

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE**

16 December 2010 at 6:00pm

SUPPLEMENTARY AGENDA

Part A

(open to the public including the media)

Pages

9. Amendment Sheet

223 - 241

See Amendment Sheet attached.

AMENDMENT SHEET

Planning Committee
16 December 2010

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

LATE AMENDMENTS HAVE BEEN INCORPORATED INTO THIS
AMENDMENT SHEET AND ARE SHOWN AS EMBOLDENED

7.1 102241 – Ascot House, 83-85 London Road, Colchester

A further email of objection has been received from a neighbour and an email from the Mayor outlining some concerns over the proposal. These emails are attached in full for your consideration. In addition, an email has been received from Mike Taylor, the Council's Housing Development Officer in regard to the removal of the conifer trees within No. 87 London Road. While it was thought we had an agreement for the removal of these trees at the time of writing the Committee report, the subsequent letter received from the neighbour shows that while they do not object to the removal of the trees this is only acceptable if Block D is reduced to single storey in height. Furthermore, there is an email from the Council's Legal Services Manager in regard to the potential risk of approving the application when this would kill off the neighbouring property's conifers.

E mail from neighbour states:-

"I was very much hoping to attend the meeting on the 16th of December 2010 at the town hall at 6pm. However I fear that work constraints leading up to Christmas, heightened by the interruption to business due to the recent poor weather may prevent me attending.

In the event that I am unable to attend I would respectfully ask that you consider my comments and if it at all possible, make them known to any and all relevant parties at the meeting.

On receipt of your letter dated 8th December outlining "*the planning officers recommendation to the committee is Approve Conditional*", I fear we may be trying to shut the barn door after the horse has bolted.

I would like to voice our main concern, having spoken at length to my neighbors we are all very concerned at the close and intimate proximity of the physical build to our property boundaries. The positioning of the units to be built within the development are extremely close to our immediate boundaries, this is a very relevant concern considering the very compact nature of our properties and gardens, this will mean that the rear of our houses are only a few short meters from the rear of the proposed build.

We feel that a reduction in the amount of proposed properties or at least a repositioning of the units, i.e. moving them away from our immediate boundaries, is a reasonable request considering the very close proximity of the units to our boundaries and therein our physical properties as shown on the current plans. I hope that I am able to attend to put forward our concerns, however in my absence I would hope, in the need to present a balanced debate the committee will make every effort to know, consider and understand our very valid points and that you will make every effort to make them available. “

E mail from the Mayor stating:-

“Good Morning,

I would like the committee to be made aware of my concerns, so points raised may be considered during debate,

I am sorry I am not able to attend the meeting tonight, due to a Mayoral Engagement at St Helena Hospice.

And Cllr Mike Hardy is recovering from a operation.

Application N0 102241. Page 1.

My concerns for consideration.

Many residents were not aware that the site is more than the land occupied by The Ascott House, 83- 85 London Road, it is accepted letters were sent out to the houses in Halstead Road, however they it did not mention No 79 London Road, it was only when the report became available this anomaly was discovered, my concern is for the privacy of the residents living in Halstead Road, I am concerned about the close proximity of units to the boundary of Gardens, and ask, even at this late stage, could the lay out of this large parcel of land be improved to protect the residents privacy, taking into account the known and proven noise and anti social factor associated with Ascott House.

Many complaints mention the anti social behaviour, not I accept a planning consideration, however it is a matter of record, going back many years, Ascott House residents and visitors have caused trouble, involving the Police on many occasions, this site has a history, and I feel the peace of mind of existing residents should be taken into account, I would like to have details of a managements Plan, I know Family Mosaic have an excellent record, and ask for some assurance.

Residents who have contacted me, accept the proposals of this development, most people want to see the Mobile Homes and the House demolished and cleared away, the unit is no longer fit for purpose.

