

# Planning Committee

Town Hall, Colchester  
21 October 2010 at 6.00pm

## **This committee deals with**

planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

# Information for Members of the Public

## Access to information and meetings

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## Have Your Say!

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## **Material Planning Considerations**

The following are issues which the Planning Committee can take into consideration in reaching a decision:-

- planning policy such as local and structure plans, other local planning policies, government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

The following are **not** relevant planning issues and the Planning Committee cannot take these issues into account in reaching a decision:-

- land ownership issues including private property rights, boundary or access disputes, restrictive covenants, rights of way, ancient rights to light
- effects on property values
- loss of a private view
- identity of the applicant, their personality, or a developer's motives
- competition
- the possibility of a "better" site or "better" use
- anything covered by other types of legislation

## **Human Rights Implications**

All applications are considered against a background of the Human Rights Act 1998 and in accordance with Article 22(1) of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003 there is a requirement to give reasons for the grant of planning permission. Reasons always have to be given where planning permission is refused. These reasons are always set out on the decision notice. Unless any report specifically indicates otherwise all decisions of this Committee will accord with the requirements of the above Act and Order.

## **Community Safety Implications**

All applications are considered against a background of the implications of the Crime and Disorder Act 1998 and in particular Section 17. Where necessary, consultations have taken place with the Crime Prevention Officer and any comments received are referred to in the reports under the heading Consultations.

## **Equality and Diversity Implications**

All applications are considered against a background of the Council's Equality Impact Assessment (EIA) Framework in order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination in relation to gender disability, sexual orientation, religion or belief, age, race or ethnicity. The legal context for this framework is for the most part set out in the Race Relations (RRA) and Disability Discrimination (DDA) legislation.

**COLCHESTER BOROUGH COUNCIL  
PLANNING COMMITTEE  
21 October 2010 at 6:00pm**

**Members**

Chairman : Councillor Ray Gamble.  
Deputy Chairman : Councillor Theresa Higgins.  
Councillors Andrew Ellis, Stephen Ford, Philip Oxford,  
Peter Chillingworth, Helen Chuah, John Elliott,  
Jackie Maclean, Jon Manning, Ann Quarrie and Laura Sykes.

**Substitute Members** : All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-  
Councillors Christopher Arnold, Nick Barlow, Lyn Barton, Mary Blandon, John Bouckley, Nigel Chapman, Barrie Cook, Nick Cope, Wyn Foster, Bill Frame, Mike Hardy, Pauline Hazell, Peter Higgins, Martin Hunt, Michael Lilley, Sue Lissimore, Richard Martin, Nigel Offen, Beverley Oxford, Gerard Oxford, Lesley Scott-Boutell, Paul Smith, Terry Sutton, Jill Tod, Anne Turrell and Julie Young.

**Agenda - Part A**

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and is available on the council's website by 4.30pm on the day of the meeting (see Planning and Building, Planning Committee, Latest News). Members of the public should check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

**Pages**

**1. Welcome and Announcements**

(a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched off or to silent;

- location of toilets;
- introduction of members of the meeting.

## **2. Have Your Say!**

The Chairman to invite members of the public to indicate if they wish to speak or present a petition on any of items included on the agenda. You should indicate your wish to speak at this point if your name has not been noted by Council staff.

## **3. Substitutions**

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

## **4. Urgent Items**

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent and to give reasons for the urgency.

## **5. Declarations of Interest**

The Chairman to invite Councillors to declare individually any personal interests they may have in the items on the agenda.

If the personal interest arises because of a Councillor's membership of or position of control or management on:

- any body to which the Councillor has been appointed or nominated by the Council; or
- another public body

then the interest need only be declared if the Councillor intends to speak on that item.

If a Councillor declares a personal interest they must also consider whether they have a prejudicial interest. If they have a prejudicial interest they must leave the room for that item.

If a Councillor wishes to make representations on an item on which they have a prejudicial interest they may do so if members of the public are allowed to make representations. In such circumstances a Councillor must leave the room immediately once they have finished speaking.

An interest is considered to be prejudicial if a member of the public with knowledge of the relevant facts would reasonably regard it as so significant that it is likely to prejudice the Councillor's judgement of the

public interest.

Councillors should consult paragraph 7 of the Meetings General Procedure Rules for further guidance.

## **6. Minutes**

**1 - 5**

To confirm as a correct record the minutes of the meeting held on 7 October 2010.

## **7. Planning Applications**

In considering the planning applications listed below, the Committee may chose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

1. 101713 Sergeants Mess, Le Cateau Road, Colchester  
(Christ Church) **6 - 18**

Change of use from MOD to A1, A3, B1 and C3, D1 Temp. Car parking, access, refuse collection. Internal and external demolition and alterations new single storey toilet block, temp. boundary fence.
2. 101716 Sergeants Mess, Le Cateau Road, Colchester  
(Christ Church)

Listed building consent for change of use from MOD to A1, A3, B1 and C3, D1 Temp. Car parking, aaccess, refuse collection. Internal and external demolition and alterations new single storey toilet block, temp boundary fence.
3. 101080 Moler Works, Building 5 and 5A Colne View, Colchester  
(St Andrew's) **19 - 35**

Full application for 48 dwellings (building 5) and the elevation of Building 5a 'The Noodle Bar' by 2m.
4. 101428 Wivenhoe House Hotel, Wivenhoe Park, Colchester, CO4  
3SQ **36 - 51**  
(Wivenhoe Cross)

Demolition of 1980's wing to Grade II\* listed Wivenhoe House and replacement with new rear extension. Internal and minor external alterations to listed buildingand landscaping works within Grade II registered park and garden.
5. 101430 Wivenhoe House Hotel, Wivenhoe Park, Colchester  
(Wivenhoe Cross) **52 - 65**

Listed building application for demolition of 1980's wing to Grade II\* listed Wivenhoe House and replacement with new rear extension. Internal and minor external alterations to listed building and landscaping works within Grade II registered park and garden.

6. 101972 Hawthorn Avenue, Colchester, CO4 3JL (St Anne's) **66 - 70**

Replacement of three existing O2 antennas for three sharable O2/Vodafone antennas and installation of ancillary development thereto.

7. 101564 3 Highfield Drive, Colchester, CO3 3QA (Lexden) **71 - 78**

One detached four bedroom house and replacement of existing detached garage.

8. 100928 Land off Messing Road, Tiptree (Tiptree) **79 - 89**

Proposed stable block and new access. Resubmission of 091253.

9. 101510 Chicken Shed, Meeting Lane, East Mersea, CO5 8TE (Pyefleet) **90 - 97**

Change of use of former chicken shed to a live-work unit comprised of Class B8 Storage and C3 Residential.

10. 101766 St Pauls Hospital, Boxted Road, Colchester, CO4 5HE (Mile End) **98 - 106**

Erection of new activity centre, extensions, replacement gatehouse, acoustic fencing and replacement septic tank with pumping chamber.

- 8. Revised Scheme of Delegation** **107 - 114**

See report by the Head of Environmental and Protective Services.

- 9. Planning application Determination Performance Monitoring/Appeal Analysis Update** **115 - 123**

See report by the Head of Environmental and Protective Services.

- 10. Enforcement Performance Monitoring Report** **124 - 129**

See report by the Head of Environmental and Protective Services.

## **11. Exclusion of the Public**

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).



# PLANNING COMMITTEE

## 7 OCTOBER 2010

*Present :-* Councillor Ray Gamble\* (Chairman)  
Councillor Helen Chuah\* (Deputy Mayor)  
Councillors Peter Chillingworth\*, John Elliott\*,  
Andrew Ellis\*, Stephen Ford, Jackie Maclean\*,  
Jon Manning, Philip Oxford\* and Laura Sykes\*  
*Substitute Members :-* Councillor Peter Higgins for Councillor Theresa Higgins  
Councillor Wyn Foster for Councillor Ann Quarrie\*

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

### 92. Minutes

The minutes of the meeting held on 23 September 2010 were confirmed as a correct record, subject to minute 91 being amended by replacing the word 'would' with the word 'should' in the penultimate line of the second paragraph.

### 93. 101484 Willow Park, Copford Place, 14 London Road, Copford

The Committee considered an application for the renewal of full planning permission granted under F/COL/00/1326 and renewed under F/COL/05/1076 for the erection of six one-bedroom flats, six two-bedroom flats and a guest suite for elderly people. The Committee had before it a report in which all information was set out.

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

Mr Tucker addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He noted that his first objection regarding the retention of trees had been addressed in paragraph 11.6 of the officer's report. His other concern was in respect of the existing Grade 2 listed building on the site which had been boarded up and fenced off, but otherwise neglected for ten years. It was deteriorating rapidly which could lead to its structural collapse. He asked that a legal agreement or condition be used to require the owners to make structural repairs to the property.

Mr Dave Miller addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He acknowledged that the listed building was important but emphasised that this application concerned a new building not the listed building. The setting of the listed building was a planning consideration but not the building itself. Planning obligations had been discussed and agreed.

Some members of the Committee were concerned about the parking and access arrangements from London Road which wound around the listed building and between

some outhouses. It was explained that parking was provided around the periphery of the site in small groups of spaces set amongst trees with trellis to protect them and the site was considered to be sensitively laid out and adequate for the development.

