

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

**SUPPLEMENTARY AGENDA**

**Part A**

(open to the public including the media)

**Pages**

**. Amendment Sheet**

**74 - 83**

See Amendment Sheet attached.



# AMENDMENT SHEET

Planning Committee  
2 December 2010

## AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

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

### 7.1 100646 - Tubswick, Mill Road, Colchester

A further email/letter of objection from Myland Parish Council (MPC) was received by on 29 November 2010 (acknowledged as a late objection) – this is attached to the amendment sheet

#### *Officer Comment*

***MPC Point 1: With the adoption of the Development Plan (October 2010), Local Plan Policy UEA4 no longer forms part of the ‘development plan’ and is not therefore a relevant planning policy consideration.***

***MPC Point 2: Paragraph 2.1.1 of the report states “the property is situated within an established mixed use residential and commercial area.... The immediate surrounding area is residential however the frontage of the site is opposite a school”. This statement accurately describes the context of this site.***

***MPC Point 3: Given the circumstances of this case, the level of detail contained within the submitted financial appraisal is considered adequate for this application.***

***MPC Point 4: The Estate Manager has stated that “as Tubswick is a specialised property, the rebuilding costs are likely to be at the upper end of the BCIS rebuilding costs range and should take into account the requirement for non-standard components”. The applicant has confirmed that submitted figure work is based on an excellent level of rebuild rather than a lower level of rebuild.***

**MPC other issues:**

***The parish council's decision to undertake an options appraisal in respect of this site does not constitute a material planning consideration and, as such, should not be used as a reason to justify a delay in the determination of this application. The agent has stated that the MPC have made no direct contact with their client and that they consider it unreasonable for the Parish Council to expect the Council to delay this application to undertake discussion for a six month period.***

***It is not considered necessary to prepare a detailed planning brief for this site in advance of a making a decision in respect of this application. If the demolition of this building is accepted, the site is not considered to be unduly sensitive and any development proposal will be considered against adopted policy / planning guidance and will be subject to the useable consultation procedures (which includes the regular liaison meetings with MPC).***

**A letter from the agent dated 30 November 2010 responding to the aforementioned MPC letter was received on 1 December 2010 and is also attached to this amendment sheet.**

**7.2 101416 – Thatched Cottage, Vine Farm Lane, Tiptree**

The Highway Authority has been consulted on an additional plan submitted by the applicant indicating the provision of three parking spaces (see report). The Highway Authority accepts the parking arrangement indicated, subject to no encroachment on the existing width of the lane and provision of visibility splays of 2m x 33m for vehicles and 1.5m x 1.5m for pedestrians, as far as is achievable within the site. Additional conditions are recommended, as set out below:

**Add to Conditions:**

**Condition 4**

The development shall be implemented in all respects strictly in accordance with the submitted plans drawing no 790/02B and 1:1250 Ordnance Survey extract date stamped 9<sup>th</sup> July 2010.as hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority, with the exception of the parking spaces which shall be laid out as set out in Condition 2.

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

#### Condition 5

Notwithstanding the fence and hedgerow indicated on the Additional Plan date stamped 8<sup>th</sup> October 2010, prior to occupation of the dwelling visibility splays with dimensions of 2 metres by 33 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access, as far as is achievable within the site. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Essex Local Transport Plan 2006 / 2011. Appendix G: Development Control Policies and Processes Policy 1.1

#### Condition 6

Notwithstanding the fence and hedgerow indicated on the Additional Plan date stamped 8<sup>th</sup> October 2010, prior to the occupation of the dwelling a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access, as far as is achievable within the site. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter.

Reason: To provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Essex Local Transport Plan 2006 / 2011 Appendix G : Development Control Policies and Processes Policy 1.1 General.

#### Condition 7

The development hereby permitted shall be carried out without encroaching onto the existing width of Vine Farm Lane.