The proposal is a large development within a close community, with properties on all sides, the Human Rights and enjoyment of life for existing existing residents should be considered. We must get the balance right.

s mentioned on the telephone, when on site, please walk the entire area including No 79 London Road. “

E mail received from Mike Taylor – Housing Development Officer states:-

“Although it was an amicable meeting, I regret that Mr Mattock remained unwilling to sign the letter drafted for him and is content to let the trees in question die off rather than be cut down to reveal a view over the top floor of the new building. He stated that this has been his position from the start.

On several occasions during the meeting Mr Mattock complained about the nuisance and bad behaviour of the residents of Ascott House over the years and is not convinced that there will be any change for the better if the redevelopment goes ahead.”

The neighbour comments as follows:-

“Notwithstanding my previous objections I have no objection to the removal of my Leylandii trees at the developers’ expense but only if Block ‘D’ is made single storey.”

E mail received from Legal services Manager states:-

“I believe that we need to take a risk based approach to this. What is the risk of the LPA being sued by the neighbour for the loss of his trees due to the LPA granting permission? In my view the risk is minimal as he has already indicated both verbally and in writing that he is happy for the trees to be removed. I understand that he may still remain concerned regarding the height of Block D but the Committee will need to take an overall view on the merits of the scheme and the benefits it will bring as opposed to the low risk regarding a claim for loss of trees.”

Additional Condition:

The windows marked OBS on the northern elevation of Block F and the southern elevation to Block D of the hereby approved scheme shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

Reason: To protect the amenity of adjoining residents from a loss of privacy.

7.2/7.3 - 101947 & 101951 – Angel Court, 136-137 High Street, Colchester

Since the time of the original report English Heritage have commented again, retaining their objection as follows:

“Thank you for the additional information relating to this proposal. I welcome the Heritage Statement, which gives a thorough assessment of the significance of the group of buildings on the Angel Court site. It refers to 3 West Stockwell Street which abuts the site, and is listed grade II*, and acknowledges the importance of the grade 1 listed Town Hall which overlooks Angel Court and draws the site within its setting.

The copy of the Heritage Statement, which I received, did not include any wire line or other representations of the proposed lift

shaft or penthouse addition on the roof of the Angel Court office building, however, you have since sent additional indicative views, dated 10.12.10, which are helpful in assessing impacts from the north, and from High Street, although not from St. Runwalds Street. With the assistance of the elevational drawings, and the photographs on pages 49, 51, 53 and 52 of the Statement, I have been able to consider further the comments that I made in my letter dated 12th October 2010.

I must repeat the concerns that English Heritage has with regard to impacts on the setting of the Town Hall, notably in views from St. Martin's churchyard, and also of 3 Stockwell Street, notably from St. Runwald Street, as well as other views from within the central conservation area.

You will be aware that English Heritage has supported modern design interventions in a number of important locations in Colchester, including Firstsite Newsite and the Magistrates Court. Here, the penthouse element would, I feel introduce an alien and discordant element on the roofline of former Angel Court offices. Whilst this is by no means an exceptional building, it was obviously designed with a simple, pitched, tile hung roof, to present a subordinate and unanimated feature in the close setting of the Town Hall, and in the not insignificant views from the Dutch Quarter. I see no justification to disrupt this harmony, and suggest that the office building is large enough to incorporate a lift shaft that does not break out of the main silhouette.

Similarly, I feel that the view to 3 West Stockwell Street, with its listed neighbour no. 2 from St. Runwald Street is at present well resolved. The setting of both listed buildings would be adversely affected by the bulk and scale of the lift shaft and possibly by the penthouse.

Whilst your council's Development Brief for Angel Court, which specified that new build should not exceed the present height and mass of the building was not adopted as SPD, it contained sound advice with which English Heritage still concurs. We therefore maintain our recommendation that planning permission be refused."

In response to these comments City and Country have issued a statement received yesterday which read as follows:

"We have worked hard with Colchester Borough Council (CBC) Officers prior to and following submission of our proposals to bring this important town centre complex of buildings back to life so we are obviously disappointed with the stance English Heritage has taken. The new build elements of our proposals reflect the exciting, contemporary approach, felt appropriate by CBC Officers, including the author of the CBC Angel Court Development Brief, Nelia Parmaklieva.

