



Colchester
City Council

Planning Committee Meeting

**Grand Jury Room, Town Hall, High Street,
Colchester, CO1 1PJ
Thursday, 28 September 2023 at 18:00**

The Planning 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. Usually, only one person for and one person against each application is permitted.

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 (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published.

Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

Most meetings take place in public. This only changes when certain issues, for instance, commercially sensitive information or details concerning an individual are considered. At this point you will be told whether there are any issues to be discussed in private, if so, you will be asked to leave the meeting.

Have Your Say!

The Council welcomes contributions and representations from members of the public at most public meetings. At Planning Committee meetings, other than in exceptional circumstances, only one person is permitted to speak in support of an application and one person in opposition to an application. If you would like to speak at a meeting and need to find out more, please refer to the Have Your Say! arrangements here:

<https://colchester.cmis.uk.com/colchester/HaveYourSay/HYSPlanning.aspx>.

Audio Recording, Streaming, Mobile phones and other devices

The Council audio records and streams public meetings for live broadcast over the internet and the recordings are available to listen to afterwards on the Council's website. Audio recording, photography and filming of meetings by members of the public is also welcomed. Phones, tablets, laptops, cameras and other devices can be used at all meetings of the Council so long as this doesn't cause a disturbance. It is not permitted to use voice or camera flash functions and devices must be set to silent. Councillors can use devices to receive messages, to access meeting papers and information via the internet. Looking at or posting on social media by Committee members is at the discretion of the Chairman / Mayor who may choose to require all devices to be switched off at any time.

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 the Library and Community Hub, Colchester Central Library, using the contact details below and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are on each floor of the Town Hall. A water dispenser is available on the first floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

telephone (01206) 282222 or textphone 18001 followed by the full number you wish to call

e-mail: democratic.services@colchester.gov.uk

www.colchester.gov.uk

COLCHESTER CITY COUNCIL
Planning Committee
Thursday, 28 September 2023 at 18:00

The Planning Committee Members are:

Cllr Lilley	Chair
Cllr Barton	Deputy Chair
Cllr Davidson	
Cllr Hogg	
Cllr Mannion	
Cllr MacLean	
Cllr McCarthy	
Cllr McLean	
Cllr Tate	
Cllr Warnes	

The Planning Committee Substitute Members are:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop training:-

Councillors:

Cllr Arnold	Cllr Bickersteth	Cllr Bloomfield	Cllr Burrows
Cllr Buston	Cllr Cory	Cllr Dundas	Cllr Ellis
Cllr Goacher	Cllr Hagon	Cllr Harris	Cllr Kirkby-Taylor
Cllr Law	Cllr Laws	Cllr Lissimore	Cllr Luxford-Vaughar
Cllr Naylor	Cllr Nissen	Cllr Pearson	Cllr Powling
Cllr Rippingale	Cllr Rowe	Cllr Scordis	Cllr Scott-Boutell
Cllr Smalls	Cllr Smith	Cllr Sommers	Cllr Sunnucks
Cllr Willetts	Cllr J. Young	Cllr T. Young	

AGENDA

THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING

(Part A - open to the public)

Please note that Agenda items 1 to 2 are normally dealt with briefly.

An Amendment Sheet is published on the Council's website by 4:30pm on the day before the meeting and is available to view at the bottom of the relevant Planning Committee webpage. Please note that any further information for the Committee to consider must be received no later than 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.

Live Broadcast

Please follow this link to watch the meeting live on YouTube:

[\(107\) ColchesterCBC - YouTube](#)

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

3 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other registerable interest or non-registerable interest.

4 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

5 Have Your Say(Hybrid Planning Meetings)

At meetings of the Planning Committee, members of the public may make representations to the Committee members. This can be made either in person at the meeting or by joining the meeting remotely and addressing the Council via Zoom. These Have Your

Say! arrangements will allow for one person to make representations in opposition and one person to make representations in support of each planning application. Each representation may be no longer than three minutes(500 words). Members of the public wishing to address the Committee either in person or remotely need to register their wish to address the meeting by e-mailing democratic.services@colchester.gov.uk by 12.00 noon on the working day before the meeting date. In addition for those who wish to address the committee online we advise that a written copy of the representation be supplied for use in the event of unforeseen technical difficulties preventing participation at the meeting itself.

These speaking arrangements do not apply to councillors who are not members of the Committee who may make representations of no longer than five minutes each

6 Minutes of Previous Meeting

No minutes of previous meetings are submitted for approval to this meeting.

7 Planning Applications

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

7.1 231825 Route to the University of Essex, St Botolphs Circus, Colchester 7 - 16

The proposed advertisement application consists of 11 wayfinding posts connecting Colchester City Centre to the University of Essex. The proposed wayfinding interventions will establish a walking trail featuring physical markers that are linked to a digital platform.

7.2 231826 Route to the University of Essex, Greenstead Boundary Road, Colchester 17 - 26

The proposed advertisement application consists of 11 wayfinding posts connecting Colchester City Centre to the University of Essex. The proposed wayfinding interventions will establish a walking trail featuring physical markers that are linked to a digital platform.

7.3 231889 Little Doves Day Nursery, Lower Road, Peldon, Colchester, CO5 7PR 27 - 42

Application for the demolition of agricultural building and erection of replacement building for Class E(f) - Day Nursery.