Reason: In the interests of pedestrian and vehicular safety and accessibility.

7.4 & 7.5 – 101551 & 101556 – Turners, Bacons Lane, Chappel

The address of both applications should be Bacons Lane, Chappel not Swan Street, Chappel.

Conservation and Design Officer comments:

Full text is available on the website:

“Turners is a is listed grade II it is set in reasonable sized grounds and this, along with the boundary hedging, contributes to the setting of this listed building. A former bread oven is located to the south east of the cottage and is afforded listed building protection as a curtilage structure. The main conservation issue raised by this application is the

effect that the proposed development would have on the setting of the listed cottage.

The garden area of Turners is of a sufficient size to accommodate a new dwelling.

The proposed new dwelling is located a comfortable distance to the south east of the historic cottage and will be separated from it by a new boundary hedge. Given this, and the modest size of the new dwelling, it is not considered that the proposed development would have a detrimental impact on the setting of the listed cottage.

The design of the cottage reflects the local vernacular style and is appropriate for this rural location; the design detailing of the cottage will need to be the subject of appropriately worded conditions.

It is prudent to remove permitted development rights to ensure that future extension to the proposed dwellings and/or the erection of additional structures within curtilage of this building do not have an adverse impact on the setting of the listed building.

The formation of the new access and the boundary the frontage boundary treatment will be critical to ensuring that the setting of the cottage and its immediate environment is not eroded; for example the standard application of highway visibility splays could potentially have an adverse impact on the local street scene.

The retention and refurbishment of the bread house is welcomed. It is shown within the curtilage of the new dwelling; it is considered prudent to amend the site boundary so that the bread oven remains within the curtilage of Turners - thus retaining the physical and historic link between these structures. This amendment would also avoid any future potential confusion over the listed status of the bread oven. The refurbishment of the bread oven will need to be the subject of a condition that requires its repair prior to the occupation of the new dwelling.

Turners showing signs of deterioration and consideration should be given as to whether it is appropriate to attach a condition requiring the refurbishment of the listed cottage prior to works starting on the new build property.”

*Officer Comments:*

- *Conditions to control materials and remove permitted development rights are suggested in the report. An additional condition to require the refurbishment of the bake house prior to occupation of the new dwelling is suggested:*

*“Prior to the occupation of the hereby approved dwelling the bake house shall be refurbished in line was a scheme which shall have previously been agreed in writing with the LBC. Reason: To ensure that the bake house is restored as proposed and in the interests of protecting this building which is deemed to be listed”.*

- *The site plans could be redrawn to include the bake house with in the garden of Turners however this will not assure that the bake house is retained in the ownership of the owners of Turners.*
- *The erection of the dwelling is not being proposed as an enabling development which is contrary to Policy in order to facilitate any works to Turners. As the erection of a dwelling is in line with Policy it is not considered reasonable to condition the grant of planning permission to prevent works to commence prior to the renovation of Turners. If the Council is concerned with the condition of Turners there is legislation to require repair works.*



# Myland Parish Council

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Date: 25<sup>th</sup> October 2010

Clerk to the Council & Responsible Financial Officer: Helen Harris

CBC Planning Committee Chairman  
Planning Services Manager  
Principal Planning Officer:

Councillor Ray Gamble  
Vincent Pearce  
Alistair Day

Dear Sirs

**Re: Tubswick, Myland Parish - Application no 100646**

We are in receipt of further reports written by Ms Linda Russell, Planning Consultant, and Mr SP Willerton of Brown & Co Estate Agents (retained by the owners of Tubswick).

Our two previous responses strongly objecting to the planning application for the demolition of the remaining building and/or the demolition and implicit delisting of Tubswick without an agreed planning brief and/or outline planning application for the future of this site of local historic interest is confirmed.

We wish to raise several points of major concern in Ms Russell's and Mr Willerton's subsequent reports, which may lead Borough Councillors to make an inappropriate decision on this property's future.