With regard to the impact on the setting of the Town Hall (particularly from St Martin's churchyard) the fact that the Town Hall is an extremely large and stylistically grandiose building

which robustly holds its own over the surroundings. Importantly, it is only the clock tower, which is visible from the churchyard. Having worked closely with CBC Officers, we are confident that the high-level additions to Angel Court will neither conceal, or directly compete in height, scale or design with the Town Hall Clock Tower, in any of these views and are therefore appropriate additions.

The St Runwald Street view referred to has, at present, a 1980s intervention sitting between the heritage assets, with the new scheme proposing a contemporary build will replace it. It is important to stress that there is no loss or concealment of historic fabric associated with the alterations on this elevation. The new structure will be clearly distinct from the historic context, and has been designed to ensure that while providing a dynamic new element into Colchester's street scene, it will not visually overwhelm the surrounding context. This has been designed in conjunction with CBC Officers and has been set back 5.5m from the building front.

The proposed lift/stair tower has been designed with CBC Officers, who have put a significant emphasis on taking this opportunity to design a new contemporary element. It is required to serve the proposed residential units where it is good practice to provide residents a separate, secure access from the commercial occupiers. Embracing Part M of the Building Regulations and the Disability Discrimination Act means we need to provide disabled access to the apartments. The pitch and location of the existing roof does not allow the lift to be contained within the existing building frame. Also, the use of pre-cast pre-stressed concrete floors renders it unfeasible to provide the lift through the centre of the existing building. Both these options have been thoroughly explored.

Finally, the new interventions (penthouse and lift/stair core) will not be visible in the key views along the High Street, in either direction (we believe they are key as they are the view best represented in numerous historic engravings and photographs), as they are set so far back from this street frontage. The High Street elevations / setting of the listed buildings will be significantly improved through the removal of the existing glazed entrance to Angel Court, and the reintroduction of a tradition shop front to 135 High St."

The information submitted since the time of the original report has been considered by our Urban Design team. They have commented on the specific issues raised by English Heritage and have stated that:

"On the relationship to its context, our Urban Designer has commented that the proposed external alterations are modest and the scale, proportions and architectural detailing relate well to the adjoining buildings and add interest. In the distant views, the Town Hall remains the principal element on the skyline, with the

proposed lift tower and penthouse remaining subordinate to it in height and detailing.

The main external alterations to the group of buildings are the new garage entry and building above it to replace a modern insert, the lift tower and penthouse additions, and the minor re-modelling of the north elevation of Angel Court. The contemporary garage entry and building above inserted between No.1 and No.2 West Stockwell Street is a sheer glass wall which provides a subtle transition between the distinctly different styles of No.1 and No.2. The proportion, symmetry and detailing of the structure picks on strong lines from the two existing buildings, while aiming not to compete with them. This neutral approach creates harmony on the street scene, and further interest with the potential of West Stockwell frontage of the Town Hall reflecting in the angled glass wall.

The lift tower and penthouse are similarly subtle, with the top sections above Angel Court rendered in glass, giving an impression of fairly light and transparent structures. The indicative views of the penthouse and lift tower viewed from St Martin's churchyard, West Stockwell Street and High Street demonstrate a negligible impact on the local views, the relation to the Town Hall and the general character of the area when viewed from the Dutch Quarter. The impact of the new built is also reduced to an extent due to the sloping terrain and sharp short view angles, and the considerable vegetation in the churchyard, which is one of few public areas providing views towards Angel Court.

Policy UR2 of the Core Strategy encourages creating places that are locally distinctive and architecture that is both innovative and sympathetic to local character. Creative design is further encouraged in the Core Strategy to inject fresh visual interest into the public realm. The new built additions between No.1 and 2 West Stockwell Street, the lift tower and penthouse follow a fresh contemporary approach which is of its time. With careful detailing and selection of quality materials has the potential to provide an innovative built form and add to the quality of the town centre.

