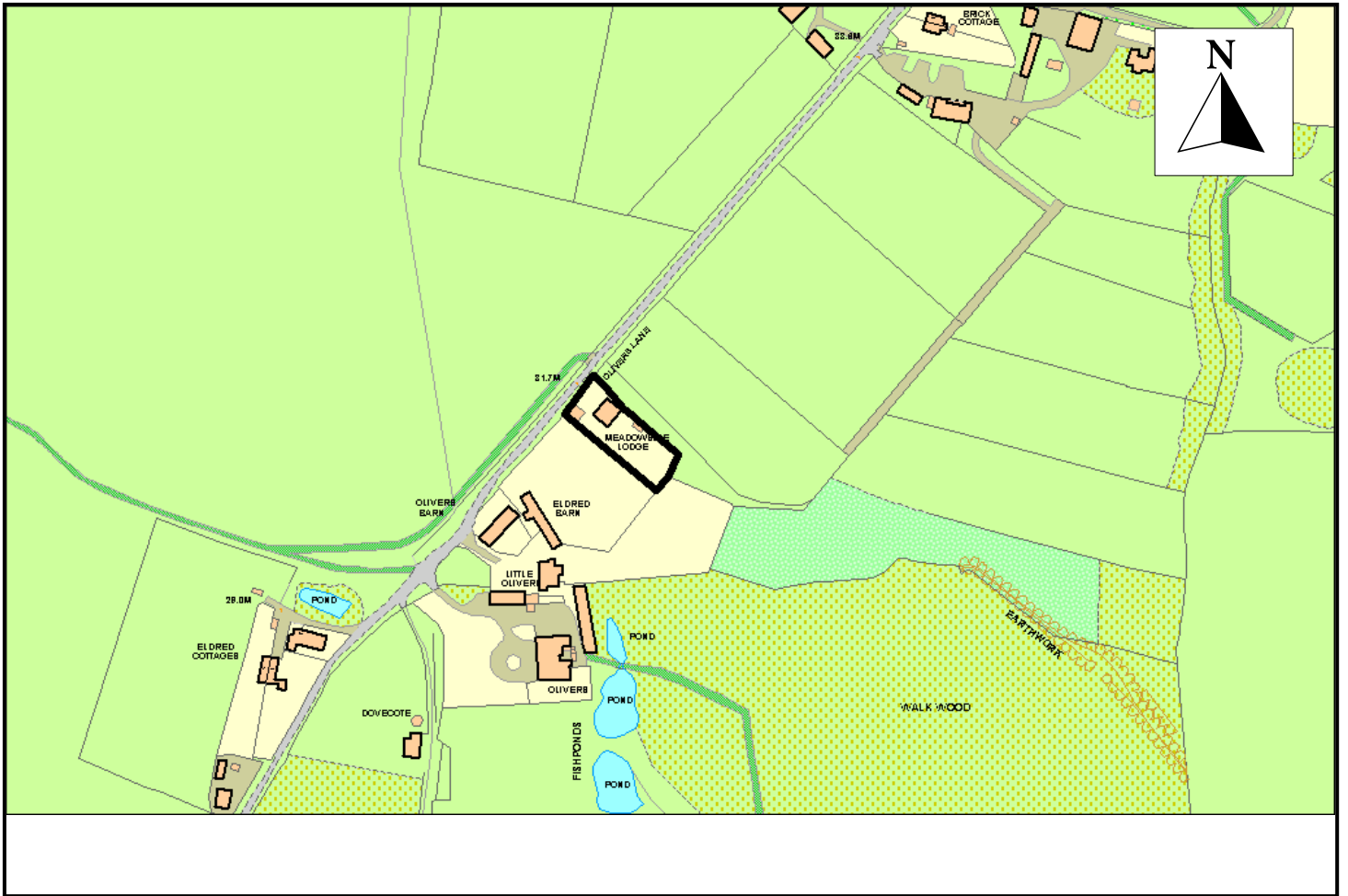
(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

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

20.0 Positivity Statement

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



Application No: 130017

Location: Meadowside Lodge, Olivers Lane, Colchester, CO2 0HJ

Scale (approx): 1:2500

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7.8 Case Officer: James Ryan

Due Date: 06/03/2013

HOUSEHOLDER

Site: Meadowside Lodge, Olivers Lane, Colchester, CO2 0HJ

Application No: 130017

Date Received: 9 January 2013

Agent: Mr Peter Tyler

Applicant: Mr R Bailey

Development: Extension to existing outbuilding

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because the agent works in the Council's Building Control Team.

2.0 Synopsis

2.1 The key issues explored below are the design of the scheme and the impact on neighboring amenity. The scheme is for a modest extension to an existing outbuilding. It is acceptable in design terms and will cause no material harm to amenity. Therefore the scheme fully accords with the Development Plan.

3.0 Site Description and Context

3.1 Meadowside Lodge is a recently extended bungalow located on Oliver's Lane. There is a garage located on the frontage and a shed located to the south eastern corner of the rear garden. An open octagonal outbuilding sits in the north eastern corner of the site which contains a fireplace but is otherwise empty. It has roof light windows in the roof. Behind the outbuilding is a hedge and a semi-mature tree sits behind that on the adjacent site.

4.0 Description of the Proposal

4.1 This application is concerned with the extension of the existing octagonal building. This will provide a larger room with a bread oven in it. The materials proposed are reclaimed bricks and reclaimed slates to match the existing. A glazed panel in the roof is also proposed.

5.0 Land Use Allocation

5.1 The site sits in the countryside as defined by the LDF Proposal Maps Document.

6.0 Relevant Planning History

6.1 The original dwelling has been extended in line with the following 2004 and 2005 planning permissions: F/COL/04/0441, F/COL/04/1722 and F/COL/05/2068. There does not appear to be any planning history for the existing octagonal outbuilding but this has been on site for more than 4 years.

7.0 Principal Policies

7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision making process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and an environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most 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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings

7.4 None of the adopted Site Allocations (2010) policies are particularly relevant to this scheme.

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

Extending Your House?
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 Natural England has no objection to the scheme.

8.2 The Council's Arboricultural Planning Officer has requested a number of conditions to ensure the construction does not harm the tree to the south east of the site.

8.3 Due to the Planning Committee cycle the consultation period is still running up to the date of the meeting. Any further consultation responses will be reported on the update sheet. In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 The Parish Council has not commented on the scheme to date. Due to the Planning Committee cycle the consultation period is still running up to the date of the meeting. The Parish Council comments will be reported on the update sheet.

10.0 Representations

10.1 None received to date. Due to the Planning Committee cycle the consultation period is still running up to the date of the meeting. Any representations received will be reported on the update sheet.

11.0 Parking Provision

11.1 This scheme will not have an impact on the parking available on site.

12.0 Open Space Provisions

12.1 This scheme will not cause an increase in demand for public open space.

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

15.1 Design and Layout

The scheme is well designed. The pitch of the proposed roof complements the pitch of the existing. The proposed materials will match the existing and are traditional. The glazed section of roof will add a contemporary element to the scheme which is also welcomed. The scheme is not publicly prominent.

15.2 Scale, Height and Massing

The scheme is a modest extension of the existing outbuilding. The ridge is no higher than the existing which results in a building of an acceptably domestic scale and massing.

15.3 Impact on the Surrounding Area

Due to the screened position of the outbuilding in the rear garden, this proposal will not cause a materially harmful impact on the surrounding area.

15.4 Impacts on Neighbouring Properties

Due to the position of the outbuilding and the modest nature of the extension, this proposal will not cause a materially harmful impact on neighbouring amenity.

15.5 Trees

There is a semi mature tree located near to the development on the adjacent site. This is an attractive specimen and will therefore be protected during the construction process by condition.

15.6 Ecology

The site is in close proximity to the Roman River SSSI. Given the nature and scale of the proposal Natural England does not consider that the scheme will have a materially harmful impact on the SSSI. This scheme is therefore acceptable in biodiversity terms.

16.0 **Conclusion**

16.1 This modest scheme is acceptable in terms of design and impact on neighbouring amenity. It therefore accords with the NPPF and the Development Plan.

17.0 **Recommendation - APPROVE subject to the following conditions:**

18.0 **Conditions**

1 - Time Limit for Full Permissions

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

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

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1 and 3 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 - Tree and Natural Feature Protection: Protected Areas

Prior to the commencement of development, all trees, shrubs and other natural features not scheduled for removal on the approved plans shall have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

4 - Tree and 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.

5 - 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, by the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

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

20.0 Informatives

(1) **ZT0 – Advisory Note on Construction & Demolition** The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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.