There was also considerable concern about the listed building on the site which appeared to be falling into disrepair. There appeared to be no obligation on the owners to do anything and the local authority could only take action to make the building wind and weatherproof and safe from collapse. The Committee wanted the Conservation Officer and English Heritage to be notified about the present condition of the building and for there to be a dialogue with the owners. The Committee asked for information to be provided to them on whether the local authority could take some action on any work which could be done. They considered that if it was left a tremendous asset would be lost and replaced with another building.

*RESOLVED* (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to secure the following planning obligations:-

- a contribution of £12,844.20 towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document;
- a contribution of £6,600 towards Community Facilities; and
- affordable housing of 35% which equates to four units.

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

**Councillor Peter Chillingworth and Councillor Jackie Maclean (in respect of being acquainted with the applicant) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Helen Chuah and Councillor Ray Gamble (in respect of being acquainted with the applicant at events for former Mayors) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

**Councillor Andrew Ellis (in respect of having used the services of the agent) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)**

#### **94. 101834 Teybrook Farmhouse, Brook Road, Great Tey, CO6 1JE**

The Committee considered an application for the erection of a building to replace a listed barn which had been destroyed by fire. It was intended to use the replacement building as a residential annex or holiday let. The application was a resubmission of 101070. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

David Whybrow, Principal Planning Officer, attended to assist the Committee in its deliberations. It was explained that the consequence of the total loss of the building was that any proposal to rebuild has to be determined on its merits and in this instance it was appropriate to apply basic rural policy. The proposal was contrary to emerging local development policies on which the recommendation for refusal was based. The applicant had offered a Unilateral Undertaking to the effect that any annex would always be occupied by his family members and the annex would not be sold separately from the farmhouse. In the event that the farmhouse was sold, the occupation of the annex would cease immediately. Any occupation for holiday let purposes would not be for more than four consecutive weeks.

Ted Gittins, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the loss of the barn having created a gap in the historic grouping of buildings around the farmhouse and whilst the erection of a replica barn would be expensive, the low key use proposed would provide some return to justify the level of investment. His personal view was that the planning system would recognise that there was an important need to try to recreate the group. The holiday let would generate an income which was a material planning consideration. He acknowledged the relevance of countryside policies but considered that there were other policies to be taken into account. The issue was whether the development itself was harmful and he believed the proposal would make a positive contribution to the rural environment and rural resources. He confirmed the applicant's long standing commitment to Teybrook. He referred to the issue of drainage raised by the Environment Agency, and confirmed that there were no mains drains in this location. He considered that because any objection was far outweighed by the environmental benefits the proposal merited support.

Members of the Committee were mindful of the reasons for the recommendation of refusal, specifically the relevant case law set out in the report; the residential use of the annex being contradictory to planning policies; and that there was a presumption against development in the countryside with a consequent requirement for it to be supported by a demonstrable need. It was explained that if a building in the countryside with an established residential use had been lost under similar circumstances, it would be bound to be replaced, and it was difficult to argue that the building that was on the site two years ago, that had value as part of the group of buildings which helped to enclose the farmhouse, should not be replaced.

Members considered that this group of unspoilt farm buildings were almost unique in the area. Had the building not burnt down planning policies would certainly have allowed such a building to proceed with a use as a holiday let. The Committee were of the view that it was very unfortunate that an attractive building lost to a fire could not be replaced. They also noted that there were no objections from consultees, with the exception of Environmental Policy on the grounds that the proposed annex use had not been justified. The comment from the Environment Agency regarding the method of drainage was a response to the lack of mains drainage; a septic tank was the normal method of drainage in the countryside. The Committee were of the view that this was a unique site requiring a unique decision, and having taking all factors into consideration they were minded to approve the application.

*RESOLVED* (UNANIMOUSLY) that the application be approved with any conditions and informatives required by the Head of Environmental and Protective Services together with a Unilateral Undertaking as described above.

**95. 101254 1 Firs Road, West Mersea, CO5 8JS**

This application was withdrawn from the agenda by the Head of Environmental and Protective Services for an assessment against the adopted guidance for backland and infill development. The application to come back to Committee for determination.

**96. 101546 37 Mile End Road, Colchester, CO4 5BU**

This application was withdrawn from the agenda by the Head of Environmental and Protective Services for receipt of a drawing showing parking and turning facilities and to clarify uses on the site. The application to come back to Committee for determination.

**97. 7.5 091245 Bellwood, Colchester Rorad, Great Wigborough**

**The Chairman has agreed pursuant to the provisions of Section 100B(4)(b) of the Local Government Act 1972 to consider the following item at the meeting as a matter of urgency because the application site has recently been on the market and it is considered essential to make it clear to potential buyers that the site does not benefit from a planning permission.**

The Committee considered an application for a proposed conservation woodland and meadow with support facilities. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations.

Members of the Committee were aware that attempts to gain planning permission for this parcel of land had been ongoing for some five or six years and the applicant had frustrated the council's attempts to restore the land to countryside by appealing against decisions of refusal and then submitting another application before the appeal was heard. The Committee were minded to refuse this application and authorise the Enforcement Team to take direct action.

It was explained that in the event of any direct action taken by the council, it would sell the mobile home to offset any costs arising, and if the proceeds of the sale of the mobile home exceeded the costs, the difference would be returned to the owner and if the costs exceeded the proceeds a charge would be put on the land.

There were concerns that the applicant may submit an appeal and an application to

frustrate the enforcement notice. It was explained that the direct action proposed was in respect of the removal of the mobile home which was a separate issue from this application for the woodland and meadow with support buildings. In the event that an appeal was lodged against the refusal of this application it would still be possible to take action to remove the mobile home.

*RESOLVED* (UNANIMOUSLY) that –

- (a) The application be refused on the grounds set out in the report.
- (b) The Head of Environmental and Protective Services be authorised to take direct action to remove the mobile home from the site as a matter of urgency.

**98. Application No. 101080 // Moler Works (Buildings 5 and 5A), Colne View, Colchester**

This report was withdrawn from the agenda by the Head of Environmental and Protective Services for a report with a full recommendation and conditions. The application to come back to Committee for determination.



**Application No:** 101713

**Location:** Sergeants Mess, Le Gateau Road, Colchester

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

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## Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **21 October 2010**  
Report of: **Head of Environmental and Protective Services**  
Title: **Planning Applications**

Relevant planning policy documents and all representations at the time this report was printed are recorded as BACKGROUND PAPERS within each item. An index to the codes is provided at the end of the Schedule.

**7.1 Case Officer: Alistair Day**

**EXPIRY DATE: 12/11/2010**

**MAJOR**

**Site:** Le Cateau Road, Colchester

**Application No:** 101713

**Date Received:** 13 August 2010

**Agent:** Stanley Bragg Partnership

**Applicant:** Mr Philip Crummy

**Development:** Change of use from MOD to A1, A3, B1 and C3, D1 Temp. Car Parking, access, refuse collection. Internal and external demolition and alterations new single storey toilet block, temp boundary fence.

**Ward:** Christ Church

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

**7.2 Case Officer: Alistair Day**

**EXPIRY DATE: 12/11/2010**

**MAJOR**

**Site:** Le Cateau Road, Colchester

**Application No:** 101716

**Date Received:** 13 August 2010

**Agent:** Stanley Bragg Partnership

**Applicant:** Mr Philip Crummy

**Development:** Listed Building Consent for change of use from MOD to A1, A3, B1 and C3, D1 Temp. Car Parking, access, refuse collection. Internal and external demolition and alterations new single storey toilet block, temp boundary fence.

**Ward:** Christ Church

**Summary of Recommendation:** Listed Building Consent

## **1.0 Planning Report Introduction**

1.1 The planning applications are referred to the Planning Committee because a legal agreement is required to link this application to the outline garrison planning permission and to secure public rights of access to the front garden of the Sergeants Mess, under which lie the remains of the Roman Circus starting gates. Letters of objection have also been received to the planning and listed building applications, however, these relate to non-planning matters.

## **2.0 Synopsis**

2.1 The current application seeks planning permission for the conversion of the Sergeants Mess into offices, an interpretation centre (with associated tearoom and shop) and two residential dwelling units. Consent is also sought for the alteration and extension of the building.

2.2 The main issues raised by the current applications are: the effect that the proposed development would have on the special interest of this listed building and its setting; the effect of the development of the character and appearance of the Garrison Conservation Area; the impact of the development on the Roman Circus and its setting and the suitability of mixed development in this part of the Garrison Regeneration Area.