The quality of Colchester's townscape relates to, among other, buildings and their relation to land forms. The proposed new development, positioned at the highest point in Colchester town centre, aims to enhance the townscape by redeveloping a modern building of no specific architectural interest, by introducing contemporary details and adding interest to the skyline.

Distant views of Colchester skyline from the North feature a combination of church spires, the dominant Town Hall tower, Jumbo tower and a number of more recent flat roofed buildings, many of questionable quality. The glass finish sections of the lift tower and penthouse projecting above the existing Angel Court building add interest in a subtle way without a detrimental effect to the skyline. The heights of these elements are negligible when viewed from a distance and appear lower than many existing bulkier, flat roof buildings in the vicinity of the Town Hall.

The design concept for the new staircase/lift tower, penthouse, and infill extension elements are illustrated on a plan. A contemporary approach has been implemented, incorporating glass and render elements, with a theme of diagonal lines following the roof and gable pitches of 1 and 2 West Stockwell Street. These elements are not excessive in scale or mass, their architectural treatment reflects well the scale of the adjacent built frontages and adds interest and texture. The lift tower is set back from West Stockwell Street which visually reduces its scale when viewed from the street."

Finally, our Conservation Officer has concluded that:

"It is considered that the proposed alteration works would not have a significantly detrimental impact on the identified listed buildings and, as such, I do not wish to raise an objection to listed building application (subject to the attachment of appropriate conditions / informatives to cover the above issues). It is understood that the Urban Design Officer has responded on the merits of the concurrent planning application and in providing this response should have fully considered the impact of the development proposal on setting of nearby listed building and that of the conservation area; this response should also have address the concerns raised by English Heritage. In view of this I have not made any observations in respect of the planning application."

Conditions on both applications (101947 and 101947)

It is suggested that condition 2 on both applications (101947 and 101951) be updated to reflect newer drawing numbers:

Condition 2 (updated numbers) - The development shall be carried out strictly in accordance with the approved plan drawing numbers 57709.01A, 57709.02A, 57709.03B, 57709.04C, 57709.05D, 57709.06A, 57709.07B, 57709.08B, 57709.09B, 57709.10, 57709.11, 57709.12, 57709.13, 57709.14, and 57709.15A unless otherwise agreed, in writing, by the Local Planning Authority.

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

In addition the following conditions be added:

Notwithstanding the details submitted, the precise location, form and design of the new stair case and the openings in the rear elevation of 135 High Street shall be submitted to and approved in writing by the Local Planning Authority. The additional details shall be informed by the analysis of the fabric affected by the proposed works and this work shall be undertaken by a competent conservation professional. The development shall be implemented in strict accordance with agreed details.

Reason: In order to protect the character of the listed buildings on this site where there is insufficient details or certainty with regard to the submitted information.

Notwithstanding the details submitted, additional large scale drawings of the new shop fronts at scales between 1:20 and 1:1 as appropriate, showing full details of the design including sections and elevations of the pilasters, fascia, cornice, stall riser, doorcase, mullions, cills and glazing bars, shall be submitted to and approved in writing by the Local Planning Authority. The additional shop front details shall be submitted prior to the commencement of works and the new shop fronts shall be constructed strictly in accordance with the approved details and thereafter retained as such.

Reason: In order to protect the character of the listed buildings on this site where there is insufficient details or certainty with regard to the submitted information.

The proposed shopfront/s shall be constructed in timber and painted in accordance with a colour scheme which shall previously have been agreed in writing by the Local Planning Authority.

Reason: In order to protect the character of the listed buildings on this site.

For the LBC application (101951) only the following conditions are proposed:

Prior to the occupations of any of the units, all redundant plant and extract equipment and/or those units that do not have the benefit of a previous consent shall be removed and any repairs shall only be carried out using materials to match the existing.

Reason: In order to protect the character of the listed buildings on this site.