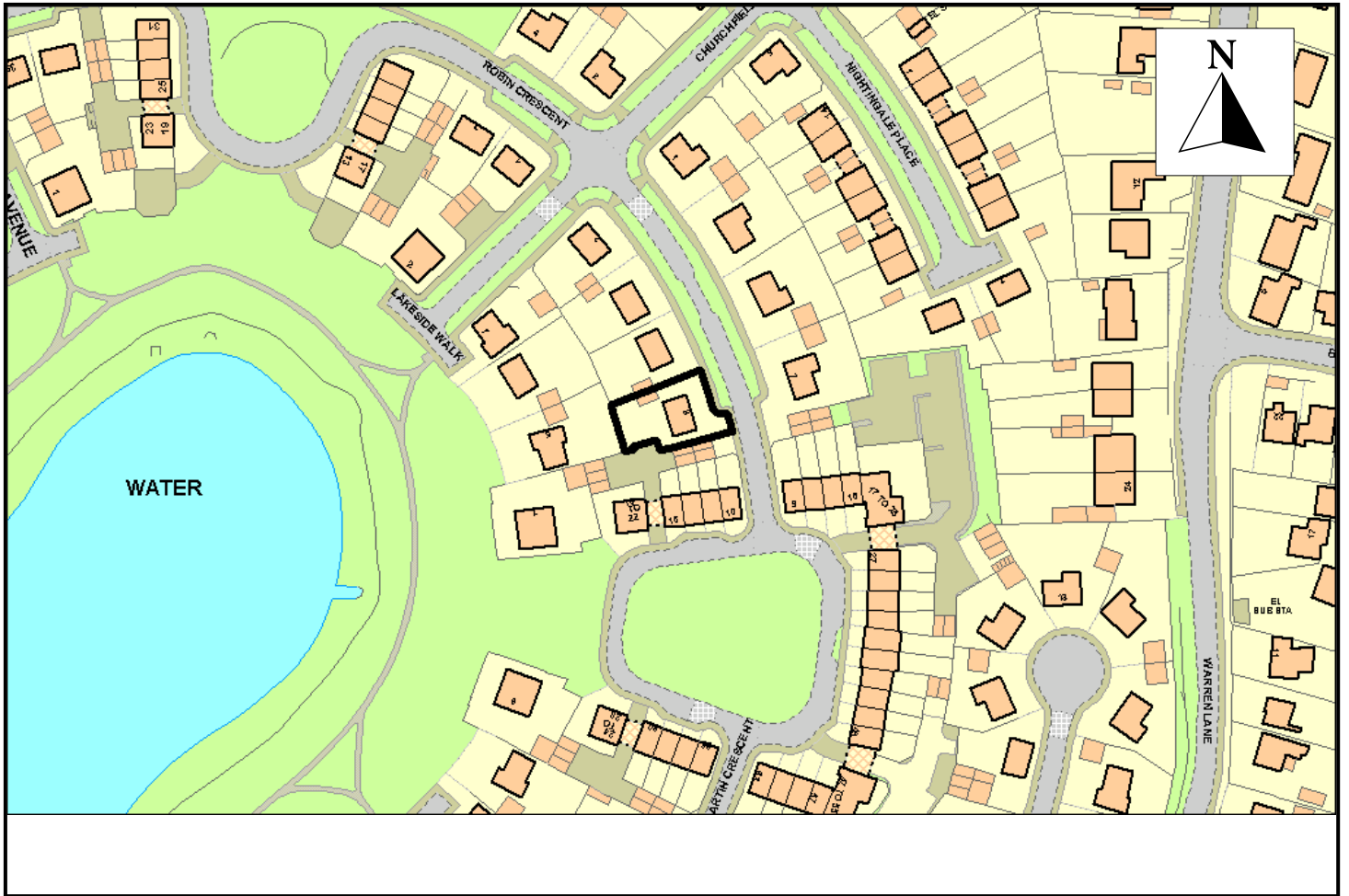
(2) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

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

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

21.0 Positivity Statement

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



Application No: 121987

Location: 8 Sandmartin Crescent, Stanway, Colchester CO3 8WQ

Scale (approx): 1:1250

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7.9 Case Officer: Lucy Mondon**HOUSEHOLDER****Site:** 8 Sandmartin Crescent, Stanway, Colchester, CO3 8WQ**Application No:** 121987**Date Received:** 7 November 2012**Applicant:** Mr Paul Sims**Development:** Picket fence between drives of No. 6 and 8 Sandmartin Crescent
(1 metre tall and 8.6 metres long)**Ward:** Stanway**Summary of Recommendation: Conditional Approval****1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee at the request of Councillor Colin Sykes for the following reasons:

‘The fence would have an impact on the visual and residential amenity of neighbours in a predominantly open plan development. It would also have an adverse effect on the appearance of, and impact on, that part of Sandmartin Crescent by introducing an alien and incongruent feature (see also the conditions attached to the consent for application 100263 dated 8th April 2010).’

2.0 Synopsis

2.1 The application seeks planning permission for the erection of a 1 metre high picket fence to run between the driveways of No. 6 and No. 8 Sandmartin Crescent. Planning permission is required as the permitted development right for the erection of fences, walls, gates, and enclosures has been removed by virtue of an earlier planning permission.

2.2 The key material planning matters explored below are: how the proposal affects the character of the area; neighbouring amenity; and parking highway safety. These matters are considered together with issues raised in representations and consultation responses received. The planning merits of the case have been assessed leading to the conclusion that the proposal is acceptable and that a conditional approval is recommended.

3.0 Site Description and Context

- 3.1 No. 8 Sandmartin Crescent is a detached two-storey house that is part of an established residential estate located in Stanway, Colchester. The dwelling is set back from the road, behind a pavement, grass verge, hedge, and front garden. The property is accessed by a driveway, leading to an existing single garage. The driveway of No. 8 Sandmartin Crescent abuts the driveway serving No. 6, with the boundary line currently demarcated by flower pots. In terms of the character of the area, this parking arrangement can be seen at No's 2 and 4 Sandmartin Crescent. The driveways on the eastern side of the road are separated by a grassed area and section of brick wall.
- 3.2 The northern part of Sandmartin Crescent is predominantly open in character. The properties are set back from the road and there are areas of grass verge between the road and property boundaries. The front gardens of properties do not, however, follow the open character, being enclosed with dense hedges. The character of the Crescent changes to the south of No. 8, with more prominent three-storey town houses, and rear parking courts.

4.0 Description of the Proposal

- 4.1 The proposal is for a picket fence that runs between the driveways of No. 6 and No. 8 Sandmartin Crescent. The fence would be 1 metre in height and would measure 8.6 metres along the boundary, projecting from an existing brick wall (approved under ref: 100263).
- 4.3 The finish of the fence has not been stipulated as part of the application. However, the applicant has confirmed verbally that the fence can have a painted, natural, or stained finish. The applicant has also confirmed that the fence can be moved back from the front boundary if required.
- 4.4 The application was amended to a brick wall, but was later amended back to a fence as originally submitted.

5.0 Land Use Allocation

- 5.1 The site is within a predominantly residential area, which is also identified as part of the Stanway growth area within the Local Development Framework.

6.0 Relevant Planning History

- 6.1 Outline planning permission was granted for a mixed use development of business/employment, residential, and leisure in 1995 (ref: COL/90/1904). Condition 7 of the permission removed permitted development rights for (inter alia) the erection of fences, walls, gates, or other means of enclosure.
- 6.2 The reserved matters for phase one of the development was approved in 1998 (ref: COL/97/1428). Condition 5 of this permission states that the walls, fences and other means of enclosure should be as shown on drawing no. 522.05 Revision F and retained as such.

- 6.3 Planning permission was refused for a close boarded fence and metal gates between the driveways of No. 6 and No. 8 Sandmartin Crescent in 2001 (ref: F/COL/01/0665). It was considered that the fence and gates would have a detrimental impact on the streetscene and the amenity of neighbouring properties.
- 6.4 Planning permission was granted for the erection of a 1.8 metre high wall between the driveways of No. 6 and No. 8 Sandmartin Crescent in 2010 (ref: 100263). The wall was approved at a length of approximately 6 metres. This was later shortened to approximately 4.8 metres by non-material amendment. The wall has been built in accordance with the non-material amendment.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework (2012) sets out the national planning principles that guide the decision taking process and how these are expected to be applied in practice. The NPPF makes it clear that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF also sets out the Government's primary objective that there be "a presumption in favour of sustainable development". There are three dimensions to sustainable development, which are an economic role, a social role and environmental role. The NPPF clarifies that these roles should not be undertaken in isolation, because they are mutually dependent.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (December 2008) adds detail through local strategic policies. Particular to this application, the following policies are most 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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP21 Nature Conservation and Protected Lanes

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

Vehicle Parking Standards
Sustainable Construction
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Stanway Parish Plan and Design Statement

8.0 Consultations

8.1 Environmental Protection: No comments

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

9.0 Parish Council Response

9.1 The Parish Council has stated that it has no objections to the proposal.

10.0 Representations

10.1 Two letters of objection have been received, the contents of which are summarised below:

- The proposed fence is not in keeping with the character of the area: open plan drives;
- The proposed fence would interfere with the occupiers of No. 6 use of the drive and opening of car doors;
- The wall approved looks ridiculous;
- A condition in the 2010 planning permission states that there shall be no structure to the front of the house;
- The 100263 approval was amended to a wall, as opposed to a fence, due to the visual amenity of the area;
- Whilst the fence would only be 1 metre high it would limit views when reversing out of the driveway and would limit views of children leaving No. 6.

10.2 Further consultation was carried out following the amendment of the proposal to a brick wall, which generated one letter of objection. However, the proposal has subsequently been amended to as originally submitted. The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

11.1 The Vehicle Parking Standards SPD provides the parking standards for dwellings. The adopted standard for dwellings of two or more bedrooms is a minimum of two car parking spaces per dwelling; and a minimum of one secure covered cycle space per dwelling (unless a secure area can be provided within the curtilage of the dwelling). Visitor car parking is also required: 0.25 spaces per dwelling (rounded up to the nearest whole number).