8 Exclusion of the Public (not Scrutiny or Executive)

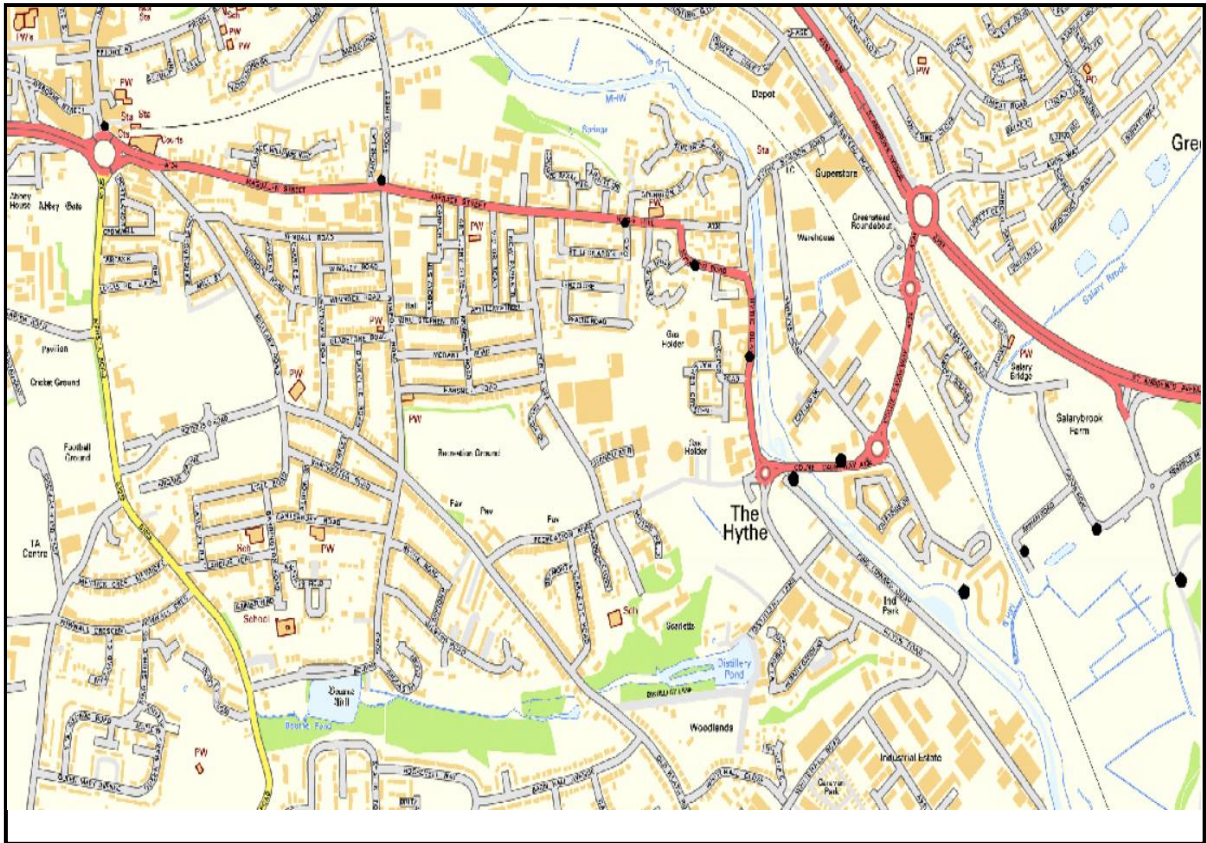
In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt

information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Planning Committee Information Pages v2

43 - 54

Part B
(not open to the public including the press)



The Ordnance Survey map data included within this publication is provided by Colchester City Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

Item No: 7.1

Application: 231825

Applicant: Ms Jane Thompson

Agent: Mr Cris Lamarque

Proposal: The proposed advertisement application consists of 11 wayfinding posts connecting Colchester City Centre to the University of Essex. The proposed wayfinding interventions will establish a walking trail featuring physical markers that are linked to a digital platform.

Location: Route to the UoE, St Botolphs Circus, Colchester

Ward: New Town & Christ Church

Officer: Mr Daniel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee for reasons of transparency as the applicant is a member of staff at Colchester City Council.

2.0 Synopsis

2.1 The key issues for consideration are the impact on the street scene and character of the areas where the signs are proposed to be located as well as impact on Conservation Areas and Listed Buildings as two of the proposed 17 signs are located within a Conservation Area and close to Listed Buildings.

2.2 The application is subsequently recommended for Approval.

3.0 Site Description and Context

3.1 As the proposal is for 17 signs to be located along two walking routes (1- To and from the University of Essex, Wivenhoe to the City Centre. 2 – To and from Greenstead and the University of Essex, Wivenhoe) and split over two applications it is considered expedient to consider these two applications as one committee report and presentation.

3.2 Application reference 231825 concerns 11 sign posts of identical design and materials marking out a walking route between the University of Essex and the City Centre. As such, there are 11 small sites to consider where each post will be located.

3.3 Each post location is located along a current highway/footpath with only post references 1 and 3 being located within Conservation Areas and near Listed Buildings.

3.4 Application reference 231826 concerns 6 sign posts of identical design and materials marking out a walking route between the University of Essex and Greenstead. As such, there are 6 small sites to consider.

3.5 As above, each sign post will be located along a current highways/footpath and none of the locations are within Conservation Areas nor are near to any Listed Buildings.

4.0 Description of the Proposal

4.1 The proposals are for a total of 17 wayfinding posts connecting Colchester City Centre and Greenstead to the University of Essex and designed to establish a walking trail with physical markers linked to a digital platform (through the use of a QR Code on each sign).

4.2 Each post will be 3 metres in height with two directional 'fingers' each with wording of either City Centre or Greenstead and University of Essex depending on the route.

- 4.3 Each post will be of triangular powder coated aluminium and clad with polished stainless steel with the wording 'Walk With Words' cut out of the material. The QR Code will also be located on each post.
- 4.4 Each directional 'finger' will be of aluminium with directional text. The fingers will be yellow in colour with the text in black.
- 4.5 Each base will have a corten metal base plate, triangular in shape and with the wording 'Walk With Words'.

5.0 Land Use Allocation

- 5.1 Given the numerous sites, there is a mix of land use depending on each site. The mix of land use includes Town Centre Inner Core, retail, offices, leisure and cultural facilities.

6.0 Relevant Planning History

- 6.1 There is no planning history directly related to this proposal and location however, members will be aware that there are several street statues within the Town Centre such as the one located close to Fenwick's and the forthcoming statue of the Taylor Sisters opposite.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

ENV1 Environment
DM15 Design and Amenity
DM16 Historic Environment
DM20 Promoting Sustainable Transport and Changing Travel Behavior

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Wivenhoe Neighbourhood Plan is also relevant.

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Highways

The Highway Authority have confirmed that they have no objection to the scheme. They require a condition that states no works shall take place within the highway until such time as the necessary licencing from Essex County Council has been received by the applicant and all necessary conditions/requirements of that licence have been complied with.

8.3 **Environmental Protection** – No comments or objections

8.4 **Contaminated Land Officer** – No objections

8.5 Historic Buildings and Areas Officer

No objections. The public benefit and modern context of the signs are positive considerations and impact on heritage assets will be minimal.

8.6 Archaeological Officer

No objections. Suggested conditions only on the following posts:

Directional Post 1 - Archaeologically sensitive location, on/near site of St Botolph's priory. Developed, but archaeological monitoring condition for this post would be appropriate.

Directional Post 2 - Archaeologically sensitive location on site of church and churchyard of St Mary Magdalen. Developed, but archaeological monitoring condition for this post would be appropriate.

9.0 Parish Council Response

9.1 The Town Council of Wivenhoe have stated that they have no comments.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighboring properties.