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: In order to protect the character of the listed buildings on this site where there is insufficient details or certainty with regard to the submitted information.

All existing architectural features including staircases, balustrades, windows, doors, architraves, skirtings, and other decorative features shall be retained except where otherwise agreed in writing with the Local Planning Authority.

Reason: In order to protect the character of the listed buildings on this site.

No part of the timber framing (or infill panels) shall be removed without the prior written approval of the local planning authority and any repairs to the existing timber frame shall only be carried out using materials which have previously been approved by the local planning authority.

Reason: In order to protect the character of the listed buildings on this site.

No works shall take place until details of the method of fire protection of the walls, floors, ceilings and doors, including 1:5 scale sections through walls and ceilings, 1:20 scale elevations of doors and 1:1 scale moulding sections, have been submitted to and approved in writing by the Local Planning Authority. All existing original doors shall be retained and where they are required to be upgraded to meet fire regulations details of upgrading works shall be submitted to and approved in writing by the Local Planning Authority. Self-closing mechanisms, if required, shall be of the concealed mortice type. The works shall be carried out in accordance with the approved details.

Reason: In order to protect the character of the listed buildings on this site where there is insufficient details or certainty with regard to the submitted information.

No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes external extract or ventilation equipment or flues shall be fixed to any elevation unless otherwise agreed, in writing, by the Local planning Authority.

Reason: In order to ensure that there is no damage caused to the historic fabric of the listed buildings on this site.

An additional informative is also suggested as below:

Any fire protection measures that may be needed to be applied to the internal walls between the former Angel Inn unit (Unit 4 on the submitted plans) and the adjacent timber framed building (Unit 3 on the submitted drawings) should take place on the Angel Inn side of the walls to avoid unnecessary damage to the timber frame.

7.4 – 101983 – Land to the rear of Brook Street, Colchester

Clarification on the 3 year period – This will extend the planning permission from its current expiry date 10 April 2011 to 10 April 2014.

7.5/7.6 – 101524/101525 - St Albrights, 1 London Road, Stanway

- 1) An additional representation has been received from Mr Frogley of Bishopstone, Hedgerows on 10th December as follows:

'...I would find it wholly unacceptable to allow works to be carried out at the weekend, and to start and finish at reasonable times from Monday to Friday.'

Officer response: Mr Frogley has been sent a copy of the advisory note which will be issued with the decision notice if permission is granted. The relevant section is as follows:

'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 Holidays.'

These are long established hours of work which are deemed to be acceptable by Environmental Control. Deviation from these could be deemed to be a nuisance and action could then be taken to rectify the situation.

- 2) An expansion and explanation on the financial appraisal.

When the applicants first approached Colchester Borough Council regarding this scheme, full Section 106 contributions towards affordable housing, education and open space, as well as Highways were requested by our Development Team. The applicant explained that the site costs, including the repair of the Listed Building, were so prohibitive that the site could not be developed unless allowances were made.

Your Officers then requested an “open book” approach, whereby the applicants submitted a full financial appraisal which detailed the site costs and the likely yield from the development. This concluded that full 106 contributions would mean a loss, and that the site would not, therefore, be developed.

Your Senior Estates Officer then studied the appraisal and amended it along the lines laid down by the Planning Inspectorate, removing items such as many of the historic (including purchase and holding) costs. The result was that the site would still not yield a profit if all 106 contributions were paid.

The conclusion was that a proportion of affordable housing could still be provided, the required Highways improvements could take place, and a reasonable yield to the developer would remain. Therefore seven units (four no. one bed flats, three no. three bed houses) are to be provided at affordable rent. This equates to 11 per cent affordable, which is a similar proportion to the previous application.

- 3) Amendment: The recommendation for the full application 101524 should be re-worded as follows:

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:

- The Listed Buildings to be secured and made wind and weather-tight prior to the commencement of any development;
- Seven units of affordable housing (four no. one bed flats, three no. three bed houses) to be provided in the first tranche of development;
- The conversion of the retained buildings be completed prior to development of a set number of new build units (number to be agreed).