11.2 The property is currently served by at least two parking spaces and the proposal does not seek to alter this arrangement. The matter of parking and highway safety issues are addressed in the main body of the report at paragraphs 15.5-15.8.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

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

14.0 Development Team and Planning Obligations

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

15.0 Report

Design and impact on the character of the area

- 15.1 The proposal is for a 1 metre high picket fence that would run along the boundary between No. 6 and No. 8 Sandmartin Crescent. The fence is not characteristic of the area as there are no other examples of picket fences in Sandmartin Crescent. However, the fence would not be overly prominent within the street scene, being only 1 metre in height and largely obscured from view by the existing front boundary hedges of No. 6 and No. 8 Sandmartin Crescent. Due to the limited public visibility of the fence, it would not have a significant impact on the character of the area.
- 15.2 Comments have been received that refer to the planning permission for the existing brick wall (100263). Planning permission was granted for a brick wall rather than the close boarded fence applied for in the interests of the character of the area. The Decision Notice stipulated that the permission was for a brick wall and no other means of enclosure, but did not state that there shall be no structures to the front of the house. Planning permission is required for any form of enclosure, including enclosures to the front of the house, as Permitted Development Rights for enclosures have been removed by virtue of the 1995 outline permission. This does not mean that enclosures are wholly unacceptable, simply that their acceptability needs to be assessed as part of a planning application in the interests of the character of the area.
- 15.3 The applicant did amend the current proposal to a brick wall in order for it to tie-in with the existing walls in the immediate locality, as was done for the 2010 planning permission, but later decided that the application should be determined as originally submitted. The fence currently applied for differs to the 2010 proposal and planning permission in that it is for a picket fence of modest height, as opposed to a 1.8 metre high close boarded fence or brick wall. The current proposal would be significantly less prominent than a close boarded fence and would be significantly less prominent than the existing brick wall.

Impact on residential amenity

- 15.4 The proposed fence would run along the boundary between the driveways of No. 6 and No. 8 Sandmartin Crescent. The fence would not have a significant impact on the level of amenity currently enjoyed by the occupants of No. 6 in terms of the amount of

sunlight or daylight that enters the property as it would be only 1 metre in height and sited away from the windows of the property.

Parking and Highway Safety

- 15.5 The proposal does not seek to affect the parking arrangement of No. 6 and No. 8 Sandmartin Crescent. However, the fence would be sited in close proximity to the parking areas for the properties and could affect the usability of these areas.
- 15.6 The fence would be sited entirely on land belonging to No. 8 Sandmartin Crescent and would not, therefore, prevent the occupiers of No. 6 from using their driveway. The proposal would allow for greater space than the flower pots that currently demarcate the boundary between the two properties. The fence may prevent car doors from opening if cars were parked particularly close to the fence. However, the driveways would remain at least 4 metres wide, which does provide ample room for cars to be parked and accessed.
- 15.7 In terms of visibility, condition 17 of planning permission 97/1428 states that each drive shall have sight splays of not less than 2 metres x 33 metres clear to ground where it meets the vehicular highway and 1.5 metres x 1.5 metres clear to 0.6 metre where it meets any pedestrian highway. The vehicular visibility is not affected by the proposal. The pedestrian visibility has already been breached to some extent by the existing boundary hedges. However, if the fence were positioned 1.5 metres back from the front boundary of the site, the existing levels of pedestrian visibility will be maintained. Therefore, it is proposed that, should the application be approved, a condition should be added to ensure that the fence is set back from the front boundary of the site by 1.5 metres.
- 15.8 As the proposal would not affect parking availability and usability, and would not affect visibility, the proposal is considered to be acceptable in terms of highway safety.

Other matters

- 15.9 The applicant has submitted an email of support for the proposal as part of the consultation process. For completeness, the contents of this email are summarised below:
- The fence will protect the property, provide privacy and provide peace of mind;
 - The fence would not affect parking: would not apply for a fence if it did affect parking;
 - The fence would not affect the parking for No. 6 as it would be on the side of No. 8;
 - The driveways are not shared; there is a boundary line in between;
 - There are plant pots along the boundary, which still allow room to park;
 - The fence will hopefully prevent uninvited visitors to the property;
 - The height of the fence should not block visibility as cars parked on the drive and the front boundary hedge would be taller than the fence;
 - When cars are parked on the drive the fence would not be noticeable;
 - Although the road has an open character, cars are often parked on the grass verges;
 - There are only a handful of houses with the same driveway arrangement as No. 6 and No. 8: most have a divide between driveways;
 - The fence would prevent children running from No. 6 onto drive of No. 8;

- The wall approved under 100263 was not built to its full length in order to be more neighbourly; and
- The wall has been built in brick to match the property.

15.10 In terms of matters of flood risk and biodiversity, the application has been assessed in line with the NPPF, Environment Agency Standing Advice, and Natural England Standing Advice. As a Flood Zone 1, the site is unlikely to be susceptible to flooding and the development would not contribute to surface water flooding. Therefore, no mitigation is required. In terms of biodiversity, the site is not considered to encompass suitable habitat for protected species, nor is the proposal considered likely to have an impact upon protected species. The proposal is therefore acceptable in regards to flood risk and biodiversity.

16.0 Conclusion

16.1 The proposal, by virtue of its modest height and position in relation to existing boundary treatment, would not be a prominent feature in the street scene and would not, therefore, have a significant impact on the character of the area with which to justify refusal of planning permission. The proposal would not have a negative impact on the level of amenity currently enjoyed by neighbouring occupants and would, subject to conditions, be acceptable in terms of highway safety.

17.0 Recommendation - APPROVE subject to the following conditions

18.0 Recommended Reasons for the Decision

18.1 The proposal, for the erection of a 1 metre high picket fence, is considered to be in accordance with the National Planning Policy Framework and policies UR2, DP1, DP19, DP20, and DP21 of the Colchester Borough Council Local Development Framework by virtue of its siting, scale, and design. The proposal would be modest in scale and would not be overly prominent within the street scene, being screened from view by existing boundary treatment. The proposal would not, therefore, have a significant impact on the character of the area to such an extent to justify refusal of planning permission. The proposal would be acceptable in terms of residential amenity, flood risk and biodiversity and would, subject to conditions, be acceptable in terms of highway safety.

19.0 Conditions

1 - Time Limit for Full Permissions

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

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

2 - Non-Standard Condition/Reason

Notwithstanding the submitted details, the fence hereby permitted shall be set back 1.5 metres from the eastern edge of the boundary of the property. In all other respects, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1469-01A, dated November 2012 and received by the Local

Planning Authority on 8th November 2012.

Reason: In order to provide pedestrian visibility splays in the interests of highway safety.

3 - Non-Standard Condition/Reason

No development shall be commenced until precise details of the material, finish, and colour finish to be used on the development have been submitted to and agreed, in writing, by the Local Planning Authority. Before it is first used, the approved materials and finish shall be fully applied to the development and shall thereafter be retained and maintained as such.

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

20.0 Informatives

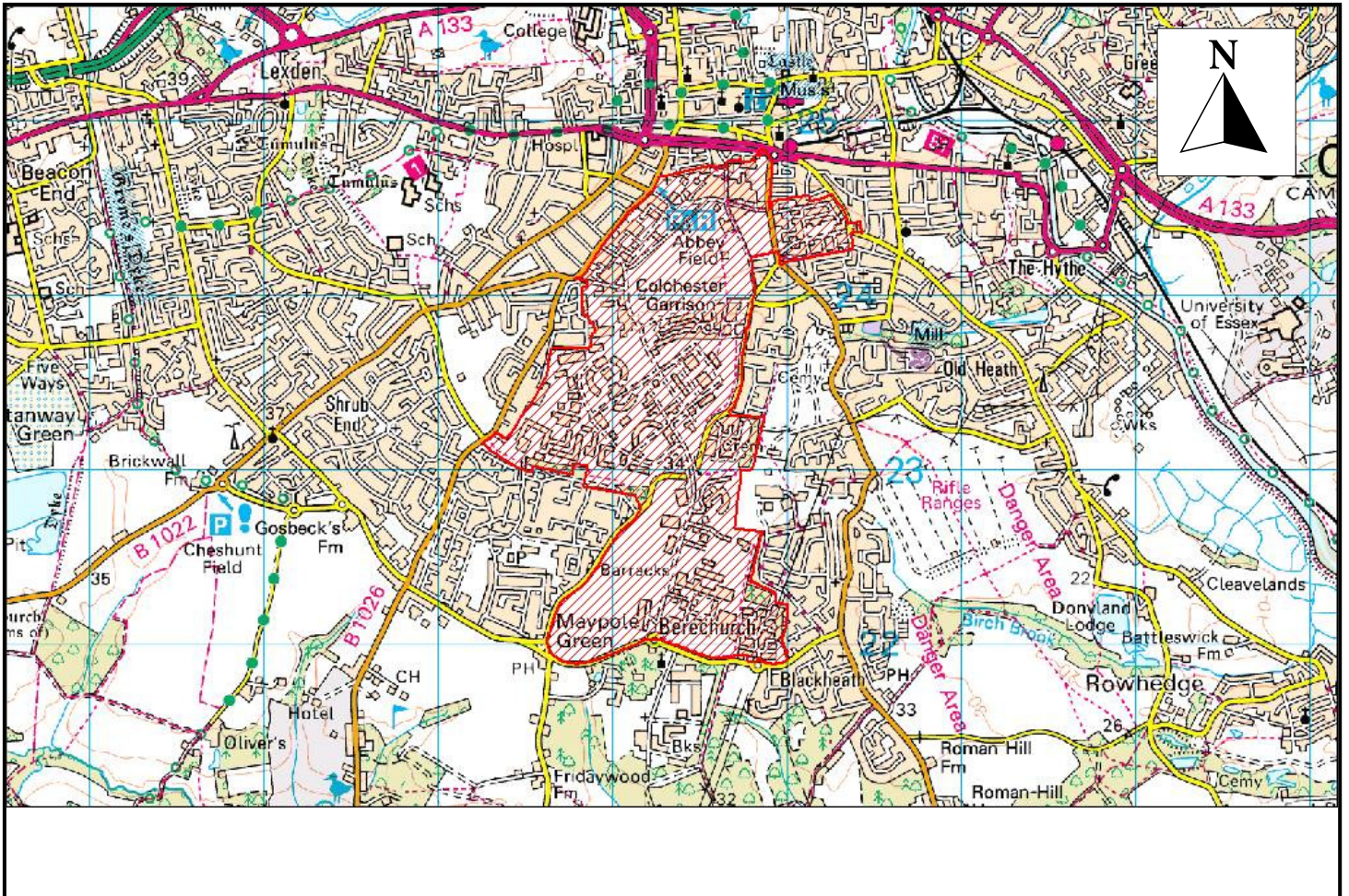
(1) The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction & Demolition Works for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental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

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.