### **3.0 Site Description and Context**

- 3.1 The application site forms part of Area H of the Colchester Garrison Urban Village development. Le Cateau Road forms the boundary of the site to the south with new residential development beyond (incorporating retained garrison buildings). The land to the west and east of the site is owned by Taylor Wimpey and is subject to an extant permission for residential development, amenity space and 150 space public car park. To the north of the site is the DSG site (formerly known as ABRO).
- 3.2 The Sergeants Mess (formerly known as the Officer Quarters) is an impressive two storey building constructed of red brick with detailing in yellow stocks. The front façade has a large central gable with four sash windows on each floor flanked by two eleven window ranges and four porches. The rear elevation is cluttered with an assortment of single storey extensions that do not contribute to the architectural interest of this building. The general character of the interior survives with officers' quarters and mess room on the ground floor and officers' quarter with some space for servants on the first floor. The landscaping to the front of the Sergeants Mess in the form of a semi-circular garden enclosed by iron palisade railings remains intact and makes a significant contribution to the setting of this building.
- 3.3 The Sergeants Mess is listed grade II for its special architectural and historic interest and is situated in the Garrison Conservation Area. In 2006 archaeological investigations discovered the remains of the Roman Circus on the southern end of Area H. The circus starting gates are located underneath the semi-circular garden of the Sergeant's Mess. The circus was designated a Scheduled Ancient Monument on 16 November 2007.

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

- 4.1 The application is for a mixed use development comprising offices, an interpretation centre, a shop, tearoom and two residential units with ancillary parking and amenity space.

### **5.0 Land Use Allocation**

- 5.1 Garrison Regeneration Area

### **6.0 Relevant Planning History**

- 6.1 1080914 Reserved Matters application for the erection of 35 dwellings, comprising 26 no flats 7no. 2 storey houses and 2no. 2 storey houses with associated office space, together with a modified site entrance, new access road and provision of public open space (resubmission of 072833) – Approved
- 6.2 072831 Conversion of existing buildings in residential accommodation to create 11 no. town houses and 4 no. flats with associated demolitions and including access, parking and provision of open space – approved by Committee; S106 legal agreement still to be signed.
- 6.3 080036 Listed building application for the demolition of single storey rear additions and residential conversion into 8 townhouses (resubmission of 072834) - Approved

- 6.4 072835 Construction of a 150 space car park - Approved
- 6.5 072842 Removal of existing gates and adaption of existing brick wall to form new pedestrian and cycle path entrance – Approved
- 6.6 O/COL/01/0009 A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003

## **7.0 Principal Policies**

- 7.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:
  - DC1- Development Control considerations
  - UEA1 - Character of Conservation Areas
  - UEA2 - Building within Conservation Areas
  - UEA5 - Altering Listed Buildings
  - UEA11 - Design
  - UEA 12 - Backland development
  - UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
  - CF1 - Infrastructure and Community Facilities Provision
  - T4 - Car free residential development
  
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:
  - SD1 - Sustainable Development Locations
  - SD2 - Delivering Facilities and Infrastructure
  - SD3 - Community Facilities
  - H1 - Housing Delivery
  - H2 - Housing Density
  - H3 - Housing Diversity
  - H4 - Affordable Housing
  - UR1 - Regeneration Areas
  - UR2 - Built Design and Character
  - PR1 - Open Space
  - PR2 - People-friendly Streets
  - TA1 - Accessibility and Changing Travel Behaviour
  - TA2 - Walking and Cycling
  - TA3 - Public Transport
  - TA4 - Roads and Traffic
  - TA5 - Parking
  - ER1 - Energy, Resources, Waste, Water and Recycling

## **8.0 Consultations**

- 8.1 Landscape & Trees No objection subject to the panel fencing being replaced by a brick boundary walls and that the existing trees are afforded appropriate protection during the conversion works.
- 8.2 Environmental Control – have requested that conditions are attached regarding contamination and the provision of refuse facilities.
- 8.3 Museum Services – requested a condition is attached requiring an archaeological watching brief.
- 8.4 Parking Services – No comments or observations
- 8.5 Estates – No comments received
- 8.6 Housing – No comments received
- 8.7 ECC Education – No observation received
- 8.8 Leisure Services – No observation received
- 8.9 Development Team – Application noted.
- 8.10 Highway Authority - raised no objection to the development proposals subject to conditions controlling the number of temporary parking spaces (maximum 5) and measures to ensure that no mud or debris is deposited on the public highway.
- 8.11 English Heritage - support the principle of the new use and the proposals have no adverse impact on the schedule ancient monument or its setting.
- 8.12 Natural England have referred the Local Planning Authority to their standing advice.

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

## **9.0 Representations**

- 9.1 Three letters of objection have been submitted in respect of this proposal; the objections relate to the use of the funds raised by public subscription and the failure to exploit the potential for the building to become a destination in its own right.
- 9.2 One local resident has sent a letter to the Local Planning Authority, responding to the above objections. In summary this letter states that the area for public use is 23% or thereabouts. I understand the public appeal raised around 24% of the total project costs building plus fees plus refurbishment). The public will also 'own' the front garden (where the circus starting gate footprint is) as I understand it will be 'gifted' to CBC.

### *Officer comment*

*It is not a planning matter how the money raised through public donation is used.*

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

## **10.0 Report**

### Background

- 10.1 A master plan together with a suite of planning applications have been agreed for the redevelopment of Garrison Area H. The applications comprised: the change of use of the water tower to business use; the creation of a 150 space car park (in the general vicinity of the existing one); the erection of 35 new dwellings centered on a 'parade ground public square' and the conversion of the Sergeants Mess and Education building to residential use.
- 10.2 The previous planning application for the conversion of the Sergeants Mess triggered significant comment; these comments mainly related to the need for the public to have full access to the land under which lie the remains of the Roman circus starting gates.
- 10.3 The initial proposal presented to Members (May 2008) was for public access on a limited number of days per year, with the applicant funding the interpretation of the circus and the cost of maintaining the garden being borne by the residents. Having considered this proposal, Members deferred the application in order for officers to negotiate improved public access to the site of starting gates. A subsequent report was presented to the Planning Committee in September 2008 that proposed leasing the semi-circular garden to the Council (providing unrestricted public access during day light hours) with the Council being responsible for maintenance costs and the interpretation of the Roman circus. Members resolved to approve the application for the conversion of the Sergeants Mess subject to a legal agreement to secure public access to the Roman circus as proposed at the September meeting.
- 10.4 Following the submission of the Taylor Wimpey application, a public campaign was instigated to acquire the Sergeants Mess and bring the site of the Roman Circus starting gates into the ownership of the community. The current application has in part been made possible by this campaign and the resulting public donations.

### Use

- 10.5 Area H, which the Sergeants Mess forms part of, is identified in the Garrison Master Plan for predominantly residential use with low key mixed uses.
- 10.6 The current application proposes a mixed use development comprising offices (class A2), an interpretation centre (class D1), a shop (class A1), a tearoom (class A3) and two residential units (class C3). It is proposed that building will primarily be used as the Colchester Archaeological Trust's (CAT) head office and will encompass an interpretation centre relating to the Roman circus. A tearoom and shop is also proposed in this part of the building which will assist CAT with the revenue generation for the repair and enhancement of the building. These uses will occupy approximately 50% of the building; it is proposed to convert the remainder to residential use, providing one five bedroom house and an apartment unit containing four one bedroom flats.

- 10.7 The mixed use proposal is considered to conform to the principles established by the outline planning application.

#### Design and Layout

- 10.8 The Sergeants Mess is built to a generous scale and takes on the architectural form somewhere between a country house and a grand urban terrace. It is not intended to alter the front façade of the Sergeants Mess as a part of the current proposal. The rear elevation is cluttered with an assortment of single storey extensions which do not contribute to the architectural interest of this building; the current application proposes the demolition of the majority of these additions and the reinstatement and repair of the original rear façade. A small extension is proposed to the existing modern toilet block to rear of the building so that appropriate toilet provision can be made for the interpretation centre.

#### Landscape and Ecology

- 10.9 The semi-circular railed enclosed private garden to the front of the Sergeants Mess, together with the tree planting, forms a significant part of the setting of this building and makes an important contribution to the character and appearance of this part of the conservation area.
- 10.10 The current application site is drawn immediately to the front of the building and therefore does not include the semi-circular garden. The Design and Access Statement does however note that the area to the front of the house will form part of the Roman circus visitor attraction and that this proposal will be the subject of a separate application.
- 10.11 To the rear of the Sergeants Mess, both the residential and commercial units will be provided with enclosed courtyard gardens. The garden area for the both residential units is in excess of 100m<sup>2</sup> and thus complies with the requirements of the Essex Design Guide. The proposal to enclose the rear boundary of a listed building with timber panel fencing is not however considered appropriate and, as with the Taylor Wimpey scheme, it is proposed to attach a condition requiring the boundary enclosures to be built of brick.
- 10.12 Previous ecological survey work found evidence of bats in the building and a bat mitigation strategy (which included the construction of a hibernaculum) was agreed as a part of the Taylor Wimpey planning application. It is stated in the Design and Access Statement that the hibernaculum is to be constructed when the main part of Area H is redeveloped; until such time an alternative bat mitigation strategy (which still has to be agreed) will be followed.

#### Access and Parking Arrangements

- 10.13 The existing land constraints are such that it is currently not possible to gain vehicular access to the Sergeant Mess; moreover, access to the building from an adopted highway will not be created until such time that the main body of Area H is redeveloped. (The construction of the approved highway scheme falls outside the control of CAT). Pedestrian and cycle access to the site can be achieved via the existing (currently privately owned) Le Cateau Road.