The conditions are then as originally reported, with the exception of condition 02 (below):

- 4) Amended condition 02 for full application 101524 (reference to superseded drawing 09/02/08 Rev A is removed, drawing 09/02/01 G is superseded by drawing 09/02/01 H). Condition 02 now to read:

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing nos 09/02/01 H, 09/02/17, revision A (both dated and received 3rd December 2010); 09/02/32, 09/02/14 rev A, all dated 29th November 2010 and received 1st December 2010; dated, in addition to those originally submitted which are not superseded, i.e. drawing nos 09/02/02, 09/02/03, 09/02/04 Rev B, 09/02/05 Rev B, 09/02/06 Rev A, 09/02/07, 09/02/09, 09/02/10 Rev A, 09/02/11 Rev A, 09/02/12 Rev A, 09/02/13, 09/02/15, 09/02/18, 09/02/19, 09/02/20.

- 5) Councillor Laura Sykes has requested that construction traffic be routed away from residential areas and that all construction traffic be kept on the site. She has also requested that contact details of the site owners be left on display at all times in case of issues around security etc.

Officer response: The Highway Authority has requested no such condition regarding routing, but if members feel it is appropriate to impose such a condition it is possible to do this. Cllr Sykes has been advised that a condition instructing vehicles to park on site is not enforceable.

Regarding the second request regarding contact details, this can be met by a suitably worded condition.

- 6) Full list of conditions to Listed Building application 101525
1. Prior to the commencement of development, a programme of building recording works shall be carried out by an appropriately qualified specialist and submitted to the Local Planning Authority. The scope of the building recording works shall be agreed by the Local Planning Authority and the works implemented fully in accordance with the agreed details.
Reason: To ensure that the historic and architectural character of the building is properly recorded in all its details.
 2. 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
 3. Prior to the commencement of works, a schedule of repair works, supplemented by specifications and detailed drawings where appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The repair works shall be implemented in strict accordance with the approved details
Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building

4. Samples of the materials to be used on the external finishes (including paint finishes) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall only be carried out using the approved materials.
Reason: To ensure that the special architectural and historic interest of this building is safeguarded.
5. All external rainwater goods shall be of a similar design to the existing, formed in cast iron finished in black oil based paint unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that the historic and architectural character of the building is properly maintained in all its details.
6. Full details of the new brickwork and stonework including the brick and stone type, bond, mortar mix and joint profile shall be submitted to and approved by the Local Planning Authority before any work is commenced on site. The development shall be implemented in accordance with agreed details
Reason: To ensure that the special architectural and historic interest of this building and its setting is safeguarded
7. All existing windows shall be retained and repaired where necessary unless otherwise agreed in writing by the Local Planning Authority. Any replacement windows shall match exactly the details and moulding profile of these windows. Any surviving historic glass shall be carefully salvaged and reused. Any existing windows which are replaced by agreement with the Local Planning Authority shall be retained on site for inspection by representatives of the Local Planning Authority prior to the new windows being installed.
Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.
8. Additional drawings that show details (including material and final colour finish) of proposed new windows, cills, arches, louvers and doors, 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 commencement of any works. The development shall be implemented in accordance with the approved additional drawings.

Reason: To ensure that the special architectural and historic interest of this building and its setting is safeguarded.

9. No works shall take place until details of the method of fire protection of the walls, floors, ceilings and doors, including 1:5 scale sections through walls and ceilings, 1:20 scale elevations of doors and 1:1 scale moulding sections, have been submitted to and approved in writing by the Local Planning Authority. All existing original doors shall be retained and where they are required to be upgraded to meet fire regulations details of upgrading works shall be submitted to and approved in writing by the Local Planning Authority. Self-closing mechanisms, if required, shall be of the concealed mortise type. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the special architectural and historic interest of this building and its setting is safeguarded.