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

21.0 Positivity Statement

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



Application No: O/COL/01/0009

Location: Garrison Urban Village, Berechurch Hall Road, Colchester

Scale (approx): 1:1250

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Planning Committee

Item

14 February 2013

| | | | |
|-----------------------|--|---------------|---------------------------------------|
| Report of | Head of Environmental & Protective Services | Author | Alistair Day ☎ 01206 282479 |
| Title | Endorsement of proposed amendment to the 299a garrison legal agreement in respect of the provision of affordable housing on Area A1 | | |
| Wards affected | Berechurch | | |

Report seeking Members' endorsement for a Deed of Variation to the 299a garrison legal agreement in respect of the provision of affordable housing on Area A1.

1.0 Decision Required

- 1.1 Members are asked to endorse the proposal to provide a reduced provision of affordable housing on the part of the Garrison Urban Village Development known as Area A1 (the former Hyderabad and Meeanee Barracks site).

2.0 Reasons for Decision(s)

- 2.1 Members endorsement is required for Deed of Variations to legal agreements that would result in a change in the provisions of the obligations secured under the original agreement.

3.0 Alternative Option

- 3.1 Members can decide not to endorse the reduced affordable housing offer. This would leave Taylor Wimpey with two options:
- a) to build up to the trigger point that requires the delivery of the affordable housing and then mothball the site; or
 - b) to submit a fresh application and appeal against the Council's decision not to support the reduced provision of affordable housing. It should be noted that in submitting a revised planning application, the viability of the scheme is such that Taylor Wimpey could legitimately propose no affordable housing.

4.0 Supporting Information

- 4.1 Outline planning permission (ref: O/COL/01/0009) was granted for the Garrison Urban Village Development in June 2003 and remains extant. The Master Layout Plan approved pursuant to condition 1 of this permission identifies the relevant development areas and dwelling numbers for each area. The permission is accompanied by a s299A agreement, which has been subject to a number of variations (the 'Agreement'). The agreement provides for the payment of financial contributions on a phased basis and also, the mechanism for the provision of affordable housing.

- 4.2 A reserved matters planning application (ref: 101509) was submitted by Taylor Wimpey in 2010 for the redevelopment of Area A1 of the Colchester Garrison Urban Village Development. This development was described as the construction of 438 2-3 storey dwellings with associated infrastructure works and the provision of play areas and open space. The application was approved by the Council on 27 August 2010.
- 4.3 Under the terms of the s299a Agreement the Developer is required to provide 157 affordable dwellings at Area A1 and is able to complete and sell a specified number of private dwellings before the requirement to provide affordable housing is triggered.
- 4.4 Since the completion of the Agreement, the residential development market has been subject to substantial adjustment (decline). In addition, the Government has introduced new policies in relation to the funding and tenure definition of affordable housing. These factors have had a significant bearing on the financial viability of the Garrison development and, as such, Taylor Wimpey, is no longer in a position to comply with requirement to provide all of the affordable housing on this site. In view of this, Taylor Wimpey has sought through negotiation to reduce the required level of affordable housing.
- 4.5 Taylor Wimpey and the Council have appointed consultants (Upside London and BPS Chartered Surveyors respectively) to review the viability of Area A1. The viability assessment is based on the same methodology as that used to determine the revised affordable housing provision on Area L & N of the Garrison site. (The Planning Committee agreed to a reduction in affordable housing on Area L&N last year). The Council's appointed advisor has scrutinised the viability assessment for Area A1 and has advised the Council that, on viability grounds, there is no scope for affordable housing.
- 4.6 On the basis of the financial assessment work - which includes a significant right down in land - Taylor Wimpey has made a revised (reduced) affordable housing offer comprising:
- 22 Affordable Rented units (which represents 5% of the total residential provision). It is proposed that plots 413-422 will be transferred to a Registered Provider by June 2014 with plots 228-239 transferred to a Registered Provider by December 2015. These affordable units will be three bed room units.
- 4.7 In addition to the above, Taylor Wimpey has also agreed to offer the following assisted purchase schemes.
- 5% (22 units) to be offered on the basis of the Government's First Buy or New Initiative (or other such scheme that is prevailing at the time) enabling first time buyers to access mortgage finance.
 - 5% (22 units) to be offered on the basis of Taylor Wimpey's retained equity scheme, which is aimed at first time buyer.
- 4.8 Taylor Wimpey stated that they expect to contract to sell the 44 shared equity units by December 2014. The First Buy Scheme is subject to government support and alternative arrangements will need to be drafted into the Section 106 Agreements for sites A1 in the event that support is withdrawn
- 4.9 The Council's consultant has confirmed that the above represents a reasonable offer.

- 4.10 It is proposed that the viability of the scheme is reassessed at two yearly intervals from the date of the deed of variation, with the final review taking place no later than two years from the completion of this development. In the event that there is a substantial improvement in the market and the developer's profit, it is proposed that a further financial contribution is paid to the Council for additional affordable housing. A cascade mechanism is also proposed to cover the event that the affordable housing is not transferred to a Registered Provider.
- 4.11 National Planning Policy Framework (the Framework) provides guidance on ensuring the viability and deliverability of development proposals. Paragraph 173 of the Framework states that:
- “Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable”.
- 4.12 With specific regard to existing planning obligations, the Framework (at paragraph 205) states that:
- “Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled”.
- 4.13 While it is accepted that current proposal involves a reduction in affordable housing, it will enable the continuation of the Garrison development and ensures the provision of 22 affordable rented units plus 44 assisted purchase units. The alternative is for Taylor Wimpey to either; a) build up to the trigger point that requires the delivery of the affordable housing and then mothball the site; or b) submit a fresh application and appeal against the Council's decision not to support the reduced provision of affordable housing.
- 4.14 It is considered that the proposed 5 x 1 affordable housing offer represents a pragmatic approach to the redevelopment of this part of the Garrison site and it is recommended that Members accept this offer.

5.0 Consultations

5.1 Planning Policy

The Spatial Policy Manager has been consulted on this proposal and has drawn attention to the Framework's guidance on the viability and deliverability of development proposals (particular paragraphs 173 and 205). In light of this guidance, the Spatial Policy Manager has advised that it will be hard for us to refuse this proposal

5.2 Housing Officer comments can be summarised as follows:

Area A1

22 Affordable rented units – Affordable rented tenure is always welcome but there is no mention of unit sizes or proportionality to the sale mix. The offer is diminished if it refers to 22x1 bed flats and the market sale units are all 3 bed houses; it will be important that unit sizes are at least proportional to the open market units.

22 First Buy / New Buy units and the 22 offered under the Taylor Wimpey shared equity scheme are not considered as affordable housing or alternative housing that addresses the housing needs of this council.

Planning Officer Comment:

Subsequent to the comments of the Housing Officer, Taylor Wimpey has suggested that the afforded houses on Area A1 will be 3 bed units and proposed the timeframe for their delivery.

5.3 Portfolio Holder of Planning

Councillor Tim Young has been consulted on this proposal and has accepted the revised housing offer given the conclusions and advice of the Council's consultant.