**Valuation. Mr Willerton Brown & Co report dated 21.9.10**

Point One

The issue of valuation of this site under several scenarios is of no relevance in material planning terms for the Parish council at this time. The reason for this is that the site under Policy UEA4 should be offered first to the community as a social facility to compensate the community for the loss of one of its most culturally important landmarks.

Point Two

We disagree with Mr Willerton that adjacent properties are modern, the school opposite, another cherished community facility, is a well maintained Edwardian Building. The cottages on either side of Mill Road are early Victorian, and this area is specified as one of local historic interest.

Point Three Planning Uses;

The Tubswick site already has residential use, but its proximity to the commercial and social centre of the village would suggest that other use classes, particularly associated with the Recreation Ground, could also expect to be approved under a new planning application.



We disagree with some aspects of Mr Willerton’s valuation and expertise is provided by our Cllr Dickinson who is an FRICS Quantity Surveyor and Development Planner well known to the Bough Council.

It is clear that Brown & Co have not been asked by the owners to prepare a thorough list of comparative development values for this site, and have sought only to provide “information” to support the owners case for full de-listing, demolition and total new residential development. If valuations are to be considered as part of this planning application then a full and objective analysis must be provided to the council on which to make their judgements

	Brown + Co	Myland PC
Valuation in present condition and unresolved listed planning issues		
Valuation, cleared and demolished site, unfettered residential uses C1, C3(a) C4		
Valuation, cleared and demolished site, commercial/retail use classes A1 to A3		
Valuation, cleared and demolished site, community D1, with some A class		
Valuation rebuild replica of Tubswick House,	5.1.1 £550 k	
Valuation rebuild replica of Tubswick House, and associated extra 2 bed unit houses	5.1.1 £495 k	
Rebuilding Cost at 3Q 2010	5.1.2 £610 k	Point 4 £390 k
Valuation land only to frontage for new house build	5.1.3 £100 k	

#### Point Four Rebuild Costs.

Mr Willerton states at 4.7.1+2, that the re-build costs for 251 m2 of residential building at Tubswick would be £610 000 at 3Q 2010 prices in Colchester. He states he is basing this on the BCIS rebuild rates, which appear to us to equate to £1,800 /m2 plus full 17.5% VAT

We dispute Mr Willerton’s calculation, in both process and absolute terms, and are concerned that no breakdown of his figures are provided in a standard the BCIS format (their rebuild rate is currently some £1,285/m2, which will not attract VAT), comprising.

- Demolition, incl. foundations and cart away
- Construction, based on what specification
- Specialist Fittings
- External works:            Drainage + Services  
   Immediate garden area around building  
   Enhancement to rest of curtilage (for owners account)
- Design + LA Fees
- Contingency
- VAT

Our calculations, based on a generous interpretation of the facts are that re-building a facsimile of Tubswick, will cost in the order of £390,000 (not the £610,000) at September 2010 prices.

In conclusion the report from Mr Willerton, when objectively analysed, does not show any reliable material valuations to determine the various economically viable uses of this site, and therefore should not be trusted as any form of material planning consideration at this time.

**Response from Ms Russell. 7.9.10**

Myland Parish Council has little to add to Ms Russell's letter, which we assessed as a restatement of the circumstances of the fire at Tubswick and its personal effect on the owners. As a planning consultant we were perplexed to hear that she has chosen not to approach this Council because 3 other parishes outside the borough refused to speak to her on other occasions.

Myland Parish Council is undertaking an option appraisal/feasibility study to possibly purchase this site ourselves and submit our own planning application to reinstate Tubswick with other facilities such as a community centre. We will not know until February 2011 if this popular concept will be agreed by the community and if we can secure the funding needed.