10. No works shall take place until details insulation (thermal and noise) have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: To ensure that the special architectural and historic interest of this building and its setting is safeguarded.

11. No cables, wires, aerials, pipework (except rainwater downpipes as shown on the approved plans), meter boxes external extract or ventilation equipment or flues shall be fixed to any elevation.

Reason: To ensure the satisfactory preservation of this listed building.

12. This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved in writing by the Local Planning Authority prior to any works commencing.

Reason: To ensure the satisfactory preservation of this listed building

13. Following the completion of the building operation for which consent is hereby granted any damage to the building shall be made good and all making good shall of the existing building shall be carried out using materials to be agreed with the Local Planning Authority so as to ensure a good match with historic materials

Reason: To ensure the satisfactory preservation of this listed building.

Paragraph 12.12 can effectively be discarded as the applicant has submitted drawings showing plot 36 to be hipped, thus reducing the impact on the neighbouring 3 London Road. The house is also to be handed so that bathroom and stairwell windows will be closest to 3 London Road, thus greatly reducing loss of privacy. This amended drawing is covered by condition.

There is an error on page 76 - Recommendation - 101255 (should be 101525)

7.8/7.9 – 102202/102205 – 172 London Road, Marks Tey

Amended site plan submitted showing narrower, recessed entrance with inward curving walls. This incorporates pedestrian visibility splays.

Condition 2 to read:-

“The development hereby permitted shall be implemented in all respects in accordance with the unnumbered site plan, received by the Local Planning Authority on 13 December 2010 in addition to those already submitted which are not superseded; i.e. drawing nos. 802/02A, 03A, 05 and 01A.”

7.10 102315 – Land adjacent to 3 Highfield Drive, Colchester

The applicant has submitted a written response to objections, this has been copied to Members of the Planning Committee.

Cllr Lewis has submitted closing comments this morning, as follow:

***“Good Morning,
Neither Cllr: Mike Hardy or myself are able to attend planning tonight, please accept our apologies,
I submit for consideration.***

No 3 Highfield Drive, Page 105.

I am very concerned about this application and raised concerns when the original was discussed.

The Minute, reasons refusal in addition to Parking,(which I understand have been addressed,) included

**** the loss of this open area and its replacement with an additional prominent dwelling will harm the character of this part of the street in that it will detract from the current open airiness which characterises the vicinity.***

****the proposed dwelling ,albeit shown in illustrative form, will adversely affect the amenity enjoyed by No 3 Highfield Drive, as a result of its close proximity, staggered juxtaposition ,scale and bulk.***

***I would like to refer committee members to Page 108. and ask you to consider all the listed implications.
regards
Sonia.”***

OFFICER’S RESPONSE: The second starred point has, in your Officer’s view, been resolved as the proposed new dwelling is now more in line with 3 Highfield Drive, and thus the issues raised by the stagger are no longer relevant.

7.12 102214 – 31 Creffield Road, Colchester

Arboricultural Officer’s Comments:

- As per the previous application it is possible to construct the proposed development with limited detriment to the trees to be retained off site. However, these trees are not under the direct control of the developers and therefore the pruning regime required to remove the dominant feel or nuisance of encroaching branches may not be possible this is should not form a primary reason for refusal but should be acknowledged as a potential issue.
- Agreement subject to conditions

Officer Comment:

There are pollarded lime trees in the grounds of Joyce Brooks House immediately adjacent to the rear extension. The Arboricultural Officer has concerns regarding the impact of construction works on the trees and the ongoing problems of a building in such close proximity to trees. This Council maintains these trees and they were pollarded in 2009. Given that the Arboricultural Officer is not suggesting that the application is refused on the solely on the impact on the trees it is considered that the application can be recommended for approval. Conditions as recommended by the Arboricultural Officer together with a condition to ensure works are in line with the submitted arboricultural are suggested.

Additional Conditions:

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

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

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.

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

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

The constructing shall take place solely in accordance with the terms of the Methodology Statement dated 8.12.2008 (revised 17.8.2010) which forms part of this permission, and no other works shall take place that would affect the trees on the site unless otherwise agreed in writing by the Local Planning Authority.