6.0 Strategic Plan References

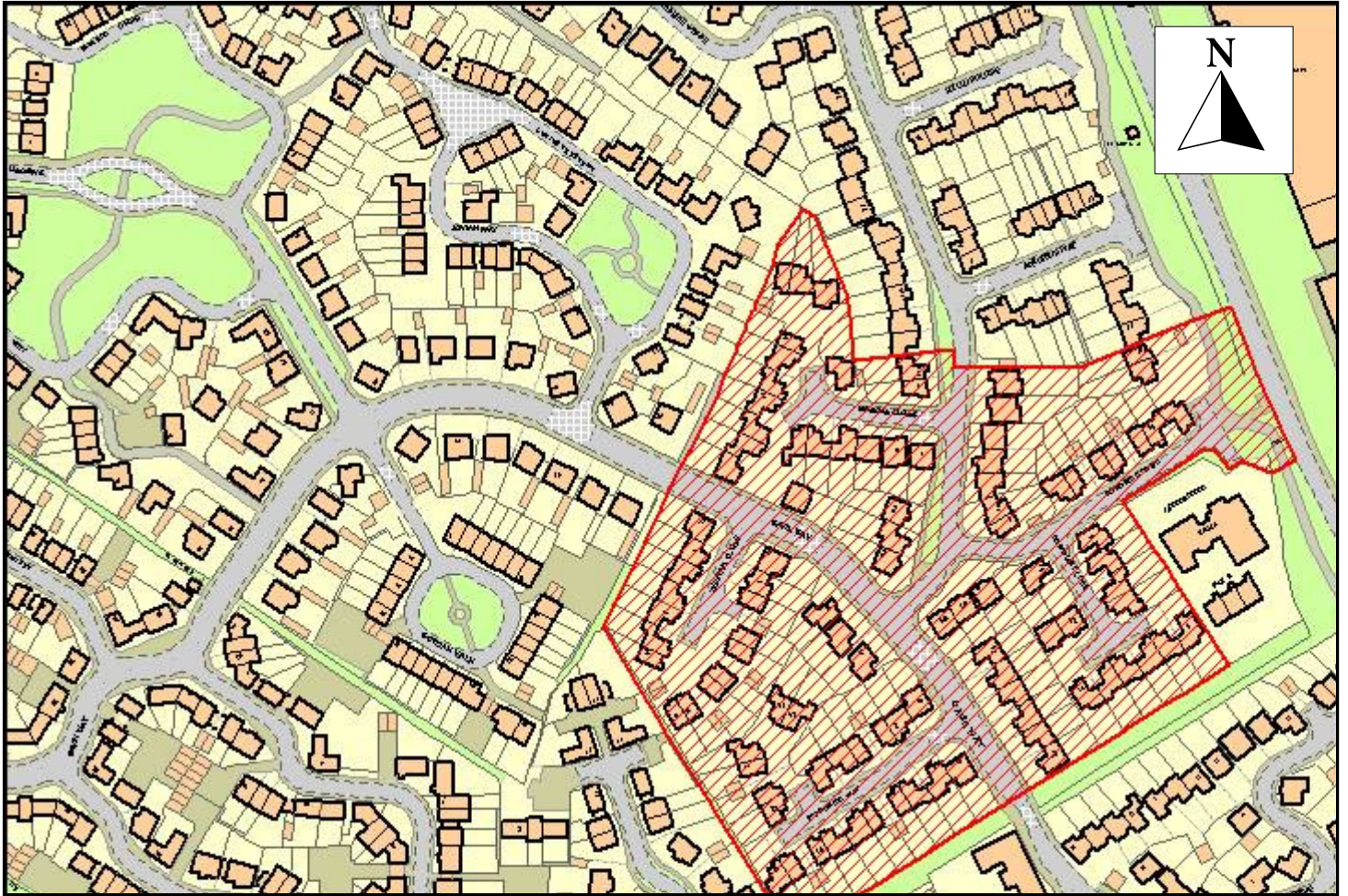
6.1 The redevelopment of the Garrison site is an important corporate objective within the Strategic Plan. The delivery of affordable housing is also an important corporate objective

7.0 Financial Implications

7.1 Financial implications for this Council only arise if a housing association does not become involved with the provision of the affordable houses. These implications are: (i) the Council having the option to purchase the affordable units; and (ii) if the Council declines this offer the provision of a commuted sum in lieu of the affordable housing.

8.0 Standard References

8.1 The proposal set out in this report does not directly raise any implications in respect of publicity considerations or Equality, Diversity and Human Rights, Community Safety, Health and Safety or Risk Management Implications.



Application No: 98/0146

Location: Mill Road, Colchester, CO2 8TG

Scale (approx): Not to Scale

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Planning Committee

Item

14 February 2013

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|-----------------------|--|---------------|---------------------------------------|
| Report of | Head of Environmental & Protective Services | Author | David Whybrow 01206 282444 |
| Title | Endorsement of proposed amendment to the legal agreement in respect of the provision of play equipment on land at Maximus Drive and Rawlings Crescent, Colchester | | |
| Wards affected | Mile End | | |

1.0 Decision Required

- 1.1 Members are asked to endorse the proposal to provide a reduced contribution towards play equipment to be provided as part of development off Mill Road and for this contribution to be transferred to provide additional play equipment and landscaping at the established play area at Rawlings Crescent. A full explanation of the transfer proposals are set out at 4.0 below.

2.0 Reasons for Decision(s)

- 2.1 Members' endorsement is required for a Deed of Variation to the original legal agreement that would result in a change in the provisions of the obligations secured under the original agreement.

3.0 Alternative Option

- 3.1 Members can decide not to endorse the reduced and amended offer for provision of play facilities. In this case the Council would be likely to have to challenge Croudace's assertion that all monies should be refunded in the light of the considerable time that has elapsed since the trigger points defined by the Agreement has passed. Further advice by your legal team on this question is anticipated before the Meeting.
- 3.2 Account must also be taken of the strong resistance of the Maximus Drive residents to the original proposal and to advice received from the Parks and Recreation Team that the original site is unsuitable for the purposes of a play area due to the existence of underground services.

4.0 Supporting Information

- 4.1 As part of the S106 Agreement entered into on 9 December 1998 in connection with Application Ref: COL/98/0146, Croudace Homes were subject to the following covenants:

"To pay the sum of £20,000 in contribution to play space and equipment on the land lying to the west of the Site and shown edged blue on the attached plan ("the Blue Land") on

- (a) the fiftieth occupation of a dwelling on the Site or
- (b) on receipt of the invoices relating to the play equipment whichever is earlier

PROVIDED THAT where the fiftieth occupation of a dwelling is the earlier date payment would only be made by the Developer to the Council if an application for planning permission to develop the Blue Land which includes the provision of the play space has been made.

The Council hereby covenants with the Developer that it will not expend the said sum of £20,000 other than on the purchase maintenance repair or renewal of play equipment for the said play space and that it will at the request of the Developer provide written evidence as to how the said sum of £20,000 has been expended.”

4.2 Since that Agreement was concluded, the Croudace development has been completed some time ago as has the development of the blue land referred to. It has since become evident that there is fierce opposition amongst those Maximus Drive occupiers now residing adjacent to the proposed play area to the siting of any new play facilities.

4.3 In the light of this level of resistance talks were entered into with Croudace Homes by the local Member, Councillor Goss, and officers of the Planning and Parks and Recreation Teams with a view to transferring the proposed contributions to the existing play area at nearby Rawlings Crescent. Here, the benefits of enhanced provision could be maximised to the advantage of a wider community.

4.4 Croudace’s response was that the legal requirements had lapsed over time and that they entitled to a return of all unspent monies. However, they have agreed to the spending of £3,000 for the purposes of extra planting and some goal posts. Further, on return to the company of £50% of the surplus amount, the other 50% can be spent on upgrading the Rawlings Crescent facilities. A fuller explanation of the sums concerned will be provided at the Meeting.

5.0 Consultations

5.1 None

6.0 Strategic Plan References

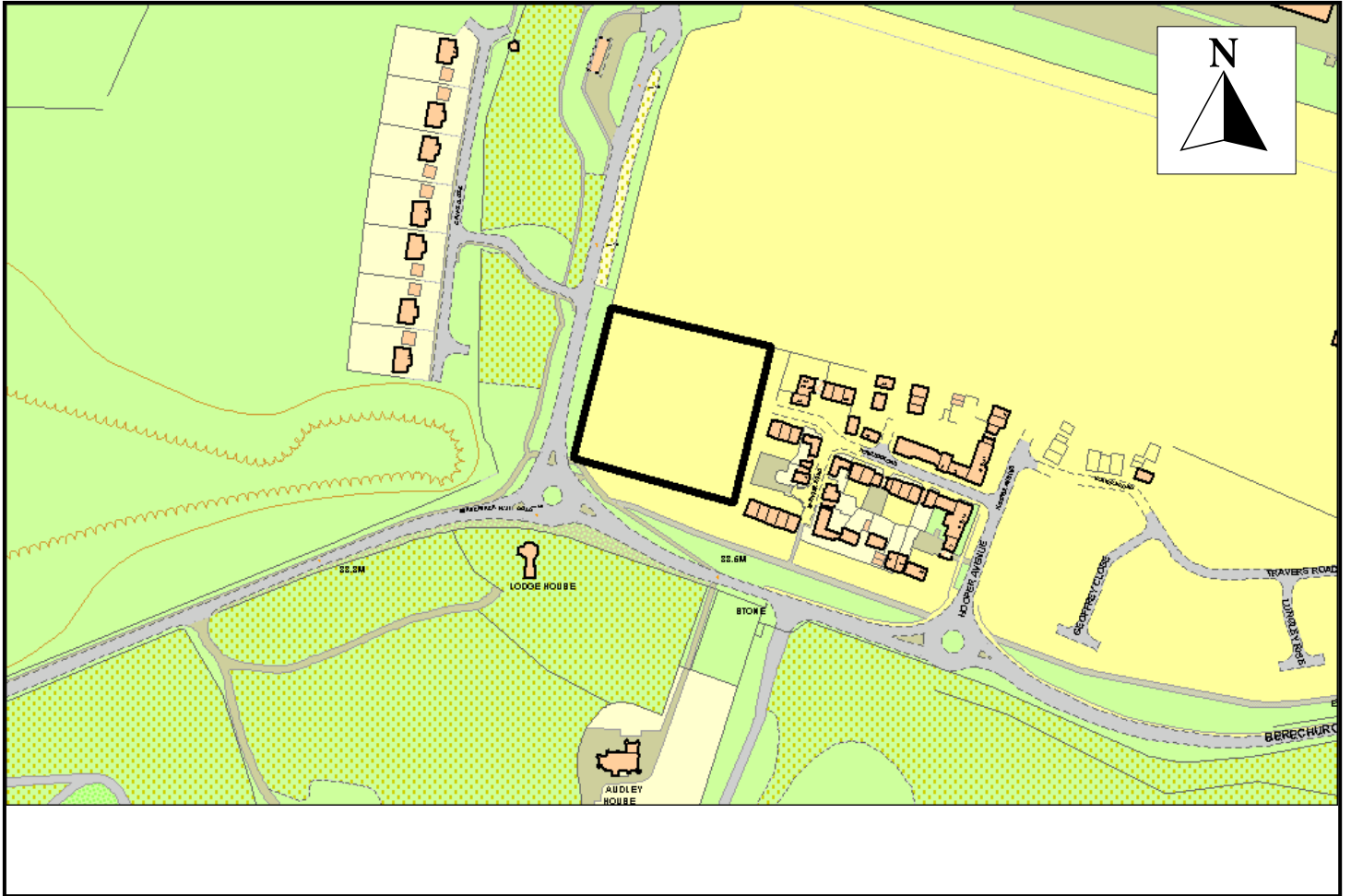
6.1 The Council’s Strategic Plan’s vision is to ensure Colchester is a place where people want to live, work and visit. The provision of play facilities seeks to achieve more positive activities for young people and provide opportunities for residents to improve their health by encouraging healthier ways of living.