- 10.14 Following a series of meetings between the applicant, the land owner, the Highway Authority and relevant officers from this Council, a solution has been proposed whereby temporary access to the site is gained from Butt Road car park. It is also proposed to provide 5 parking spaces and refuse storage facilities to the rear of the Sergeants Mess (as a temporary measure) for use of the residents of the building. This proposal is considered to form a workable solution by all parties involved.
- 10.15 Ultimately, once Area H is redeveloped, there will be a new estate road that links the Sergeant Mess to Butt Road and this development will be provided with 16 permanent parking spaces. (This is the maximum available as the scheme has to integrate with the extant planning approvals for the redevelopment of Area H).
- 10.16 The 16 parking spaces will be allocated as follows:
- Dwelling house 2 spaces
  - Apartment (no.4 x 1 bed) 4 spaces
  - Visitor parking 2 spaces
  - Commercial uses 8 spaces
- 10.17 The residential element of the proposed development complies with the required number of parking spaces. Regarding the commercial element, the adopted parking standards stipulate maximum rather than minimum parking levels and note that in urban areas where there is good access to existing parking facilities a lower provision may be accepted. Under the adopted guidance the maximum parking spaces that the proposed development should provide is 19 spaces; the proposed development will ultimately be provided with 8 parking spaces. The proposed parking arrangement is considered acceptable given the constraints of the site, the close proximity of the town centre and the close proximity of the public car park.

#### Heritage Issues

- 10.18 The conversion of the Sergeants Mess as proposed does not intend to alter the front façade while the rear elevation will be ‘tidied-up’ by the removal of the modern single storey extensions. Internally, the original floor plan arrangement and bedroom partitions are retained together with all the existing staircases. The conversion proposals have been sensitively handled and respect the special interest of this building. It is also considered that the proposed development (subject to appropriate conditions to control detailing) will not have an adverse impact on the character or appearance of this part of the Garrison Conservation Area.
- 10.19 The remains of the Roman circus are located within the semi-circular garden to the front of the Sergeant Mess. It is not proposed as a part of the current application to undertake any works (a part from general maintenance) to this garden. The current application will not therefore have an impact on the scheduled ancient monument while the proposal to bring the Sergeants Mess back into use will serve to enhance the setting of the circus.

## **11.0 Background Papers**

11.1 ARC; Core Strategy; TL; HH; Museums; Parking Services; Estate, Housing, ECC Education; LS; DT; HA; EH; NR; NLR

### **Recommendation for 101713**

APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:

- To link the development to the terms of the outline garrison planning permissions and 299a legal agreement.
- To secure public access to the site of the Roman circus starting gates

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

### **Conditions**

- Time for commencement of development
- Development to accord with approved plans
- Recording of the buildings
- Drawings showing architectural details
- Windows to be in painted timber
- External building and surface finishes and materials
- Details of rainwater goods
- Tree Protection
- Landscaping (hard and soft) and implementation and monitoring of works
- Boundary treatments
- Ecology / protected species
- Access and highway design
- Sound insulation
- Control of light pollution
- Contaminated land and remediation
- Good practice relating to construction work etc
- Drainage details
- Hours of use
- Extent of commercial development
- Refuse storage
- Cycle storage facilities

## **Recommendation for 101716 – Listed Building Consent**

### **Conditions**

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

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In order to comply with the requirements of Section 18(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

2 - Non-Standard Condition

Prior to the commencement of development, a programme of building recording works shall be carried out by an appropriately qualified specialist and submitted to the Local Planning Authority. The scope of the building recording works shall be agreed by the Local Planning Authority and the works implemented in accordance with the agreed details.

Reason: To ensure that the historic and architectural character of the building is properly recorded in all its details.

3 - Non-Standard Condition

If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in context of the approved scheme shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure that the historic and architectural character of the building is properly recorded in all its details.

4 - Non-Standard Condition

Prior to the commencement of works, a schedule of repair works, including where appropriate detailed plans, shall be submitted to and approved in writing by the Local Planning Authority. The repair works shall be implemented in strict accordance with the approved details.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.

5 - Non-Standard Condition

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

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.



#### 6 - Non-Standard Condition

All external rainwater goods and other pipes shall be of a similar design to the existing and shall be formed in cast iron and shall be finished in black oil based paint.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.

#### 7 -Non-Standard Condition

Full details of the new brickwork including the bond, mortar mix and joint profile shall be submitted to and approved by the Local Planning Authority before any work is commenced on site. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.

#### 8 - Non-Standard Condition

All existing windows shall be retained and repaired where necessary unless otherwise agreed in writing by the Local Planning Authority. Any replacement windows shall match exactly the details and moulding profile of these windows. Any surviving crown or cylinder glass shall be carefully salvaged and reused. Any existing windows which are replaced by agreement with the Local Planning Authority shall be retained on site for inspection by representatives of the Local Planning Authority prior to the new windows being installed.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.

#### 9 - Non-Standard Condition

Additional drawings that show details of proposed new windows, cills, arches, doors, glazed addition, access over light well to be used, by section and elevation, at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the Local Planning Authority in writing, prior to commencement of any works. The development shall be implemented in accordance with the approved additional drawings.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.

#### 10 - Non-Standard Condition

All windows shall be constructed in timber and painted white unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.

#### 11 - Non-Standard Condition

Full details of external extract or ventilation equipment shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works. The development shall be implemented in accordance with the agreed details.

Reason: To ensure that the historic and architectural character of the building is properly maintained in all its details.

#### 12 - Non-Standard Condition

All new internal joinery, cornices and other mouldings shall match the detailing of the original building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the historic and architectural character of the building is properly maintained in all its details.

#### 13 - Non-Standard Condition

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

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.

#### 14 – Non Standard Condition

Notwithstanding the details information, the precise position and size of the new openings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the agreed details.

Reason: To ensure that the historic and architectural character of the building is not adversely affected by the proposed works.

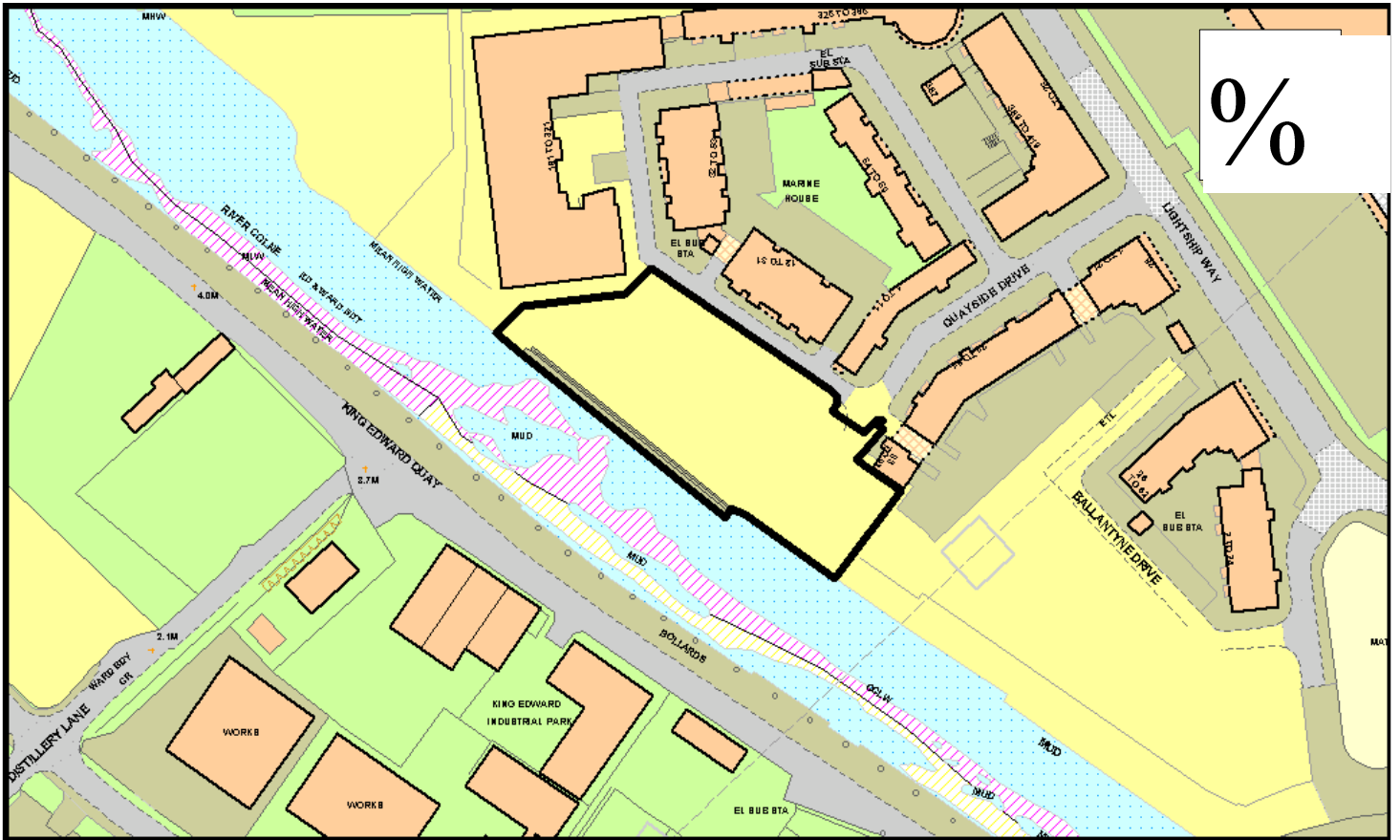
#### 15 – Non Standard Condition

Prior to commencement of work, details of the fire protection measures and noise and thermal insulation improvement required under the Building Regulations shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the historic and architectural character of the building is not adversely affected by the proposed works.