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

7.13 102225 – New Bungalow, Maypole Road, Tiptree

Additional drawing showing parking and turning facilities received.

7.20 101777 – 54 Wimpole Road, Colchester

Following discussion with the applicant's agent, an additional letter and plan has been submitted indicating parking provision for eight cycles at the front of the site. This would accord with the parking standard referred to in the report and is considered satisfactory, subject to an appropriate condition as below. The plan also indicates that the short section of boundary fence between the site and the rear garden of No 134, Military Road, currently approx 1.6 metres high, would be replaced with a 1.8 metre fence to match that along the western boundary. The letter indicates that a small patio area accessed via French doors from the proposed Surgery 4 would be for staff usage during work breaks and that the French doors would be kept shut during work times as the premises are to be provided with air conditioning. It is considered that limited use of this small area as indicated would not be likely to cause undue impacts on the amenity of neighbouring residential properties.

Accordingly, amendment and addition to the Conditions in the main report are recommended, as follows:

Amend Condition 2 by adding at the end “, and drawing number Mck/7/6 dated December 2010.”

Add Condition 4: “The bicycle parking facilities as shown on approved drawing number Mck/7/6 dated December 2010 shall be provided prior to the first occupation of the development hereby approved and thereafter shall be retained and made available as such.”

Reason: To ensure proper provision for cyclists, including parking in accordance with the local planning authority’s adopted standards.

- a) **Members are advised that today (16th December 2010), the occupier of No 134, Military Road has withdrawn in writing his objection to this application.**
- b) **It is recommended that a further Condition be imposed to ensure that the fence between the application site and 134, Military Road is increased in height as indicated in additional drawing no. Mck/7/6, as follows:**

Add Condition 5: “Prior to the occupation of the development hereby permitted, the fence between the application site and No 134, Military Road shall be increased in height to a minimum of 1.8 metres, as indicated on approved drawing number Mck/7/6, and shall be retained as such thereafter.”

Reason: In order to safeguard the privacy of adjoining occupiers.

7.21 101991 – 85 Church Road, Tiptree

The owners of The Flower Girl have reiterated their concerns as to the loss of the parking area which has been granted to them in their lease. This would affect their business as the shop delivery van is parked in this location and provides a source of advertising. They have not been offered an alternative space and the area to the rear is often blocked by other vehicles.

Officer’s comment: This is effectively a civil matter which would need to be resolved between the parties involved.

7.22 102055 – Land surrounding 15 Queen Street, Colchester

It is considered that an additional condition should be inserted to ensure the finished surface of Kilkenny Limestone is laid within a reasonable timescale. It is suggested this should be within 1 month of occupation of any redevelopment on the neighbouring site (Roman House) or within 5 years of the date of this permission, whichever is sooner. The link to the redevelopment of Roman House is because this site will contribute land to the finished widened access way.

Condition

The finished surface of Kilkenny Limestone shall be laid in place of the temporary surface of resin bonded gravel within 1 month of occupation of any redevelopment on the neighbouring site (Roman House) or within 5 years of the date of this permission, which ever is sooner, unless otherwise agreed in writing by the Local Planning Authority. Reason: To ensure the proposed finished surface is laid within a reasonable timescale to tie in with the finish of the rest of the public space.

7.23 102064 – Fairfield's Farm, Fordham Road, Wormingford

Fordham Parish Council comment as follows:-

“This Council wish to SUPPORT but are nevertheless concerned about the inadequacy of the supporting documents, as the Design and Access Statement does not appear to follow the recommended Government guidance, as there is no reference to the local area, the proposed development and design in context, or the Colchester Local Development Framework planning policies such as sustainability, parking, refuse and recycling and accessibility.”

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
16 December 2010 at 6:00pm**

SUPPLEMENTARY AGENDA

Part B

(not open to the public or the media)

Pages

There are no Section B Items