10.2 No objections have been received on either of the applications references.

11.0 Parking Provision

11.1 The proposals will require no parking provision and will not impact any existing parking provision nearby.

12.0 Accessibility

12.1 Officers are mindful that the posts will be new structures in the highway and will therefore cause a degree of additional clutter that could impact those with

mobility issues and or the visually impaired. This has been carefully considered by officers.

ECC Highways, the Highway Authority, have no objection to the scheme. They have requested a condition to deal with the precise location of the posts via the highways licencing system. This will ensure the precise location of the posts is in the least obstructive position for all footway users. This is considered to be an appropriate manner in which to deal with this matter.

13.0 Report

13.1 The main issues in this case are:

- The Principle of Development
- Design and Layout
- Impact on the Surrounding Area including heritage assets
- Impacts on Neighbouring Properties
- Highway Safety

13.2 The project resulting in these two applications is called 'Walk With Words' and is funded by S106 contributions from the student accommodation developments. An article about this project, it's aims and reasons can be found on the Council website however, relevant content to these applications will be paraphrased as part of this report to allow members to see the reasons the applications have come about.

13.3 The overall purpose is to promote better and sustainable travel links between the University of Essex and the City Centre and Greenstead, however it is also identified as helping to boost economic links through improved awareness of the university for City centre residents and visitors.

13.4 It is also understood that there is funding in place for the maintenance and cleaning of the sign posts.

13.5 Given the nature of the proposals, the posts will be located in highly visible areas however, many of the locations are in areas with existing street signage due to many of the sites being close to road/footpath junctions.

13.6 The majority of the proposed sign posts are not considered to be in particularly sensitive locations however, as noted above, two of the proposed signs will be within Conservation Areas and close to Listed Buildings. These are Post Reference 1 and 3 within application reference 231825 which is the route to and from the University of Essex and the City Centre.

13.7 Notwithstanding the above, the Council's Historic Buildings and Areas Officer has commented (see above) and has no objections to the posts at these two locations. Harm to the character and setting of the Conservation Areas and Listed Buildings is considered minimal and therefore acceptable.

13.8 Given the proposed sign posts promote walking routes, they therefore promote a sustainable method of transport which is supported by planning policy.

13.9 Each post is located at a point where it is considered there will be minimal impact to the flow of foot traffic and it is noted that Highways have not objected to the proposals subject to a condition on necessary licensing for the highway works.

13.10 Reasons for the Project and Proposal

13.11 The project seeks to link various university accommodations to the university and other attractions (such as the main City Centre) to encourage more journeys to be made by foot.

13.12 A further aim was to promote better linkage both physically and economically between the university and the City Centre as well as sustainability and reducing carbon emissions.

13.13 Overall, the wayfinding strategy seeks to address the following issues identified through a site appraisal as part of the project report and research.

- A lack of place identity
- A negative impression of time and distance when walking to town
- A poor sense of arrival

13.14 With regards to the chosen sign locations, the applicant and agent have advised that they were chosen as part of a study involving walking the different route options and understanding what would be the most realistic walking route to promote and connect the different areas, exploring different options for walking routes between the accommodation blocks, the university and the town centre and Greenstead.

13.15 The objective was to find the fastest, most direct and safest routes between start and end points. The agent and applicant also worked with Essex County Council Highways to identify the optimal location for the posts thus minimising any impact on the highways.

14.0 Conclusion

14.1 To summarise, the impacts on the Conservation Area and the setting of heritage assets are considered minimal and therefore acceptable. Impacts to the highway regarding flow of foot traffic will be minimal. The proposals promote a sustainable means of transport and encourage the use of walking routes linking the University to the City Centre and Greenstead.

15.0 Recommendation to the Committee

15.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permissions 231825 and 231826 subject to the following conditions (conditions list for each application/approval):

Conditions for 231825

1. ZAA - 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. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings referenced PL0110, PL0112, PL0113, PL0114, PL0115, PL0116, PL0117, PL0118, PL0119, PL0120, PL0121, PL0122, PL0123 and PL0124 dated 10th May 2023.

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

3. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Highways

No works shall take place within the highway until such time as the necessary licencing from Essex County Council has been received by the applicant and all necessary conditions/requirements of that licence have been complied with.

Reason: To protect the highway user and the integrity and fabric of the highway in the interests of highway safety

5. Archaeology

Prior to the commencement of any works on directional posts 1 and 2 (drawings PL0114 and PL0115) only, a watching brief shall have been arranged to be maintained during the course of any works affecting any archaeological presence and to be carried out in accordance with a written specification produced by a professional archaeologist, or an organisation with acknowledged experience in the recording of archaeological elements which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Reason: To safeguard the identification and recording of features of historic and/or archaeological interest.

16.0 Informatives

16.1 The following informatives are also recommended:

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.

Non Standard: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Non Standard: The applicants are reminded of the need to obtain a license from ECC Highways before installation of the artwork in the adopted highway.

Conditions for 231826

1. ZAA - 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. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings referenced EX0102, PL0111, PL0112, PL0113, PL0124, PL0125, PL0126, PL0127, PL0128 and PL0129 dated 10th May 2023.

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

3. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Highways

No works shall take place within the highway until such time as the necessary licensing from Essex County Council has been received by the applicant and all necessary conditions/requirements of that license have been complied with.

Reason: To protect the highway user and the integrity and fabric of the highway in the interests of highway safety

16.0 Informatives

16.1 The following informatives are also recommended:

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.

Non Standard: All work within or affecting the highway is to be laid out and

constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Non Standard: The applicants are reminded of the need to obtain a license from ECC Highways before installation of the artwork in the adopted highway.



The Ordnance Survey map data included within this publication is provided by Colchester City Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

Item No: 7.2

Application: 231826

Applicant: Ms Jane Thompson

Agent: Mr Cris Lamarque

Proposal: The proposed advertisement application consists of 11 wayfinding posts connecting Colchester City Centre to the University of Essex. The proposed wayfinding interventions will establish a walking trail featuring physical markers that are linked to a digital platform.

Location: Route to the UoE, Greenstead Boundary Road, Colchester

Ward: Wivenhoe

Officer: Mr Daniel Cooper

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee for reasons of transparency as the applicant is a member of staff at Colchester City Council.

2.0 Synopsis

2.1 The key issues for consideration are the impact on the street scene and character of the areas where the signs are proposed to be located as well as impact on Conservation Areas and Listed Buildings as two of the proposed 17 signs are located within a Conservation Area and close to Listed Buildings.