### **Informatives**

This decision notice is for Listed Building Consent only and no works for the conversion or alteration of the Sergeants' Mess should start until planning permission has been granted.



**Application No:** 101080

**Location:** Moler Works (Building 5 & 5A), Colne View

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

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### 7.3 Case Officer: Bradly Heffer

**MAJOR**

**Site:** Colne View

**Application No:** 101080

**Date Received:** 2 June 2010

**Agent:** Mr Trevor Dodkins

**Applicant:** Barratt Eastern Counties

**Development:** Full application for 48 dwellings (building 5) and the elevation of Building 5a 'The Noodle Bar' by 2m (revised scheme).

**Ward:** St Andrews

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

## 1.0 Planning Report Introduction

- 1.1 Members will recall that this planning application was reported to the Committee at the last meeting held on 7th October 2010, as a main agenda item. The report at that time sought Members' views on the proposal, due to the particular circumstances relating to the application site. The request for Members' views was made following a discussion with the Council's Legal Services section.
- 1.2 Members resolved to withdraw the application from the Agenda in order that the report could be resubmitted with an officer recommendation. For Members' information the previous report submitted to Committee was as follows:

## 2.0 Site Description and Context

- 2.1 The site for this application is an irregularly-shaped, level piece of land that is defined by solid construction fencing, with a given area of 0.44 hectares. The site was last used for the location of the site office and materials storage area for building that has taken place elsewhere on the site. Members will be aware that the former Moler Brickworks at the Hythe has been redeveloped for mainly residential use as part of the ongoing regeneration of East Colchester, which includes the ancient port area at the Hythe. The overall site has been mostly redeveloped, with two areas remaining – this current application site and a site immediately adjacent to the south-east.
- 2.2 As well as surrounding buildings that comprise the remainder of the Moler Works development, the site is within close proximity to the University Quays student accommodation development to the east. To the south west the site fronts on to the River Colne and faces King Edward Quay which is an established commercial enclave within the former port area.

### 3.0 Description of the Proposal

- 3.1 Under this planning application permission is sought for the erection of a four-storey building (building 5) that would contain 48 no. dwellings (comprising 8 one-bed units and 40 two-bed units). The scheme also proposes a detached single storey building immediately adjacent to the residential building that is identified for A3 (restaurant and café) use identified as building 5A.
- 3.2 In terms of appearance the residential building would incorporate a variety of materials including brick, coloured panelling and boarding – examples of which may be found on existing buildings on the redeveloped Moler Works site. Members should note that the car parking to serve the site would be provided in a basement under the building and would consist of 50 spaces. Parking spaces for the commercial units would be provided at ground floor level.
- 3.3 The application is accompanied by a Design and Access Statement, the full contents of which may be viewed on the Council's website. The document advises that changes in the residential market have forced the applicant company to review the current planning permission for building 5. The following statement comprises the conclusion of the document:

*'The proposal has been designed within the context of the development permitted and partially constructed on the site and the changing market requirements. That it follows the principles and outline proposals of the masterplan. That it is a high quality design that has a modern contemporary style and also reflects the design and materials of the industrial heritage of the area and its waterside location and enhances the design of the already-approved proposal and provides an attractive feature when viewed from the riverside.'*

### 4.0 Land Use Allocation

- 4.1 Regeneration Area as allocated in the Adopted Review Colchester Borough Local Plan.

### 5.0 Relevant Planning History

- 5.1 O/COL/02/0763 – Erection of 212 residential units, 13 live/work units, 4 class A1 retail shops, a class A3 public house and a marine education centre. Approved 22nd July 2004 (**this permission covered the entire Moler Works site**).
- 5.2 RM/COL/04/1399 – Reserved matters approval granted in respect of buildings 1, 3 and 6 for the erection of 105 apartments and retail units.

- 5.3 F/COL/04/0947 - Residential development of 224 flats, arranged over 2-6 storeys, and 22no. 3 storey houses. 4 commercial units on ground floor of the development. 1 cafe building (5a) with landscaped terraces. Provision of riverside walk, new landscaping and quayside works. A pocket park, plus ancillary lighting, bicycle storage, refuse storage, car parking, roads and footpaths. Application approved 7th April 2006. **This was the first application to approve details for buildings 5 and 5A. Under this permission building 5 contained 48 flats and was served by 48 car parking spaces.**
- 5.4 081596 - Full application for 58 No. dwellings (Building 5) the elevation of building 5a, The Noodle Bar, by 2m and the construction of a flood risk evacuation route from building 5, 5a and 4. – Application refused via notice dated 5 December 2008. **Members should note that this proposal sought permission for an additional 10 units in building 5 from the previously approved 48 units. Members are also advised that the refusal of this application was appealed and the appeal was subsequently dismissed by the Planning Inspectorate.**
- 5.5 091651 – Full application for the erection of a new building (known as building 5) containing 58no. dwellings. Revised application for building 5a to incorporate raised levels and raised walkway to accord with floor risk assessment/strategy – this application was refused, contrary to officer recommendation, at the Committee meeting held on 15 April 2010. **The refusal is the subject of a written representations appeal and the outcome of the appeal had not been determined at the time this report was written.**

## 6.0 Principal Policies

- 6.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

DC1 – General Development Control criteria

UEA11 – Design

UEA13 – Development, including extensions, adjoining existing or proposed residential property

P3 – Development in Floodplains and Washlands

ECH1 – Development in the Regeneration Area – General

ECH2 – Area 1 – The former Moler Works site

- 6.2 The following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:

SD1 – Sustainable Development Locations

SD2 – Delivering Facilities and Infrastructure

H1 – Housing Delivery

H2 – Housing Density

H3 – Housing Diversity

H4 – Affordable Housing

UR1 – Regeneration Areas

UR2 – Built Design and Character

PR2 – People-friendly streets  
TA1 – Accessibility and Changing Travel Behaviour  
TA2 – Walking and Cycling  
TA3 – Public Transport  
TA5 – Parking  
ENV1 - Environment

## **7.0 Consultations**

- 7.1 The Highway Authority did not raise an objection to the application, subject to the imposition of conditions on a grant of planning permission.
- 7.2 Anglian Water would require the imposition of informatives on the grant of a planning permission.
- 7.3 At the time this report was written the Environment Agency had advised that it did not object to the principle of the development, but required further information regarding management of the basement parking area during a flood incident. Further information regarding this point has been requested from the applicant company's agent and the further views of the Environment Agency will be sought once this is received. The Environment Agency has also identified the need for appropriate site contamination investigation to be carried out.
- 7.4 The Council's Environmental Control team would require the imposition of conditions on the grant of a planning permission. These would include conditions to address land contamination bearing in mind that development has taken place on the majority of the Moler Works site.
- 7.5 The Council's Development Team noted the application and required that any new permission or legal agreement should be linked back to the original planning permission for the site.

The full text of all consultation responses are available to view on the Council's website.

## **8.0 Representations**

- 8.1 As a result of local notification one letter of objection has been submitted, in which the following points are made:
- The proposed raised pedestrian walkway is not aesthetically pleasing and will add to obstruction of views
  - The provision of the walkway could create a security hazard for local residents in existing parts of the development by enabling persons to climb on to balconies
  - The walkway could be repositioned and cause less detriment to local residents. There is also a barrier further down the river which is meant to deter flooding in the area.

- 8.2 Colchester Cycling Campaign requests that the route of the cycle path remains unobstructed during construction works and expresses concern that the width of the route has lessened from the original approval.

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

## **9.0 Parking Provision**

- 9.1 The submitted application form states that a total of 53 car parking spaces would be provided to serve the proposed development. The accompanying drawings show 50 spaces within a basement area under the residential building and 5 spaces a ground floor level, giving an overall provision of 55 spaces.
- 9.2 As Members know the Council has adopted the parking standards contained in the Essex County Council document 'Parking Standards – Design and Good Practice (September 2009)' within this document the applicable standard for residential development is 1 space per dwelling for a one-bedroom unit and 2 spaces for a two or more bedroom unit. Additionally there is a requirement to provide 0.25 spaces for visitor parking provision, this figure to be rounded up to the nearest whole number. As the scheme proposes a development having 8 one-bedroom units and 40 two-bedroom units this generates a requirement for 88 spaces and also a further 12 visitor parking spaces. The total number required under the adopted standard is 100 spaces for the residential element of the scheme.
- 9.3 As regards the commercial element of the scheme i.e. building 5A this is proposed for A3 (restaurant) use and therefore the applicable maximum standard is 1 space per 5 square metres of floor space. Scaled from the submitted drawings building 5A has an approximate floor area of 159 square metres (excluding the terrace area). On this basis the parking requirement for this facility is 32 spaces - 3 bays or 6% of which (whatever is the greater figure) should be allocated for disabled persons.
- 9.4 In combination therefore, the full applicable amount of car parking spaces that would be required for the proposed development under the current standards is 132 spaces. As stated previously, the submitted drawings show a total of 55 spaces being provided and therefore there is a shortfall of 77 spaces. Members should note that in both cases the parking standards document advises that reductions in the parking standard may be considered if the development is in an urban area that has good links to sustainable transport.