7.0 Financial Implications

7.1 None

8.0 Standard References

8.1 The proposal does not directly raise any implications in respect of publicity considerations; equality diversity and human rights; community safety; health and safety or risk management considerations.



Application No: 091563

Location: Area S2, Colchester Garrison Urban Village, Berechurch Hall Road, Colchester

Scale (approx): 1:1250

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Planning Committee

Item

14 February 2013

| | | | |
|-----------------------|--|---------------|---------------------------------------|
| Report of | Head of Environmental & Protective Services | Author | Alistair Day ☎ 01206 282479 |
| Title | Endorsement of proposed amendment to the s106 legal agreement in respect of the provision of affordable housing on Area S2SW of the Garrison Urban Village Development – Application No. 091563 | | |
| Wards affected | Berechurch | | |

Report seeking Members' endorsement for a Deed of Variation to the s106 legal agreement in respect of the provision of affordable housing on Area S2SW of the Garrison Urban Village Development

1.0 Decision Required

- 1.1 Members are asked to endorse the proposal to change the specified tenure of the affordable housing on Area S2SW from shared ownership tenure to shared equity.

2.0 Reasons for Decision(s)

- 2.1 Members' endorsement is required for Deed of Variations to legal agreements that would result in a change in the provisions of the obligations secured under the original agreement.

3.0 Alternative Option

- 3.1 Members can decide not endorse the proposed change in tenure. If Members chose this option, several of the prospective purchasers will not be able to proceed with the purchase of the identified affordable units. It is also likely that these affordable units will revert to standard open market housing as permitted under the cascade mechanism of the original agreement.

4.0 Supporting Information

- 4.1 Planning permission was granted in May 2012 for the erection of 21 residential units on land known as Area S2SW of the Garrison Urban Village Development. A Pilot Scheme was proposed for the delivery of the five affordable units. Under this scheme, the developer (Taylor Wimpey) is responsible for constructing the proposed affordable housing and these are to be sold at a discounted rate (67% of the open market price) to persons nominated by the Council. The remaining equity in the property (the discounted rate minus the open market value of the house) is transferred to the Council along with the freehold of the land (the properties are sold on a long lease basis). This innovative scheme sought to facilitate easy access into the housing market by families in Colchester.

- 4.2 The legal agreement requires the five affordable units to be sold on a shared ownership basis. It has now come to light that the prospective purchasers are unable to proceed with the purchase of these units as the mortgage companies will not support their applications as they do feel there is not sufficient security in the houses. This has resulted in the mortgage companies seeking a substantially larger deposit from the prospective purchasers which has put the sale of the properties at risk.
- 4.3 Taylor Wimpey advised officers shortly before Christmas that the prospective purchasers were unable to complete their exchange and therefore move into their new homes. To compound this problem some of the prospective purchasers had already given notice on their existing properties and are now having to find temporary accommodation.
- 4.4 In view of the above, Taylor Wimpey has requested an amendment to the legal agreement whereby the term 'shared ownership' is replaced by 'shared equity'. This change is sufficient for the mortgage companies not to require a larger deposit and thereby allow the house sales to be completed. The proposal to switch the tenure from shared ownership to shared equity will not have a significant effect on the other provisions of the legal agreement.
- 4.5 It is considered that the proposed change is acceptable and it is recommended that Members endorse the proposed amendment.

5.0 Consultations

- 5.1 Housing Officer fully supports the proposed change from 'shared ownership' to 'shared equity'.
- 5.2 Legal Advice – Officers have sought legal advice on the proposal to switch the tenure from shared ownership to shared equity to help facilitate mortgages for the applicants. The solicitor has advised that following recent Central Government legislation there is now little difference in the tenure types and Council's 33% equity will still be protected because of the limitation on the initial purchase to 67% of the equity. It should be noted that due to this legislation the Council will be unable to prevent future 'staircasing' and retain equity should the purchaser wish to increase their holding whatever the tenure form. The Council would however receive receipts to the value of any equity sale as part of the staircasing process.
- 5.3 The Executive Management Team (Iain Vipond) has been consulted on this proposal and has confirmed that there is not an objection to the suggested amendment.

6.0 Strategic Plan References

- 6.1 The redevelopment of the Garrison site is an important corporate objective within the Strategic Plan. The delivery of affordable housing is also an important corporate objective

7.0 Financial Implications

- 7.1 None directly arising from the proposed change in affordable housing tenure.

8.0 Standard References

- 8.1 The proposal set out in this report does not directly raise any implications in respect of publicity considerations or Equality, Diversity and Human Rights, Community Safety, Health and Safety or Risk Management Implications.

AMENDMENT SHEET

Planning Committee
14 February 2013

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

- 7.1 122122 – Former Cooks Shipyard Phase 3, Walter Radcliffe Way, Wivenhoe

The report refers to the proposed closing time of 12.30. Environmental Control has now expressed concern at this time, in particular as the access to the car park passes close to and under residential properties and they advise a closing time of 11.00.

The following condition is therefore recommended

“The use hereby permitted shall not be open to customers outside of the following times 09.00 - 23.00 on any day of the week. Deliveries shall only be taken at or dispatched from the premises during the following times 08.00. to 19.00 Monday to Saturday and at no time on Sundays or bank holidays

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

Condition 2 is amended to specifically exclude any A4 or A5 use.

Since the publication of the committee report a resident of Anglesea Road has raised questions about the applicants Travel assessment

The resident comments:-

“Our concern is that although general highway usage decreases after the peak hour, overall usage after that peak hour may in fact significantly increase. In this part of Wivenhoe the increase of traffic after the peak hour caused by this 50 cover restaurant (often using its tables for two sittings) would well outweigh the decrease in other public use. The result is that the factual picture provided by the analyses of the consultant's report may be very misleading.

While we residents recognize that a decision balancing all factors may well be a reasonable one, if the factual base for that decision is significantly defective then that decision cannot itself be reasonable.

We would therefore ask that this agenda item for the meeting of 14 February be delayed until a factual picture that focuses more clearly on

the impact of the restaurant at its own peak times can be provided, balanced against the decrease in general public use. That need not take a long time”.

The Highway Authority responded:-

“Following your recent queries regarding the traffic generation and impact on the highway, I have been provided with further information.

The query was why the network peak has been analysed rather than the peak generation of the proposed use. This is because the week day evening peak for the restaurant; between 2000 and 2100, coincides with very low background flows on the general highway network and there will not be a highway capacity issue.

he peak traffic generation of the restaurant on a weekday evening is 20 trips. This level of traffic is short lived and approximates to 1 trip every 3 minutes and again does not cause any capacity or safety issue on the highway network.

he peak traffic generation for the restaurant is on a Saturday which likewise coincides with very low background flows on the general network.”

As noted before, the Highway Authority is concerned by development proposals in this area as the road network in the vicinity does have difficulties. We are, however, satisfied that this particular proposal will not create any highway safety or efficiency issues.

The resident then made the following further comment:-

“Many thanks for this helpful further information. As we discussed, the analysis seems to assume one sitting per table. Could you confirm whether or not this is so? Given that, particularly in the evenings, restaurants seek several sittings per table, this could affect the flow project from 1 every 3 minutes to up to 1 every minute and a half, assuming all tables were turned over once. If the turnover figure is less than that, it is still likely to be a substantial factor and could increase the frequency of flows in a residential area significantly.

You also mention the peak traffic generation for the restaurant on a Saturday night, but have not included the figure. It would be useful to compare this with the figure you provided of 20 per hour for weekday evening use. This would allow us to compare the projected flows at peak hour between weekdays and weekends. While this flow figure may fall below that which triggers highway capacity and safety issues, it is nevertheless of concern to local residents wanting to understand the likely traffic pattern that will result”.

The following response was received from the Highway Authority:-

"You are correct that a change-over in diners will occur and the TRICS Database take this into consideration. The database provides information on the precise traffic figures associated with real sites from various locations around the country. In this regard the Highway Authority has no grounds to believe the suggested frequency of visits is inaccurate.

You will note that the transport statement appendices show the TRICS sites used for comparison are bigger than the one applied for here; i.e. more covers, and, being in locations such as Birmingham and Manchester, could be accessible to many more people. It is feasible therefore that the traffic level associated with this site in Wivenhoe could actually be less than the TRICS database suggests.

Irrespective of this, when considering application details consultees have to formulate their recommendation on the information provided, and whilst it is understood that individuals may have concerns, we can not raise objections on the grounds of something that may or may not happen in the future.

The weekend peak is quoted as being 24 two-way movements, and at a time when the ambient traffic level is lower than the weekday. Again, the Highway Authority does not believe this will cause safety or efficiency issues for the existing highway users".