2.2 The application is subsequently recommended for Approval.

3.0 Site Description and Context

3.1 As the proposal is for 17 signs to be located along two walking routes (1- To and from the University of Essex, Wivenhoe to the City Centre. 2 – To and from Greenstead and the University of Essex, Wivenhoe) and split over two applications it is considered expedient to consider these two applications as one committee report and presentation.

3.2 Application reference 231825 concerns 11 sign posts of identical design and materials marking out a walking route between the University of Essex and the City Centre. As such, there are 11 small sites to consider where each post will be located.

3.3 Each post location is located along a current highway/footpath with only post references 1 and 3 being located within Conservation Areas and near Listed Buildings.

3.4 Application reference 231826 concerns 6 sign posts of identical design and materials marking out a walking route between the University of Essex and Greenstead. As such, there are 6 small sites to consider.

3.5 As above, each sign post will be located along a current highways/footpath and none of the locations are within Conservation Areas nor are near to any Listed Buildings.

4.0 Description of the Proposal

4.1 The proposals are for a total of 17 wayfinding posts connecting Colchester City Centre and Greenstead to the University of Essex and designed to establish a walking trail with physical markers linked to a digital platform (through the use of a QR Code on each sign).

4.2 Each post will be 3 metres in height with two directional 'fingers' each with wording of either City Centre or Greenstead and University of Essex depending on the route.

- 4.3 Each post will be of triangular powder coated aluminium and clad with polished stainless steel with the wording 'Walk With Words' cut out of the material. The QR Code will also be located on each post.
- 4.4 Each directional 'finger' will be of aluminium with directional text. The fingers will be yellow in colour with the text in black.
- 4.5 Each base will have a corten metal base plate, triangular in shape and with the wording 'Walk With Words'.

5.0 Land Use Allocation

- 5.1 Given the numerous sites, there is a mix of land use depending on each site. The mix of land use includes Town Centre Inner Core, retail, offices, leisure and cultural facilities.

6.0 Relevant Planning History

- 6.1 There is no planning history directly related to this proposal and location however, members will be aware that there are several street statues within the Town Centre such as the one located close to Fenwick's and the forthcoming statue of the Taylor Sisters opposite.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

ENV1 Environment
DM15 Design and Amenity
DM16 Historic Environment
DM20 Promoting Sustainable Transport and Changing Travel Behavior

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
External Materials in New Developments

The Wivenhoe Neighbourhood Plan is also relevant.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Highways

The Highway Authority have confirmed that they have no objection to the scheme. They require a condition that states no works shall take place within the highway until such time as the necessary licencing from Essex County Council has been received by the applicant and all necessary conditions/requirements of that licence have been complied with.

- 8.3 **Environmental Protection** – No comments or objections

- 8.4 **Contaminated Land Officer** – No objections

8.5 Historic Buildings and Areas Officer

No objections. The public benefit and modern context of the signs are positive considerations and impact on heritage assets will be minimal.

8.6 Archaeological Officer

No objections. Suggested conditions only on the following posts:

Directional Post 1 - Archaeologically sensitive location, on/near site of St Botolph's priory. Developed, but archaeological monitoring condition for this post would be appropriate.

Directional Post 2 - Archaeologically sensitive location on site of church and churchyard of St Mary Magdalen. Developed, but archaeological monitoring condition for this post would be appropriate.

9.0 Parish Council Response

- 9.1 The Town Council of Wivenhoe have stated that they have no comments.

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighboring properties.

- 10.2 No objections have been received on either of the applications references.

11.0 Parking Provision

- 11.1 The proposals will require no parking provision and will not impact any existing parking provision nearby.

12.0 Accessibility

12.1 Officers are mindful that the posts will be new structures in the highway and will therefore cause a degree of additional clutter that could impact those with mobility issues and or the visually impaired. This has been carefully considered by officers.

ECC Highways, the Highway Authority, have no objection to the scheme. They have requested a condition to deal with the precise location of the posts via the highways licencing system. This will ensure the precise location of the posts is in the least obstructive position for all footway users. This is considered to be an appropriate manner in which to deal with this matter.

13.0 Report

13.1 The main issues in this case are:

- The Principle of Development
- Design and Layout
- Impact on the Surrounding Area including heritage assets
- Impacts on Neighbouring Properties
- Highway Safety

13.2 The project resulting in these two applications is called 'Walk With Words' and is funded by S106 contributions from the student accommodation developments. An article about this project, it's aims and reasons can be found on the Council website however, relevant content to these applications will be paraphrased as part of this report to allow members to see the reasons the applications have come about.

13.3 The overall purpose is to promote better and sustainable travel links between the University of Essex and the City Centre and Greenstead, however it is also identified as helping to boost economic links through improved awareness of the university for City centre residents and visitors.

13.4 It is also understood that there is funding in place for the maintenance and cleaning of the sign posts.

13.5 Given the nature of the proposals, the posts will be located in highly visible areas however, many of the locations are in areas with existing street signage due to many of the sites being close to road/footpath junctions.

13.6 The majority of the proposed sign posts are not considered to be in particularly sensitive locations however, as noted above, two of the proposed signs will be within Conservation Areas and close to Listed Buildings. These are Post Reference 1 and 3 within application reference 231825 which is the route to and from the University of Essex and the City Centre.

13.7 Notwithstanding the above, the Council's Historic Buildings and Areas Officer has commented (see above) and has no objections to the posts at these two locations. Harm to the character and setting of the Conservation Areas and Listed Buildings is considered minimal and therefore acceptable.

13.8 Given the proposed sign posts promote walking routes, they therefore promote a sustainable method of transport which is supported by planning policy.

13.9 Each post is located at a point where it is considered there will be minimal impact to the flow of foot traffic and it is noted that Highways have not objected to the proposals subject to a condition on necessary licensing for the highway works.

13.10 Reasons for the Project and Proposal

13.11 The project seeks to link various university accommodations to the university and other attractions (such as the main City Centre) to encourage more journeys to be made by foot.

13.12 A further aim was to promote better linkage both physically and economically between the university and the City Centre as well as sustainability and reducing carbon emissions.

13.13 Overall, the wayfinding strategy seeks to address the following issues identified through a site appraisal as part of the project report and research.

- A lack of place identity
- A negative impression of time and distance when walking to town
- A poor sense of arrival

13.14 With regards to the chosen sign locations, the applicant and agent have advised that they were chosen as part of a study involving walking the different route options and understanding what would be the most realistic walking route to promote and connect the different areas, exploring different options for walking routes between the accommodation blocks, the university and the town centre and Greenstead.