## 10.0 Report

- 10.1 In terms of the design of the building proposed under this application your officer is satisfied that this follows the general character of development established on the redeveloped Moler Works site. The building's proposed position is such that it would have a clear spatial relationship with the river and would address the cycle/footway that would run immediately adjacent to the site. The architectural style and detail is similar to other buildings on the site and it is considered that the proposal would not appear incongruous or out of character in this particular context. In fact the design of the proposed buildings follows that which was the subject of an appeal (ref. 081596) and which an Inspector did not criticise (apart from a plinth detail which is discussed later in this report).
- 10.2 Additionally it is important to bear in mind that the Council has previously approved a similar form of development on this site, for the same number of residential units in building 5, albeit with a different tenure mix. The previously-approved 48 unit scheme incorporated 5 one-bedroom units, 38 two-bedroom units and 5 three-bedroom units. This approved scheme also proposed 48 car parking spaces to serve the residential element of the development.
- 10.3 Apart from the change to the tenure of the units in the proposed building, the main alteration to the previously-approved scheme is the provision of a raised walkway, to serve the occupiers of the building in the event of a flood incident. This follows on from the requirements of Planning Policy Statement (PPS) 25 – Development and Flood Risk and the fact that the former Moler Works site, in common with much of the Hythe riverside area, falls within a recognised flood zone (Zone 3) according to Environment Agency data. On this basis it is a requirement for new residential developments in such areas to demonstrate that in the event of a flood there are appropriate measures in place to protect the occupiers of dwellings.
- 10.4 To this end the proposed design of the development incorporates a plinth detail that would raise the buildings, and also a walkway that would link the development with a similar feature serving the existing residential building located immediately north-west of the current application site.
- 10.5 In rejecting the appeal against the refused application for 58no. units on this site (ref. 081596) the Inspector found that the development, whilst acceptable in principle, was inappropriate because of the plinth detail and the fact that this would create a visually unacceptable barrier between the development and the adjacent riverside walkway and cycleway. The design of the plinth has since been amended and now reflects a satisfactory design and relationship with the important riverside space.

- 10.6 The key remaining issue in the consideration of this proposal is that of car parking provision to serve the proposed development. The redevelopment of this important site within the Hythe area of the town is substantially complete, and there remain two sites to be developed – this current site and land immediately to the south-west which also has the benefit of a previously-approved development, that has not been built. The existing development on the former Moler Works site has been approved by the Council, with a parking provision less than the current standard. Furthermore the currently submitted application for this site proposes 50 spaces to serve the residential element of the scheme (Building 5) which is an increase of 2 spaces over the 48 proposed when the development was first approved under planning application F/COL/04/0947. In equity, the ratio of parking proposed under this scheme does reflect that found elsewhere on the former Moler Works site. This level of parking no doubt reflects the fact that the site is in reasonable proximity to public transport services (bus and rail) as well as cycle path networks etc. and therefore represents a situation where the provision of a lesser parking standard would be appropriate, not least with regard to sustainability issues.
- 10.7 Conversely, Members will be recall that a previous scheme to develop this site for a 58 unit residential building and a restaurant has previously been rejected by Committee, contrary to officer recommendation (ref. 091651). In refusing the development submitted at that time Members did not reject the scheme on grounds of design or impact etc. but considered that the shortfall in parking provision was unacceptable. For Members' information the reason for refusal of 091651 was as follows:

*'Within the Adopted Review Colchester Borough Local Plan – 2004 saved policy DC1 – General Development Control Criteria requires inter alia that:-*

*...Developments will be located and designed to provide for ... where relevant, servicing, car and cycle parking to currently adopted standards...' (criterion c (iii)). Leading on from this, within the Local Development Framework Adopted Core Strategy – adopted December 2008 policy TA5 – Parking sets out the Council's requirements for parking provision. The policy states inter alia that '...Development should manage parking to accord with the accessibility of the location and to ensure people-friendly street environments...' Furthermore Policy UR2 – Built Design and Character requires inter alia that '...High-quality design should also create well-integrated places that are usable, accessible, durable and adaptable...'*

*Additionally, the Council has formally adopted the vehicle parking standards contained within the Essex County Council publication entitled 'Parking Standards – Design and Good Practice' - published September 2009. The proposed development would fail to provide car parking facilities in accordance with the adopted standards. Therefore, if permitted the development is likely to lead to a significant amount of cars being parked in the adjoining and nearby roads causing obstruction to vehicular traffic as well as a hazard that would be potentially harmful to highway safety. Additionally*

*the creation of unmet parking demand and the subsequent likelihood of parking taking place in the adjoining and nearby roads will lead to a detrimental impact on overall visual amenity in this location caused by excessive ad-hoc on-street parking and a failure to ensure a people-friendly street environment, thereby being contrary to the aims of the identified policies.'*

- 10.8 As stated previously in this report, the refusal of this application is the subject of an appeal to the Planning Inspectorate. Unfortunately it is unlikely that the outcome of the appeal will be known in advance of the Committee meeting when this application will be considered.

## **11.0 Conclusion**

- 11.1 This current proposal varies from a previously-approved scheme on this site in that the mix of residential units has been altered to reflect changing housing market conditions, some additional parking spaces have been proposed over the previously-approved amount, and the design of the building now incorporates measures required to address a potential flood event. Furthermore, the previous planning permission for the building (granted under F/COL/04/0947) is still extant as other parts of the approved development have been completed. That said, it is debatable whether this previously-approved development would still go ahead without amendment as the design did not incorporate flood mitigation measures proposed under the current application, and now required by the Environment Agency.

- 11.2 While the changes of tenure mix and flood mitigation elements are not in themselves considered to be unacceptable in planning terms the issue of parking provision for the proposed development is a key consideration. If the full parking standards are applied it can be demonstrated that a substantial shortfall in parking provision would occur. However, the site does fall within an urban area with public transport links and therefore is an area where a lesser provision may be appropriate. The officer report to Members submitted for application 091651 did recognise the issues of location, sustainability and previously-approved schemes on this site etc. in recommending a planning permission. Nevertheless, Members refused the application due to the considerable shortfall in parking provision if the current full standard is applied and in rejecting the scheme were mindful of the existing parking situation in the area which was felt to be unsatisfactory. The refused application is the subject of an appeal and, in truth, it would have been very useful to have the decision of this appeal prior to presenting this application to Committee for determination. However, in the absence of the Inspector's decision it is felt appropriate in this case to seek Members' views on the application – given the particular circumstances as set out in the report.

## **12.0 Recommendation**

- 12.1 Members' views are requested.

### **13.0 Additional Report**

- 13.1 Following Members' request for a firm recommendation regarding the application it is considered that the proposal should be granted planning permission – notwithstanding the shortfall of parking provision if the currently-adopted parking standards of the Council are applied. This is because the site is in an area that benefits from good public transport links, including bus services, a train station and also a growing network of cycle and footpath links. Members are advised that the following advice comment is contained within the current parking standards document in relation to parking standards in urban areas:

*'For main urban areas a reduction to the vehicle parking standard may be considered, particularly for residential development. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.'* Para 2.5.1

- 13.2 Allied to this is the fact that the provision of parking spaces to serve the development reflects the standard applied elsewhere within the Moler Works site, and previously approved by the Council. It is also important to bear in mind that the application site does benefit from an extant planning permission and the variations sought under this proposal relate to tenure mix, design and elements to deal with a flood emergency. As explained in the original report to Members, the issue of the design alterations has already been examined at appeal and held to be acceptable by the Planning Inspectorate.
- 13.3 As regards the issues of tenure mix and the flood emergency elements of the proposal these are, again, felt to be acceptable changes to the originally-approved scheme and in the case of the plinth detail, follow on from liaison between the applicant company and officers in order to secure a spatially-responsive development.
- 13.4 Members are also advised that the Environment Agency has no objections to the proposal, subject to conditions.

### **14.0 Background Papers**

- 14.1 ARC; Core Strategy; HA; AW; NR; HH; Development Team

## **Recommendation**

That the application is deferred in order that a Unilateral Undertaking may be secured whereby the terms of the Section 106 Legal Agreement attached to the grant of planning permission ref: F/COL/04/0947 are linked to this development. Upon satisfactory completion of the Unilateral Undertaking the Head of Environmental and Protective Services be authorised to issue a delegated planning permission for the proposal subject to the following conditions:-

## **Conditions**

### **1 - A1.5 Full Perms (time limit for commencement of Development)**

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

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

### **2 - Non-Standard Condition**

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

Reason: Insufficient information with regard to external materials is submitted with the application and the Local Planning Authority would wish to ensure that these are of a satisfactory standard in order to ensure that visual amenity in this location was maintained and improved.