7.2 122146 – 10 Easter Park, Colchester

The response from the Environment Agency is outstanding

The applicant has provided the following update on drainage and flood risk issues:

- time required to prepare a detailed response to the EA consultation along with a re-drafted FRA they will not be able to issue the paperwork until the end of this week. The amount of work involved is partly down to what appears to be a complete reset of previous negotiations and agreements.
- "Regarding drainage, the original Drainage Strategy (which received sign off by both EA and Anglian Water) clearly sets out the principles for drainage design considerations for each and every plot coming forward as part of Cuckoo Farm, Severalls and NAR3. In essence, it confirms the ground is unable to accept any infiltration and that all surface runoff needs to be attenuated on each site and discharged at greenfield runoff rates to available watercourses. This strategy was put in place for Cuckoo Farm whereby existing ditches and watercourses crossing the site were diverted to facilitate development of plots within the Cuckoo Farm site. Plot related runoff thereby needs to discharge (after attenuation) into the realigned ditches, etc.

- With regard to MCC's statement that the Drainage Strategy is fundamentally flawed, I would note the following. The Drainage Strategy forms the basis of ongoing design input for the first phase of Severalls development (Phase 1 circa 248 dwellings) east of the NAR3 which SBA progressed in 2012, receiving design approvals for both foul and surface sewer systems from Anglian water and the EA respectively. The Drainage Strategy will form the basis for Phase 2 (circa 1250 dwellings) in due course. I am currently acting for the Severalls landowners over-viewing the design of the NAR3 by Essex CC which is following the Drainage Strategy in all aspects in order to ensure sufficient capacity is provided for foul and surface water discharges relating to Cuckoo Farm/Severalls and Severalls residential development respectively.
- The Drainage Strategy is accepted by the EA and AW as the basis upon which detailed plot drainage design shall be progressed, thereafter each plot design is to be developed in order to obtain consent from the EA and AW.
- (I note the issue raised re the stadium drainage by MCC. Whilst we dealt with the highway runoff from the stadium access road and put in place permanent foul discharge facilities for the stadium (as well as the rest of Cuckoo Farm, for use when the NAR3 trunk foul sewer connection is completed), we were not appointed by Barr (Stadium Developer) to design the onsite drainage facilities or storage provisions.
- **VW Colchester Drainage** Regarding drainage of the VW Colchester plot, the detailed design we will provide will reflect the requirements of the EA regarding surface water attenuation and discharge into the existing ditch system serving Cuckoo Farm, all of which discharges into Salary Brook to the NE corner of Easter Park. We shall obtain EA approval of our proposals which will be available for issue to CBC planning authority to permit discharge of the condition relating to surface water runoff.

Officer Comment

The Environment Agency provided a detailed comment in their "holding objection" which makes it clear they will be giving thorough consideration to all drainage and flood related issues. It is recommended the application is deferred until a further response is received from the Environment Agency. If the response is still an objection or if it has not been received by the 4th March 2013 the application will be refused on drainage/flood risk grounds.

7/3/7.4 122272 & 122273 – Old Police Station, 37 Queen Street,
Colchester

The agent has submitted amended drawings that detail to the following:

- The omission of the platform lift from first floor to second floor to ensure that the historic fabric of the staircase is not compromised.
- Modification of the rear elevation on the ground floor, where the conservatory is proposed to be demolished. The revised proposal adds additional glazing bars to the opening doors on this facade, and the two openings to either side of the central doorway are retained as sash windows.
- At the new main entrance, the sliding glass doors are masked by the existing outward opening timber doors.
- Signage above the main entrance has been omitted.
- Building Regulations: we have conducted a preliminary review of building regulations requirements, particularly means of escape, appropriate to the stage in the project reached so far, and are advised that the plans as shown will be able to demonstrate compliance.

The condition heads will need to be amended to take account of the above. It is also recommended that additional conditions are attached to cover:

Alteration of floor levels
Details of the pv panels
Existing historic door to be retained

The Council's Senior Enterprise Officer has provided the following background information in respect of this planning application:

“Creative Business Centre: activities, outputs and outcomes

Overview

The project will develop a Creative Business Centre that facilitates a new world of low carbon facilities and technologies to bring creative people and businesses together, to incubate start-ups and project collaborations, grow businesses, their networks and supply chains, showcase work, innovate practices, increase productivity and raise the profile of the creative economy within Colchester, Essex, the Haven Gateway sub-region and the East of England.

The Centre embodies 'Intelligent Environment' (IE) technology which is a concept that has been in R&D by the University of Essex over the past 10 years. IE is not just about the technology or technology within a building but it is the way in which it is used to lower the carbon footprint of construction/refurbishment, lower the carbon footprint of workforces (direct and networked) and to advance business processes such as incubation, innovation and supply chain communications. This project and partnership provides the unparalleled opportunity to apply

Research Technology Development (RTD) to the real life business environment.

Through conversion of a semi-derelict Grade 2 listed building - an old police station complete with cell block - into a flexible hub of spaces that blur the boundaries between working, networking, showcasing, innovation, socialising and hospitality, the Centre will provide 1,677 sq m internal (and 1,805 sq m including the courtyard) of space to meet BREEAM Excellent. This includes 22 units ranging in size from 8 sqm to 120 sqm, 1 incubation and prototyping laboratory and spaces suitable for showcasing work and networking events for up to 400 people – all with an eco efficient design.

SMART objectives

The objectives of the project are to:

- Refurbish 1,805 sq m of listed, town centre building to meet BREEAM Very Good and in doing so save 420 tonne CO2 emissions compared with a new build
- Through Intelligent environment innovation to strive to meet BREEAM Excellent (to be determined at RIBA Stage D and full business case)
- Provide eco-efficient business space, including incubation, move-on and networking/hospitality spaces, achieving 50% occupancy in year 1 (2015).
- Demonstrate Intelligent Environment Technology through the partnership with University of Essex to lower the carbon footprint the Centre and the businesses that use it, keeping construction and running costs low, and innovating creative business practices
- Deliver demonstration activities related to Intelligent Interactive Environments and the Centre to reach 190 businesses over 2013 to early 2015
- Capitalise on a resident employment sector to create 35 new jobs, 25 start ups, as well as support 80 environment related initiatives in SMEs by 2015 the first year of operation
- Provide accommodation to 78 creative business owners/staff at any one time and an estimated 200 regular users of the Centre and a further 200 occasional and “virtual” users.

Why creative? Why Colchester?

The creative industries are an important indigenous employment sector within Colchester, Essex, the sub-region and within the East of England with real potential for growth. However, in order to achieve this certain weaknesses have to be addressed; these include: lack of certain skills particularly IT and business planning, lack of affordable space and clustering, lack of access to high speed IT, limited networks, lack of market knowledge and marketing strategy, and the low profile of the sector that comes from scattered micro businesses. The Creative Business Centre has been designed as a small physical hub of flexible spaces and running membership and networking services to address this need.

The creative industries span advertising, art, architecture, computer games, crafts, design, fashion, film, music, publishing, software, television and radio. Some of these sectors are more commercial (in terms of GVA) than others but it is the mix of creative skills, ideas and approaches that is critical to the creative, knowledge economy expansion in regional towns like Colchester.

Another reason to focus on CCI is that the Old Police Station sits within Colchester's St Botolphs Quarter giving an unprecedented opportunity for "*clustering*" centred on links to cultural excellence, educational bodies, intense collaboration and forward and backward links between creative people, businesses and wider supply chains. (EU Green Paper, 2010)

St Botolphs is home to firstsite, a visual arts cultural centre of regional and national significance, FE and HE creative study at the Minories hosted by Colchester Institute, public spaces that blend production and consumption, civic and creative industries activities and, vitally, the proposed Centre which makes manifests a technology and innovation partnership with University of Essex and *enables intense collaboration among enterprises and individuals and engages innovatory actors and institutions.* (EU Green Paper, 2010)

Further, "Spillover" effects links CCI clusters with enhanced growth rates in ICT, biotechnology, health/medical, manufacturing and tourism - as important industries in the East. *'It appears that firms that make proportionately greater use of services from the CCIs perform significantly better on innovation'.* (Green Paper, 2010)

Partnership

The project partnership brings together public (CBC), private (charitable) (FirstSite) and education (University of Essex) sectors working together to stimulate low carbon communities, low carbon development, jobs creation, business growth, innovation and productivity centred on the creative, knowledge economy. This partnership embodies the triple helix model bringing business, higher education and public institutions working together to demonstrate new products and solutions to low carbon workforces, low carbon development, and technology rich knowledge economies.

Rationale and Additionality

Like everywhere in the UK, Colchester is faced with a real challenge to create new jobs. Jobs density (the ratio of total jobs to working age population) in the Borough is 0.72, slightly lower than the Eastern jobs density of 0.75 but compounded by the fact that Colchester is one of the fastest growing towns in the UK with a population that is expanding at about triple the speed of the national average (15% compared to 5%). The Borough and the town need interventions to spark business creation and growth and in turn create sustainable local employment.

Data shows the potential of the creative industries to play a central role in economic recovery and growth and the Creative Industries sector in the Borough is significant. Colchester has the largest creative and media sector in both Essex and the Haven Gateway sub-region with 1 in 12 people in employment and almost one in five businesses (18%) in the Borough within the Sector. In 2008 the Sector accounted for 1,303

businesses and 5,647 employees. The most recent continuous data series for the Sector in Colchester shows growth of 28.4% in the number of enterprises (“data units”) and 14.3% in the number of employees over the period 2003-2008, secular growth which is likely to have continued despite the recession (ONS, ABI).