13.15 The objective was to find the fastest, most direct and safest routes between start and end points. The agent and applicant also worked with Essex County Council Highways to identify the optimal location for the posts thus minimising any impact on the highways.

14.0 Conclusion

14.1 To summarise, the impacts on the Conservation Area and the setting of heritage assets are considered minimal and therefore acceptable. Impacts to the highway regarding flow of foot traffic will be minimal. The proposals promote a sustainable means of transport and encourage the use of walking routes linking the University to the City Centre and Greenstead.

15.0 Recommendation to the Committee

15.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permissions 231825 and 231826 subject to the following conditions (conditions list for each application/approval):

Conditions for 231825

1. ZAA - 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. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings referenced PL0110, PL0112, PL0113, PL0114, PL0115, PL0116, PL0117, PL0118, PL0119, PL0120, PL0121, PL0122, PL0123 and PL0124 dated 10th May 2023.

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

3. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Highways

No works shall take place within the highway until such time as the necessary licencing from Essex County Council has been received by the applicant and all necessary conditions/requirements of that licence have been complied with.

Reason: To protect the highway user and the integrity and fabric of the highway in the interests of highway safety

5. Archaeology

Prior to the commencement of any works on directional posts 1 and 2 (drawings PL0114 and PL0115) only, a watching brief shall have been arranged to be maintained during the course of any works affecting any archaeological presence and to be carried out in accordance with a written specification produced by a professional archaeologist, or an organisation with acknowledged experience in the recording of archaeological elements which shall have been previously submitted to and agreed, in writing, by the Local Planning Authority. Reason: To safeguard the identification and recording of features of historic and/or archaeological interest.

16.0 Informatives

16.1 The following informatives are also recommended:

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.

Non Standard: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Non Standard: The applicants are reminded of the need to obtain a license from ECC Highways before installation of the artwork in the adopted highway.

Conditions for 231826

1. ZAA - 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. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawings referenced EX0102, PL0111, PL0112, PL0113, PL0124, PL0125, PL0126, PL0127, PL0128 and PL0129 dated 10th May 2023.

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

3. ZBB - Materials As Stated in Application

The materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4. Highways

No works shall take place within the highway until such time as the necessary licensing from Essex County Council has been received by the applicant and all necessary conditions/requirements of that license have been complied with.

Reason: To protect the highway user and the integrity and fabric of the highway in the interests of highway safety

16.0 Informatives

16.1 The following informatives are also recommended:

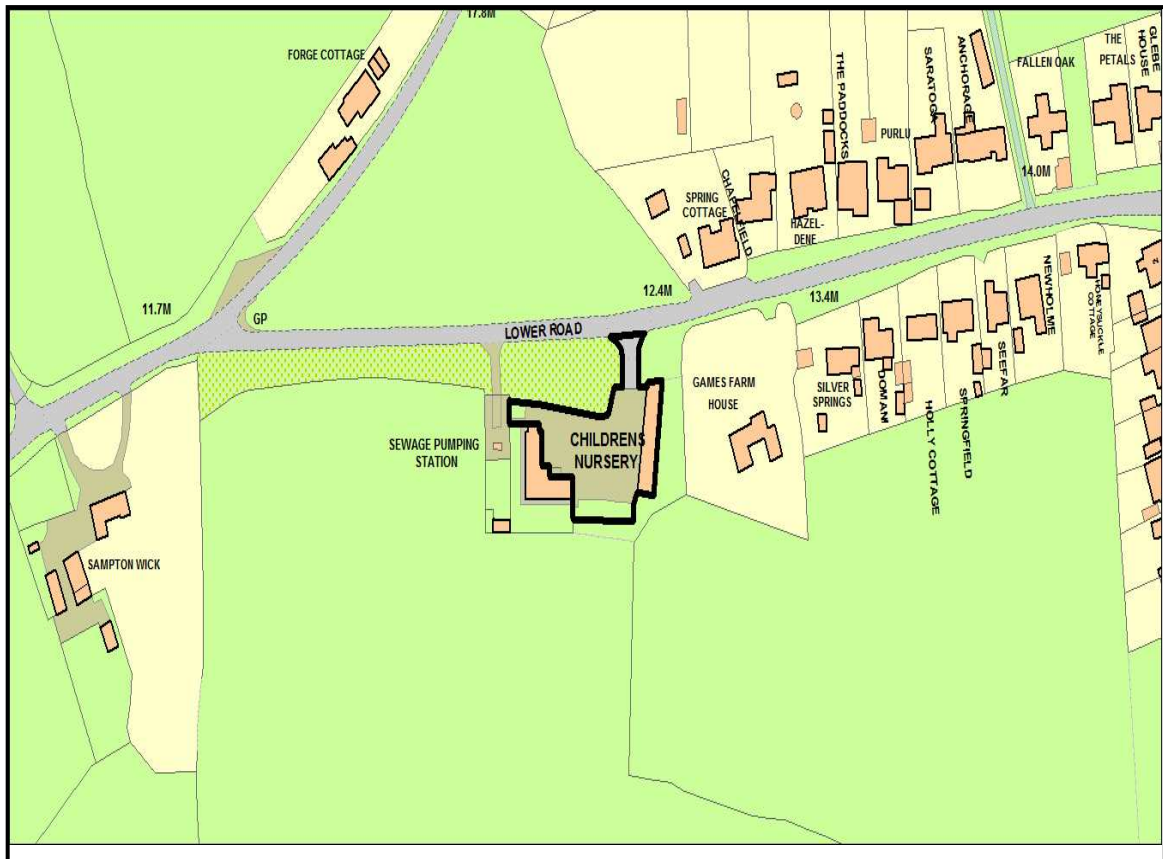
ZT0 – Advisory Note on Construction & Demolition

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.

Non Standard: All work within or affecting the highway is to be laid out and

constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

Non Standard: The applicants are reminded of the need to obtain a license from ECC Highways before installation of the artwork in the adopted highway.



The Ordnance Survey map data included within this publication is provided by Colchester City Council of Rowan House, 33 Sheepen Road, Colchester CO3 3WG under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use. This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2017

Item No: 7.3

Application: 231889

Applicant: Mr J Faulkner

Agent: Mrs Melanie Bingham-Wallis

Proposal: Demolition of agricultural building and erection of replacement building for Class E(f) - Day nursery.

Location: Little Doves Day Nursery, Lower Road, Peldon, Colchester, CO5 7PR

Ward: Mersea & Pyefleet

Officer: Phil Moreton

Recommendation: Approval subject to recommended conditions

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is an elected Member.