### **3 - Non-Standard Condition**

The development hereby permitted shall be implemented in all respects strictly in accordance with the drawings hereby returned stamped approved.

Reason: For the avoidance of doubt as to the scope of the permission hereby granted and because the originally submitted plans included an unsatisfactory plinth design.

### **4 - C11.11 Landscape Design Proposals**

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

#### 5 - C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

#### 6 - Non-Standard Condition

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

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

#### 7 -Non-Standard Condition

Additional drawings that show details of all architectural features such as windows (including window reveals and glazing systems), doors, door cases, shop fronts, eaves, verges, cills, copings, plinths, parapets, string courses, lintels, balconies, balustrades, render type colour and texture, brick bond mortar colour and pointing, flues, extract equipment and external plant and support structures and roof features, at a scale of between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not give sufficient detail regarding these elements and the Local Planning Authority would wish to agree the details in order to ensure a satisfactory appearance in the interests of visual amenity.

#### 8 - Non-Standard Condition

Any lighting of the development shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent residential properties/ constitute a traffic hazard/cause unnecessary light pollution outside the site boundary. "Avoidable intrusion" means contrary to the Code of Practice for the Reduction of Light Pollution issued by the Institute of Lighting Engineers.

Reason: In order to protect the amenity of the occupiers of adjoining and nearby residential properties and in the interests of highway safety.

#### 9 - Non-Standard Condition

No dwelling or commercial unit shall be occupied until space has been laid out within the site in accordance with the drawings hereby returned stamped approved for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear.

Reason: In order to ensure that car parking is provided on the site in accordance with the submitted plans.

#### 10 - Non-Standard Condition

No dwelling shall be occupied until space has been laid out within the site in accordance with the drawings hereby returned stamped approved for bicycle parking facilities. These facilities shall thereafter be retained as such and not used for any other purpose.

Reason: In order to ensure that bicycle parking is provided on the site in accordance with the submitted plans.

#### 11 - Non-Standard Condition

Prior to building 5A intended for A3 restaurant and café use being brought into use for the purposes hereby approved, bicycle parking facilities for patrons of the premises shall be provided in a practical and visually satisfactory manner within the site, which comply with the Local Planning Authority's current cycle parking standards and are in accordance with a scheme, indicating the number, location and design of such facilities, which shall have previously been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall thereafter be retained to serve development.

Reason: In order to ensure that bicycle parking is provided on the site in accordance with the Council's adopted standards in order to ensure a satisfactory form of development.

#### 12 - Non-Standard Condition

The refuse/recycling storage facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the proposed development hereby approved before the development is occupied or becomes operational. Such facilities shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason: To ensure that sufficient facilities are available for the storage of refuse and materials to be recycled, in the interests of securing a satisfactory form of development.

### 13 - Non-Standard Condition

Prior to the A3 (Restaurants and Cafes) use (in building 5A) being commenced it shall be insulated against internally generated noise in accordance with a scheme that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the amenity of adjoining and nearby residents is not adversely impacted by noise generated by equipment and apparatus required in connection with the permitted A3 (Restaurants and Cafes) use.

### 14 - Non-Standard Condition

The proposed A3 use (in building 5A) shall be limited to a restaurant or cafe/tea room.

Reason: For the avoidance of doubt as to the scope of the permission hereby granted and in order to protect the amenity of adjoining and nearby residents.

### 15 - Non-Standard Condition

The A3 use (in building 5A) shall not open to the public outside the hours of 07.30hrs to 23.30hrs unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to avoid the potential for noise nuisance and disturbance by customers being caused to adjoining and nearby residents.

### 16 - Non-Standard Condition

Deliveries to and collection of goods from the commercial units hereby permitted (including the A3 use in building 5A) shall not take place outside the hours of 07.30hrs to 18.00hrs Mondays to Fridays, 07.30hrs to 13.00hrs Saturdays nor at any times on Sundays or Bank Holidays.

Reason: In order to avoid the potential for noise nuisance and disturbance being caused to adjoining and nearby residents.

### 17 - Non-Standard Condition

The A3 use (in Building 5A) shall not commence until there has been submitted to and approved in writing by the Local Planning Authority full details of equipment to be installed in the building for the extraction and control of fumes and odours together with a code of practice for future operation of that equipment. The use hereby permitted shall not take place other than in accordance with the approved details.

Reason: In order to avoid the potential for odour nuisance being caused to adjoining and nearby residents.

### 18 - Non-Standard Condition

Prior to the commencement of development, a scheme for the provision and implementation of surface water drainage shall be submitted and agreed, in writing, with the Local Planning Authority. The scheme shall be constructed and completed before occupancy of any part of the proposed development.

Reason: In order to ensure that satisfactory arrangements are in place to address surface water drainage resulting from the development hereby approved.



#### 19 - Non-Standard Condition

Measures shall be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with construction of the proposal. The detailed measures shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and shall be carried out to the satisfaction of the Local Planning Authority (in consultation with the Highway Authority) for the duration of the construction works.

Reason: To ensure that mud and/or debris is cleared from the public highway in the interests of highway safety.

#### 20 - Non-Standard Condition

Prior to the occupation of the proposed development the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council, to include vouchers for 12 months free bus travel within the applicable zone (covering the relevant zone as set out by the local operator and Essex County Council) for each eligible member of every residential household. The vouchers shall be valid for exchange during the first 6 months following the occupation of the individual dwelling.

Reason: In the interests of promoting sustainable development and transport in accordance with Policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11.

#### 21 – Non Standard Condition

The finished floor level for accommodation within buildings 5 and 5A shall be set out a level of 5.86m AOD.

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

#### 22 – Non Standard Condition

A raised walkway will be provided at a minimum level of 4.9m AOD which will allow users of Buildings 5 and 5A to gain access to the bridge over the River Colne.

Reason: To ensure safe access and egress from and to the site.

#### 23 – Non Standard Condition

The buildings shall be designed to withstand any hydrostatic and hydrodynamic pressures expected during a flood event.

Reason: To ensure the structure integrity of the proposed buildings.

#### 24 – Non Standard Condition

Surface water shall discharge from the site at a rate no greater than existing and storage shall be provided to accommodate the 1 in 100 year storm, inclusive of climate change. Prior to commencement of the development, details of who shall be responsible for the maintenance of the surface water drainage system, in perpetuity, shall be submitted in writing to the Local Planning Authority.

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

## 25 – Non Standard Condition

The basement parking area should be tanked to prevent the ingress of floodwater and should be closed from access/use for site users during a flood event. Details of who shall be responsible for managing the basement area should be confirmed in writing to the Local Planning Authority prior to first use of the area.

Reason: To ensure safety to residents and other users of the site.

## 26 – B6.11 Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

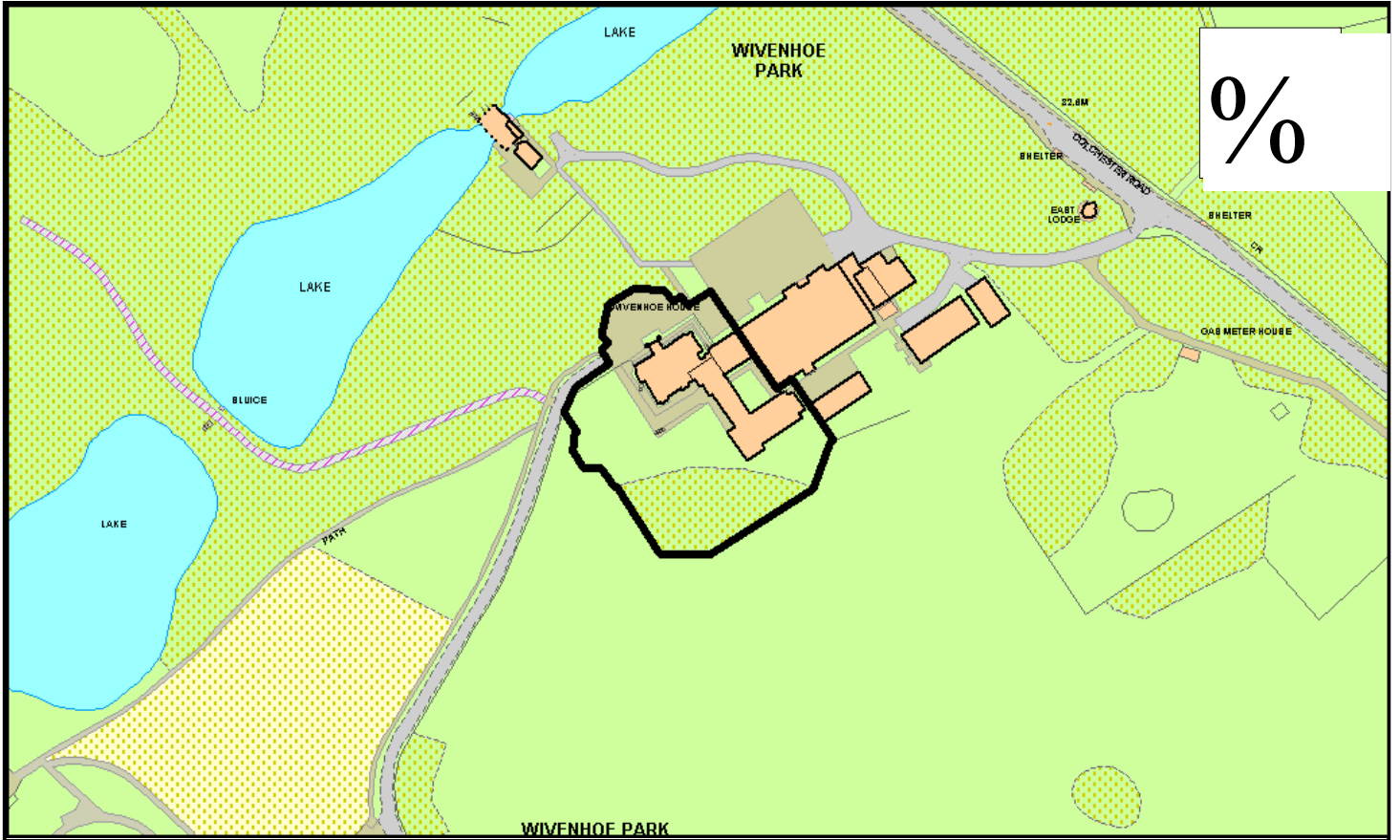
The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.