The creative and media sector is a broad one, spanning advertising, architecture, computer games, software, electronic publishing, crafts, design, film and video, music and the visual and performing arts, publishing, radio and television. The sub-sectors with the greatest growth potential for employment and turnover are the media and digital industries, which include computer games, software and electronic publishing – the “new media” areas. These are strong components of the Sector in Colchester, the strengths of which include: a highly-qualified and flexible workforce; a wide range of creative products and services with growing demand; HE institutions producing industry-relevant graduates; a strong business to business service market; proximity to the London creative and media sector but with a low cost supply base; and a cross-sector local partnership with an aspiration to support and grow the industry.

A brief profile of the creative producer in Colchester and the surrounding sub-region is that they are likely to be a sole trader or owner/employee within a micro-enterprise (0-5 employees) and younger (20-35) with a high level of skills/educational attainment (Creative and Cultural Skills, 2008). Despite the density of creative producers within Colchester they are generally not well networked with one another.

The Haven Gateway Creative and Cultural Industries Mapping Report (NMP, 2007) identified that some 50% of producers have cited the need for improved ICT infrastructure, 60% need support services, networks, sector intelligence, advice on strategy and marketing, 34% considered that the greatest barrier to growth for their business is a limited market for their goods and services while 21% considered access to finance to be their greatest barrier. The Report also found that within the sub-region an additional 540,000 sq ft of workspace was required up until 2012, none of which has yet been delivered

Weaknesses of the CCI sector include: supply chain fragmentation, characterised by atomised producers (typically 1-2 person enterprises) who lack dedicated and affordable space. In turn, this restricts their networking and clustering potential, reduces linkage to the larger, business-to-business marketplace locally and further afield and restricts the exchange of market information and opportunities to develop stronger local supply chains. In addition, there is a shortage of skills for business needs specific to the sector and issues around enabling the workforce to maintain and develop its skill levels.

Actions in the Council’s Creative Economy Strategy and Creative Colchester Strategy include: develop and consolidate the infrastructure for a creative economy “cluster” in Colchester; retain and increase the amount of creative workers in employment/self-employment and enhance their skill levels within work; achieve more creative enterprise

formation, growth and attraction; and gain widespread recognition for Colchester as a “creative place” in the Region and the UK.

Promotion of self-awareness locally between specific sub-sectors, elements of which often require to combine to produce a cultural or creative product, is an important task for the public sector to tackle. “Market failure” in information about local expertise hinders the development of economies of scale through collaboration, sharing of good practice and cross-fertilisation of innovative ideas. (The Cultural Strategy for the Haven Gateway noted that a ‘lack of suitable business networks’ was reported as a barrier to growth by 26% of businesses while ‘limited market for their goods and services’ was noted by 44%). Because of these constraints on CCIs growth within the locality, sub-region and wider Region, the best organisational structure is a “cluster”, i.e. a concentrated set of reactive and adaptable industries which enables and facilitates intense collaboration among different interlinked enterprises and individuals and engages innovatory actors and institutions. The Centre will provide and foster this environment, within which inter-firm cooperation and forward and backward linkages to, respectively, industry corporates and training and educational institutions will enable creative workers at all levels to operate effectively and provide excellent support for stimulating creative start-ups. (Cf. EU Green Paper, 2010)

By making a special case for supporting the creative industries it is intended not only to provide greater intra-sectoral strength (supply chain advantages from co-location, etc.) but also develop innovative linkages with “non-creative” economic sectors and creative activity.

‘These industries provide content to fuel digital devices and networks and so contribute to the acceptance and further development of ICTs, for instance to broadband rollout. As intensive users of technology, their demands also often spur adaptations and new developments of technology, providing innovation impulses to technology producers’ (EU Green Paper, 2010).

“Spillover” effects indicate that links with and proximity to Cultural and Creative Industry clusters enhance growth rates in ICT, biotechnology, health/medical, manufacturing and tourism as all industry is (potentially) “design-led”; and, *‘it appears that firms that make proportionately greater use of services from the CCIs perform significantly better on innovation’.* (Green Paper, 2010)

The Centre is needed to meet Colchester’s and the sub-region’s acknowledged needs for more incubation and grow on space as identified by SQW in two EEDA sponsored studies (2003; 2006) and by the HG Mapping Report (2007) noted above. Young businesses in the Borough and Essex as a whole have a high failure rate - 40% within three years. It is therefore important to improve their survival rate in order to retain existing jobs as well as creating new opportunities. Incubation secures an 85% survival rate at year five, compared to the norm of around 50 per cent. The HG Mapping Report also found that 64% of all creative businesses occupied workspace under 50m² in size with most on or below 10 m²; 25% of these enterprises planned to move to new premises within the next five years; and 26% of all

enterprises cited lack of appropriated business premises as a barrier to growth.

As long ago as 2008 there was an identified undersupply of 2,500 m² of net lettable incubation space in the Borough and this has not eased, even with the construction and opening of a second generalist incubator in the Borough at North Colchester in 2010, providing 745 m². Both incubators are currently full and have an active churn and move-on policy for established occupiers. With the Borough's ambitious job targets and despite the effects of the recession, there is now an undersupply of incubator space of at least 3,745 m² at present. The current Project will provide 1,149 m² dedicated net lettable space for the Priority Sector of Creative Industries.

There is already evidence in the town that public sector leadership in the form of funding and development raises confidence in the private sector, encouraging further capital investment. The development of the new firstsite gallery has been the catalyst for a variety of large and small scale investments in the Regeneration area including the creation of two new hotels. Both hotel investors have clearly indicated that they "bought in" to the Council's regeneration agenda which is important at a time when nationally investment in Town Centres has been declining.

The project is central to the Council's regeneration vision for the St Botolph's area of Colchester. The masterplan sets out a cultural and creative quarter with a central aim to achieve economic and social regeneration and leverage inward investment into the area. Several key policies underpin this including the St Botolph's Master Plan, planning policy, Economic Development Strategy 2011-2015, Creative Colchester Strategy 2012-2016 0- the last two of these documents cite the Creative Industries as a priority economic sector for the Borough.

The Project is led by Colchester Borough Council Regeneration and Enterprise Teams and supported by key arts organisation and business stakeholders from the Sector. Over the past 18 months, the Council has been working closely with the Arts Council, firstsite, University of Essex, Colchester Institute and the Haven Gateway Partnership who subscribe to the vision to regenerate St Botolph's and to maximise the investment in *firstsite:newsite* – the £28m new visual arts centre - as a catalyst to create new jobs and business opportunities.

In the current economic climate the Creative Business Centre will not be realised through private sector investment. Whilst the vision for the centre shows it contributing to demand for the expansion of businesses and the creation of new SME's, it is not a project which will deliver huge financial benefits to a commercial investor. It is however, expected to be financially self sustaining after an initial period of support. A feasibility study including design and operational model to RIBA Stage C has determined that conversion of the whole of the Old Police Station site will create a facility with the mix of work, networking and hospitality spaces that are needed by the creative sector. At this scale, the Centre becomes a viable not-for-profit business for an end-operator who can generate enough income to cover their operational

costs. It is the capital funding and clustered physical infrastructure that is the barrier to market entry and growth.

There is clear evidence of “market failure” locally and nationally in the supply of workspace for SME’s and, in particular, for creative and media businesses. Intervention by the public sector is therefore required in order to address market failure in the lack of supply of affordable, quality incubation, grow-on and networking space for enterprises within the Creative and Media sector of the Borough and to catalyse private sector investment within the St Botolph’s Quarter.

The Project will provide a range of flexible space for the sector to remedy these failures, comprising networking, collaboration and incubation space, accommodating at any one time at least 78 creatives with an estimated 200 regular users of the Centre and an equivalent number of occasional and “virtual” users. Combined with an active “grow on” strategy and churn policy, the property will support and service the 70 new additional creative enterprises formed each year within the Borough while networking these with recently formed and mature businesses within the Sector.”

7.6 121424 – Abbey House, Flagstaff Road, Colchestet

Additional Condition:

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

Reason: To ensure that the historic and architectural character of the building is properly recorded in all its details.”

There is a typographical error in condition 25. This condition should read “ *the first floor windows to the landing of plot 1 (south elevation)*”

7.7 121426 – Abbey House, Flagstaff Road, Colchester

Condition 4 has been amended:

“Notwithstanding the details submitted and following further investigation, details of the type of roof covering shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: To ensure that the roof covering is appropriate to this building and that the development preserve and enhances the character and appearance of this part of the Conservation Area No.1.”

7.8 130017 – Meadowside Lodge, Olivers Lane, Colchester

Stanway Parish Council has made the following comment:

“Stanway Parish Council is unable to make a judgement and would question if the outbuilding would be used for business purposes as the extension is out of scale for a normal household”.

In Response:

The agent has confirmed that the extended outbuilding is to be used for family barbeques as the applicant has a large family. The applicant is in the demolition and reclamation trade and has no intention of running a catering business from the site.

Officers do not consider the building to be unacceptable in terms of scale as set out in the report.



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.

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

Class A1. Shops

Use for all or any of the following purposes—

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

Class A2. Financial and professional services

Use for the provision of —

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

Class A3. Restaurants and cafes

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

Class A4. Drinking establishments

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

Class A5. Hot food takeaways

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

Class B1. Business

Use for all or any of the following purposes—

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

Class B2. General industrial

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

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

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

Class C2. Residential institutions

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

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

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

Class C3. Dwellinghouses

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

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

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

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

Class C4. Houses in multiple occupation

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

Class D1. Non-residential institutions

Any use not including a residential use —

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

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

(c) for the provision of education,

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

(e) as a museum,

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

(g) as a public hall or exhibition hall,

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

Class D2. Assembly and leisure

Use as —

(a) a cinema,

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

(d) a dance hall,

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

Sui Generis Uses

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

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

Interpretation of Class C3

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

Interpretation of Class C4

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