2.0 Synopsis

- 2.1 The key issues for consideration are: the principle of development, the impact on the character and appearance of the area (including the setting of a listed building and the wider countryside), ecology and highway safety. Other material planning matters are also considered. The comments submitted by statutory consultees, as well as other consultees and local representations are considered.
- 2.2 The application is subsequently recommended for approval subject to the recommended conditions.

3.0 Site Description and Context

- 3.1 The site is located on the south side of Lower Road, Peldon. The site formerly contained a former agricultural building, which was in a poor condition (This building has now been removed as a part of previous approval 211105). The site is adjacent to the existing Little Doves Day Nursery which was erected in 2018. To the north, south and west of the site is agricultural land. The site has an existing access/egress onto the highway (Lower Road) and the site lies adjacent to the settlement boundary for Peldon, which is directly to the east.
- 3.2 Directly to the east (approximately 30m away) is Games Farmhouse, a grade II* listed building. The listing details is below:

PELDON LOWER ROAD 1. 5214 Games Farmhouse TL 91 NE 17/32 II 2. Early C15 small hall house. Timber framed, with red plain tile half hipped roof. Two storeys. Two window range modern casements. Modern single storey extension at east end, weatherboarded with red plain tile roof. Early C17, timber framed extension to south with red plain tile roof. Originally 2 bay open hall, with floored end bay. Most of original frame remains and is of high-quality workmanship. Internal features include screens doorways, C16 inserted first floor, arch braced, cambered tie beam with cross quadrate crown post, stop chamfered beams, and raised tie beam west end frame. C17 wing also has exposed frame with heavy jowled storey posts.*

- 3.3 There are further listed buildings sited around Peldon however Games Farmhouse is the closest listed building to the application site.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for a new building to be used as a day nursery as an extension to the existing Little Dove Day Nursery. The proposed building measures 198.25 sq. metres. There are 21 additional car parking spaces proposed. This would result in 33 overall spaces for the nursery, which would include 21 parent drop of spaces, 10 staff spaces and 2

manager and deputy spaces. There is also allocated mobility space and provision for onsite bicycle parking.

5.0 Land Use Allocation

5.1 Countryside – unallocated.

6.0 Relevant Planning History

6.1 171533 - Demolition of Former Agricultural Buildings and Erection of Day Nursery for Children of 0 - 5 years and Car Parking (Re-submission of 170502)

6.2 211105 – Full

Demolition of Former Agricultural Buildings and Erection of a new office building. Approved at Committee 27/05/2022.

A replacement building for the existing agriculture building was approved to have a Class E office use. This approval (211105) matches the nursery building proposed here in footprint, form and massing with minor material and design differences, including less additional parking places.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP5 Employment
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG4 Local Economic Areas

ENV1 Environment

ENV2 Coastal Areas

OV1 Development in Other Villages

OV2 Countryside

DM6 Economic Development in Rural Areas and the Countryside

DM15 Design and Amenity

DM16 Historic Environment
DM21 Sustainable Access to Development
DM22 Parking
DM23 Flood Risk and Water Management

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

8.2 Contaminated Land Officer –

The contaminated land officer has requested further information to check there has been no contaminated land uses since the previous approval. The amendment sheet will be updated when this information has been received and reviewed.

8.3 Environmental Protection –

No objection to the scheme submitted subject to conditions.

- 8.4 **Landscape Advisor** - No landscape objections provided the character, design and material use of the final development replicates the rural style/form of existing Nursery building.

- 8.5 **Highway Authority** - The Highway Authority does not object to the proposals as submitted subject to conditions.

- 8.6 **Historic Buildings & Areas** – No material impact upon the significance of Games Farmhouse would result as the proposal echoes the form of the former agricultural outbuilding and thus maintains the character of the wider setting. The use of natural clay pantiles and feather edged timber weatherboarding is essential and the windows on the eastern boundary must be timber and flush fitting.

9.0 Parish Council Response

- 9.1 Winstred Hundred Parish Council supports this application and therefore, has no objections.

10.0 Representations from Notified Parties

10.1 The application resulted in 19 letters of support and four letters of objection being received during the determination period. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

Objection comments summary:

- Concerns about increases in traffic volume to rural location.
- Concerns about the loss of rural amenity.
- Concerns about the whether the location is sustainable.
- Concerns over the building design.
- Concerns about site use outside of conditioned operational times and for other uses.

Support comments summary:

- Excellent rural location that supports local families' need for childcare.
- Reduces the need to travel all the way to Colchester.
- Extra spaces needed as the only nursery in the local area.
- Ample parking provision makes pickup/drop off easy and safe.

11.0 Parking Provision

11.1 The layout and parking provision show that in total, 33 car parking spaces are proposed, which is an additional 21 parking spaces from the existing on the site. It is worth noting are no minimum car parking spaces required in the adopted Vehicle Car Parking SPD for Creche, child day care uses. The SPD provides a maximum of 1 space per full time equivalent staff and drop off/pick up facilities. In this case, this would equate to 19 car parking spaces the proposal is therefore under the recommended maximum car parking space provision. As such, it is considered to proposed car parking is acceptable.

12.0 Environmental and Carbon Implications

12.1 The Council has declared a Climate Emergency and has committed to being carbon neutral by 2030. The purpose of the planning system is to contribute to the achievement of sustainable development as defined in the National Planning Policy Framework. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are economic, social and environmental objectives. The consideration of this application has taken into account the Climate Emergency and the sustainable development objectives set out in the NPPF. It is considered that on balance the application is considered to represent sustainable development (see paragraphs 13.1 – 13.5 of the main report).

13.0 Report

- 13.1 Local Plan Section 2 Policy SG5 sets out the Council's hierarchy of commercial centres and employment zones to direct new development to sustainable locations. The application site is not within one of the identified commercial centres and employment zones. However, Local Plan Section 2 policy OV2 in general, allows proposals for sustainable rural businesses to be supported if they are of an appropriate scale, meet a local employment need, minimise negative environmental impacts and harmonise with the local character and surrounding countryside where they are being proposed.
- 13.2 Local Plan Section 2 Policy DM6 sets out the criteria that will be applied to employment uses on rural sites that provide an economic function and allows the replacement of buildings where the existing development is visually intrusive or otherwise inappropriate in its context and a substantial improvement in the landscape and surroundings will be secured through replacement. New buildings should not significantly increase the scale, height and built form of the original building.
- 13.3 Employment in the countryside is supported in the NPPF (2023), in particular paragraphs 84 and 85. Para 85 states:
- 13.4 *Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*
- 13.5 In this instance, the proposal seeks a new office building adjacent the existing settlement boundary of Peldon. The site is also adjacent to the existing Nursey building and a detached residential property. On this basis, the site is not considered to be physically isolated and is related to the existing settlement. It is acknowledged that this is a new building and DM6 and OV2 provides support for new buildings in the exceptional circumstances. In this instance re-use of the existing building on site would not be possible due to the poor condition of the building. Overall, the proposal is considered to be in compliance with the requirements of the NPPF (2023).