For this reason we reiterate our previous request to the Chairman of the Planning committee that

- Refuse the application for demolition of Tubswick on the grounds that UEA4 and DP14 alone are strong enough reasons to reject this application.
- Instruct officers to hold further meaningful discussion and agreement on the future of Tubswick with all interested parties, especially the Community, over a six month period.
- Refuse to consider any future application for demolition and implicit de-listing of Tubswick without a viable, fully detailed planning brief including reconstructive and possible new development.

Yours faithfully



Helen Harris  
Clerk & RFO  
For and on behalf of Myland Parish Council

Planning, Protection & Licensing  
Colchester Borough Council  
PO Box 889  
Town Hall  
Colchester  
Essex CO1 1FL

Your ref: 100646  
Our ref: SS/RIC002-3

Attn: Mr Alistair Day

By Post & Email: Alistair.day@colchester.gov.uk

30<sup>th</sup> November 2010

Dear Sirs

**Planning (Listed Buildings & Conservation Areas) Act 1990  
Demolition of Remainder of Severely Fire Damaged Dwelling & Associated Garage  
Tubswick, Mill Road, Mile End, Colchester**

Thank you for forwarding us a copy of the latest comments from Myland Parish Council in respect of the planning application reference 100646 for Tubswick, Mill Road, Colchester. We respond as follows to the points raised by the Parish Council.

The Development Plan policies have now been adopted and policy UEA4 is therefore no longer a relevant planning policy and does not form part of the consideration of this application.

In respect of point two of the Parish Council's letter, Mr Willerton who prepared the report has referred to the area close to Tubswick as being in an "... established mixed residential and commercial area. The properties to the rear are modern." This statement of course refers to the properties to the south of Tubswick not to the north.

The Parish Council states that the BCIS rebuild rates appear very high at £1,800 per square metre, plus VAT at 17.5%. The Parish Council dispute these figures and consider that their own figure of £1,285 per square metre, with no VAT is more reasonable.

Firstly the Parish Council are basing this on the fact that no VAT, would be payable. This of course is incorrect because any rebuilt dwelling would not itself be a listed building. The rebuilding would therefore attract VAT for the rebuilding costs.

Furthermore, it is extremely likely that the rebuilding, to achieve a facsimile of what was formally located on the site, would be to a high quality and therefore the figures quoted from BCIS are based on an excellent level of rebuild, rather than an average or poor level

of rebuild. This figure provided by Mr Willerton comprises an estimated cost for rebuilding at an excellent standard totalling £571,000 with an additional further 7% contingency added for the high probability of additional necessary works (site clearance, potential asbestos removal, etc).

The figure quoted by the Parish Council of £390,000 for rebuilding is considered by Mr Willerton to be wholly inadequate to rebuild a property the size Tubswick was and to a high specification to create a facsimile of what previously existed.

The Parish Council also state that they are carrying out what they refer to as an option appraisal/feasibility study with regard to the possible purchase of the site and submission of a planning application to reinstate Tubswick with other facilities such as a community centre. In this case this is not a material planning consideration and is not relevant to the determination of this application.

For information only we can confirm that since the fire, almost a year ago, the Parish Council have made no direct contact with either the Applicant or his agent to discuss the possibility of their purchase of the site for the restoration of Tubswick.

It is unreasonable for the Parish Council to expect the Council to undertake discussion with other parties over a six month period. The determination of this application has already been delayed significantly and there is no justifiable reason to delay the determination any further.

The Officer report is a full report and considers all of the issues previously raised by the Parish Council and those of other parties and in light of the Council's recommendation, which considers the views of English Heritage and The Georgian Group, the recommendation is a fair and properly assessed recommendation to approve, subject to ratification by the Secretary of State.

We wish to remind the Council that if listed building consent is refused without proper justification, the Council renders itself vulnerable to a costs award on appeal.

Yours faithfully

Linda S Russell, Solicitors & Planning Consultants

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

**SUPPLEMENTARY AGENDA**

**Part B**

(not open to the public or the media)

**Pages**

**There are no Section B Items**