Character and appearance

- 13.6 Local Plan section 2 policies DM15, DM16, and ENV1, which together seek to promote high quality and inclusive design that is sympathetic to the character of the area and enhances historic buildings and require development proposals to respect and enhance the character of the site, its context and its surroundings in terms of its architectural approach, form, proportions, materials, townscape

and detailed design features. This is also reflected in Policy SP7 of Section 1 of the Local Plan. The site is also within the Coastal Protection Belt and as such ENV2 is of relevance. ENV2 seeks to protect Colchester's coastline from inappropriate development. The Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving listed buildings and their setting. The aspiration for high quality design and well-designed places is also reflected in the Framework and the National Design Guide (NDG), including the expectation that all new development is skilfully woven into its context and respects the rhythm, scale and proportions of the existing townscape.

- 13.7 The NPPF (2023) sets out the desirability of sustaining and enhancing the significance of heritage assets (paragraph 197). It establishes that *great weight* should be given to an asset's conservation and the more important that asset, the greater that weight should be (paragraph 199). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification, (paragraph 200). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including securing its optimum viable use (paragraph 202). The NPPF (2023) also promotes good design advising that permission should be refused for development of poor design.
- 13.8 It is considered that the proposed new development will affect (change) the setting of the nearby listed building to a small extent and will increase activity. The proposal is considered to be sufficiently distanced from the nearby listed building to ensure any impact is neutral on the significance of the asset. This significance is principally derived from the internal interest of the medieval timber frame. Further to this, the proposal replaces what was an existing barn which was in a state of disrepair that detracted from the setting. There will thus be a negligible or a minor positive impact upon the intrinsic significance of the listed building. The proposal also represents an enhancement to the area, by replacing the dilapidated barn which did not enhance the area or setting. These public benefits are considered to weigh positively in favour of approval.
- 13.9 In this instance, the public benefits weigh heavily in favour of the scheme. These public benefits constitute the social, economic and environmental benefits that stem from creating 9 new jobs in the area. Given this, the proposed development is considered to be consistent with the aforementioned relevant adopted local plan policies and national planning policy guidance in relation to the historic environment.
13. The proposal reflects the scale and mass of the formerly existing agricultural building. The design is fairly simple and reflects the characteristics of a modest rural outbuilding. The overall vernacular aesthetic can be read, and the development would reflect the character of the formerly existing barn which is to be replaced and reflects the existing Nursery on site, so ensuring that the

proposal would not appear out of keeping with existing built character. There is no objection in principle to this approach, but it is considered important to ensure the use of high-quality materials and architectural detailing; conditions are therefore recommended to ensure the quality of the building reflects the rural nature of the site and setting of the listed building.

Impact upon Amenity

- 13.12 Development Policy DM15 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. This includes protecting existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Supplementary Planning Document (SPD) the Essex Design Guide also provides guidance on the safeguarding of residential private amenity.
- 13.13 The scheme is considered to comply with the Essex Design Guide in this regard. It is held that that the proposals would have minimal to no impact to the lighting levels to existing properties.
- 13.14 The proposal is considered to be sufficiently distanced from neighbouring properties to avoid any material impacts. Furthermore, conditions are recommended in terms of hours of use to ensure the proposal is not open during anti-social hours.
- 13.15 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighbouring properties. In view of this, the proposed development is not considered to conflict with adopted DPD Policies DM15 or the NPPF insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

Landscape and Trees

- 13.16 Local Plan Section 2 policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment, countryside and coastline. Central Government guidance on conserving the natural environment is set out in relevant sections of the NPPF.
- 13.17 There are limited trees and vegetation within the site, as such the proposal is not considered to impact upon vegetation of any significance. There is vegetation towards the site boundaries which is recommended to be retained and this can be secured via a planning condition. It is further recommended a landscaping condition is proposed in order to enhance the site further.

Ecology and Biodiversity

- 13.18 Local Plan Section 2 policy ENV1 seeks to conserve or enhance biodiversity of the Borough and places stringent requirements on supporting ecological information being provided to demonstrate the degree of impact or harm (especially in relation to designated sites or species), the associated mitigation measures and measures to enhance biodiversity.

- 13.19 The submitted bat report from the previous approval 211105 confirmed that no vegetation affected by the project has crevices, loose bark or woodpecker holes that might be colonised by bats. The report confirms that no evidence of their presence was found at this site. The lack of potential roosting places and absence of any evidence of the presence of bats means that no further surveys are required. The building was considered to have negligible potential as a roosting place for bats and has since been removed as a part of the previous permission. The recommended ecology enhancements within the report for the previous approval 211105 are recommended to be conditioned.
- 13.20 For the reasons given above, it is considered that the proposed redevelopment of this site will not have a significantly adverse effect protected species provided the surveys and ecological enhancement measures outlined in the submitted report are conditioned in order to ensure these are undertaken prior to commencement of works. The application is therefore considered to accord with the aforementioned local plan policies and national policy guidance.

Highway Implications

- 13.21 Local Plan Section 2 Policy DM20 seek to promote sustainable transport, improve accessibility and change travel behaviour and manage demand for road traffic. Local Plan Section 2 Policy DM15 requires inclusive design with people friendly layouts, including for people with restricted mobility.
- 13.22 The Highway Authority has assessed the scheme and are satisfied that the scheme is acceptable in highway safety terms and have proposed two informatives.
- 13.23 There is no minimum parking standard for creche, day care use, the proposed 33 car parking spaces for the entire Nursery that include an additional 21 car parking spaces on top of the existing parking for the Nursery are considered to be reasonable. While the site is in a countryside location, it is considered there is sufficient parking provision available on site. Further to this, cycle parking and powered two-wheel parking is to be provided onsite and electric vehicle charging points are recommended as conditions to encourage more sustainable modes of transport.
- 13.24 In conclusion on the above, there are no concerns from a highway safety or capacity perspective and the proposal is considered to make suitable provision for car parking, while appropriate cycle parking can be secured by condition.

Drainage and Flood Risk

- 13.25 Core Strategy policy ENV1 seeks to direct development away from areas of flood risk (both fluvial and coastal), towards sites with the lowest risk from flooding. Development Policy DM24 seeks to promote flood mitigation and defense measures as well as the use of appropriate sustainable drainage. The NPPF requires a detailed flood risk assessment (FRA) to be produced for all

development located within a flood zone and/or sites that are greater than 1 hectare. The application site is outside an identified flood zone and measures less than 1 hectare and as such a FRA is not required to support the application. Given that the proposal is outside of any flood zone, the proposal is not considered to have a harmful impact upon surface water drainage within the locality.

Contamination

13.25 Local Plan Section 2 Policy ENV5 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land.

13.26 It is noted that further information is required in this regard and an update will be provided on the update sheet setting out the need for conditions if necessary.

Accessibility

13.27 The proposed development has been designed to ensure that pedestrians of all mobility types can move around the development in a safe and convenient manner. Within the building there will be level or access throughout the ground floor, which is considered to comply with the Equality Act.

14.0 Air Quality

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

15.0 Planning Obligations

15.1 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 (s.106) of the Town and Country Planning Act 1990.

16.0 Conclusion and Planning Balance

16.1 To summarise, the proposal is considered to comply with the NPPF in terms of principle of the scheme. There would be economic benefits as a result of construction activity and the creation of additional jobs in the area. There is sufficient evidence to be confident that overall, the development would result in no material impact on the significance of the neighbouring listed building. It would replace what was a dilapidated building (now demolished) which was visually detrimental to the visual amenities of the area and to the setting of the adjacent listed building. The proposal would not cause harm to the amenity of local residents, ecology, flood risk, contamination and would not have a severe impact upon the highway network in terms of capacity. In conclusion, it is considered that the benefits of the scheme significantly outweigh any adverse impacts and, as such, the planning balance tips in favour of an approval subject to the recommended planning conditions identified below.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - 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. ZAM - *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 230602 - 627, 230721 - 627 BP01, 230721 - 627 Fe01 and 230721 - 627 SP01.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. Z00 – Materials

Notwithstanding the details of the submitted drawings and application form, the materials shall be black feather edge timber weatherboarding, red brick plinth, natural clay pantile roof and timber windows on the eastern elevation. Samples of the proposed clay pantile shall be submitted to and approved in writing by the LPA prior to installation.

Reason: In the interests of visual amenity in this rural location and to protect the setting of the adjacent grade II* medieval farmhouse.

4. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

5. ZGA - *Restriction of Hours of Operation*

The use hereby permitted shall not OPERATE/BE OPEN TO CUSTOMERS outside of the following times:

Weekdays: 07:30 – 20:00

Saturdays: Closed

Sundays and Public Holidays: Closed

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, as there is insufficient information within the submitted application, and for the avoidance of doubt as to the scope of this permission.

6. ZGR - 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 current ILP Guidance Note For The Reduction of Obtrusive Light for zone E1 NATURAL (dark – relatively uninhabited rural areas); E2 RURAL (low district brightness – sparsely inhabited rural areas, village or relatively dark outer suburban locations), E3 SUBURBAN (medium district brightness – well inhabited rural areas, small town centres, suburban locations); E4 URBAN (high district brightness – 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.

7. Z00 – EV charging

Prior to first occupation, one electric vehicle charging point shall be provided per 10 car parking spaces on site.

Reason: In the interests of low carbon emissions and to encourage the use of ultra-low emission vehicles.

8. ZEB - *Premises Only for a Specific Use*

The premises shall be used for Day nursery and ancillary officing only as defined in the Use Class Order and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning Order (Use Classes) 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of the permission as this is the basis on which the application has been considered and any other use would need to be given further consideration at such a time as it were to be proposed.

9. ZFC - Simple Landscaping Scheme part 1

No works shall take place above slab level until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in boundary treatments, ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

10.ZFD – Simple Landscaping Scheme part 2

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

11.ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows 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.

12.ZGT - No External Light Fixtures

No external lighting fixtures shall be constructed, installed or illuminated at any time unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that there are no undesirable effects of light pollution

13.Z00 – Ecology

All ecological recommendations, enhancement measures and/or works, shall be carried out in full accordance with the details contained in the submitted 'Bat Survey of Games Farm Barn' throughout the lifetime of the development works. The wildlife enhancement recommendations and opportunities contained within the Bat Survey shall be provided prior to first use and thereafter retained as such.

Reason: In order to conserve and enhance biodiversity in accordance with the National Planning Policy Framework and Wildlife and Countryside Act.

14.Z00 – Detailing

Notwithstanding the details submitted, no works above slab level shall start until additional drawings that show details of any proposed new windows (including the depth of reveals), doors, eaves, verges, plinth, corner treatment of weatherboarding, extract/boiler flues and vent terminals and rainwater goods to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, are submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: In order to ensure that the architectural detailing of the development is appropriate and to safeguard the character and appearance of the area and the setting of the listed building.

15.Z00 – Unexpected contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence

thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of uses where there is the possibility of contamination.

16.ZJE – Cycle parking as shown on plan

Cycle parking for 8 bicycles shall have been laid out within the site in accordance with the approved plan. The approved cycle parking shall thereafter be maintained and made available for this use at all times.

Reason: To ensure that there is satisfactory cycle parking available at the site at the time that it becomes occupied, as shown on the approved plans.

16.0 Informatives

16.1 The following informatives are also recommended:

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. 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 and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4. INS – Highways

- a) The 2x car parking spaces coloured yellow on the layout plan drawing numbered 627/SP01 are unworkable by reason of the constrained space

around them. It may operate better if the mobility impaired space is where these two parking spaces are, and these are relocated to the mobility space location.

b) The Highway Authority suggests that 5 mph and or children ahead signs are erected in clear view to all vehicles entering the site at the connection to the highway land.

5. INS – Highways

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan 1989*) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council 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.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members 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.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so 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.

Any planning condition imposed on a development must pass 6 legal tests to be:

1. Necessary
2. Relevant to planning
3. Relevant to the development permitted
4. Reasonable
5. Precise
6. Enforceable

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must 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. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer’s Association Parking Standards. These standards set out that:

- 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.

For residential schemes:

- 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.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction and 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

Supreme Court Decision 16 October 2017

CPRE Kent (Respondent) v China Gateway International Limited (Appellant).

This decision affects the Planning Committee process and needs to be acknowledged for future reference when making decisions to approve permission contrary to the officer recommendations.

For formal recording in the minutes of the meeting, when the Committee comes to a decision contrary to the officer recommendation, the Committee must specify:

- Full reasons for concluding its view,
- The various issues considered,
- The weight given to each factor and
- The logic for reaching the conclusion.

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.