**Informatives**

Plus informatives as required by the Highway Authority and Anglian Water Services Ltd.



**Application No:** 101428

**Location:** Wivenhoe House Hotel, Wivenhoe Park, Colchester, CO4 3SQ

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

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#### 7.4 Case Officer: **Bradly Heffer**

**MAJOR**

**Site:** Wivenhoe House Hotel, Wivenhoe Park, Colchester, CO4 3SQ

**Application No:** 101428

**Date Received:** 12 July 2010

**Agent:** Dr Jon Burgess

**Applicant:** Mr Richard Halsall

**Development:** Demolition of 1980's wing to grade II\* listed Wivenhoe House and replacement with new rear extension. Internal and minor external alterations to listed building and landscaping works within grade II registered park and garden.

**Ward:** Wivenhoe Cross

**Summary of Recommendation:** Conditional Approval

#### 1.0 **Planning Report Introduction**

1.1 This report relates to an application for a proposed development at 'Wivenhoe House', Wivenhoe Park, Colchester. The proposals include the demolition of an existing extension to the original building, (which has a grade II\* listing), and its replacement with a new extension. The submitted scheme also includes proposed works to the listed building, which are the subject of an accompanying application for listed building consent that is also presented to Members for consideration.

#### 2.0 **Site Description and Context**

2.1 The building that is the subject of this development proposal comprises a substantial grade II\* listed building that has previously had an extension added in the 1980s. It is one of a group of buildings that forms an enclave of development within the overall Essex University campus site. The authorised use of the building is as a hotel, a use that ceased at the end of 2009.

2.2 The hotel building itself, the extension and other buildings in the overall group are of a variety of architectural styles and are located towards the north-eastern corner of the overall University of Essex site - the main campus being located away to the south-west. The site is accessed via a road that leads off the main vehicular access to the campus, which itself leads off Boundary Road.

2.3 Generally, the character of the overall University site is of rolling, landscaped and managed parkland and immediately adjacent to the application site, to the south, are playing fields that extend to Boundary Road. To the north and north east of the application site are areas of established trees. The main campus area of the University itself displays a wide variety of building styles.

### **3.0 Description of the Proposal**

- 3.1 Under the submitted application the proposal may be summarised as seeking to re-open the hotel and also create a hotel school. The following description of proposed works is taken from the Planning Statement accompanying the application:

‘The intention is to re-open the hotel as a unique hotel school known as ‘The Edge School Hotel’. The hotel will be run on a commercial basis at the top end of the 4\* standard but will also be a training environment. Students will be part of the hotel staff. There will be 40 bedrooms, conference facilities, a fine dining room and brasserie. The proposal would comprise the following physical works:

- Remodel and refurbish the existing Wivenhoe House and first floor of east wing
- Demolition of the existing 1980s rear extension
- Replacement of extension with a new garden pavilion and a low-level glazed link to the existing House behind a garden wall
- Reinstatement of the sunken garden to the south of the House adjacent to the new extension.

...Clearly vocational training already takes place in hotels and is a fundamental part of their operation. However, this proposal is to provide practical training in the hotel as a fundamental part of the courses being undertaken at the University. The proposal is unique in this country but is in operation very successfully elsewhere in Europe...In keeping with PPS4 the hotel school proposal would retain the existing commercial tourism use; would support existing nearby educational and employment uses through the facilities it offers; would provide unique vocational opportunities to support the hospitality industry both on a regional and nationwide basis; and would provide high quality hotel accommodation and fine dining opportunities for the local area...’

- 3.2 The application is accompanied by a series of supporting documents including a Design and Access Statement, Planning Statement, Heritage Statement, Arboricultural Assessment etc. the full contents of which may be viewed on the Council’s website.

### **4.0 Land Use Allocation**

- 4.1 The site for this proposal is located in a Countryside Conservation Area as allocated in the adopted Review Colchester Borough Local Plan. Land to the north-west has a Site of Importance for Nature Conservation allocation. The site also falls within an area that has a Historic Park and Gardens allocation, as well as a Local Wildlife site.

### **5.0 Relevant Planning History**

- 5.1 The following planning applications are considered to be relevant to the consideration of this application:
- 76/0504 – Conversion to residential conference centre – approved with conditions 26th July 1976
  - 78/1760 – Alterations, installation of new staircase and use of east wing basement as games room – approved with conditions 19<sup>th</sup> March 1979

- 83/0672 – Improvement of conference residential accommodation to provide private bathrooms for majority of bedrooms on first and second floors – approved without conditions – 6th July 1983
- 86/0070 and 86/0071 – Erection of extension to provide 40 bedrooms with en-suite bathrooms and additional seminar and social areas – approved 4th June 1986
- 90/1880 – Alterations to first floor to provide 7no. bedrooms with bathroom/shower en-suite – approved without conditions – 4<sup>th</sup> April 1991

## **6.0 Principal Policies**

6.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

DC1- Development Control considerations  
 CO3 - Countryside Conservation Area  
 CO4 – Landscape features  
 CO5 - Habitats  
 CO6 - Protected Species  
 UEA5 - Altering Listed Buildings  
 UEA10 – Parks and Gardens of Historic Interest  
 UEA11 - Design  
 UC1 – The University of Essex  
 L19 – Tourism and Visitor Facilities

6.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:

SD1 - Sustainable Development Locations  
 SD3 - Community Facilities  
 CE1 – Centres and Employment Classification and Hierarchy  
 UR1 - Regeneration Areas  
 UR2 - Built Design and Character  
 ENV1 - Environment

## **7.0 Consultations**

7.1` The following comment has been received from the Council’s Planning Policy section:

“The most relevant policies in the consideration of this application are: UR2 (Built Design and Character) and ENV1 (Environment) of the Core Strategy and DC1 (Development Control Policy), UEA5 (Listed Buildings), UEA10 (Parks and Gardens of Historic Interest), UEA11 (Design), UC1 (University of Essex), CO4 (Landscape Features) and CO5 (Nature Conservation) of the Local Plan.

Core Strategy policy UR2 seeks to ensure that the Borough’s unique historic character is protected from inappropriate development and that high quality and creative design which respects its context is achieved. Policy ENV1 requires the Borough’s natural and historic environment to be conserved and enhanced. Policies DC1 and UEA11 require development to be of a high standard of design. Policy DC1 includes criteria on the provision of high levels of accessibility by public transport and safe facilities for

cyclists and pedestrians; the need for the highway network to safely accommodate traffic; and the need to protect historic and natural assets.

Policy UC1 states that outside of the areas denoted by a 'UE' and 'UE/C' on the Proposals Map, which this site is, proposals for university purposes will be acceptable provided that it is of a good standard of design and has full regard to landscape and nature conservation interests.

In terms of the principle of a hotel use with conference facilities at this location whilst the hotel closed in December 2009 this use is already established at the site and the supporting text to policy UC1 states that a hotel or conference centre would be acceptable within the university campus. The proposal involves a reduction of 6 bedrooms and a reduced capacity in the conference rooms of 140 people.

Whilst the number of covers in the restaurants is proposed to increase by 40 owing to the reduction in number of bedrooms and capacity of the conference rooms it is not considered that the number of journeys to and from the site will significantly increase. The DACS refers to a cycle hire scheme; this should be conditioned to ensure that it is implemented.

Policy UEA5 requires development affecting a listed building to preserve the special interest of the building and in the case of an extension requires it to be of a scale and character that would clearly retain the distinctive form, scale and mass of the original building. Policy UEA10 protects sites included on the Register of Parks and Gardens of Special Historic Interest from development which would lead to a loss of their historic character or setting. Policies CO4 and CO5 require development to protect existing landscape features and local nature conservation sites.

The proposed extension will replace an existing 1980s extension. The design is contemporary and it is considered that the low level glazed link helps to soften the impact of the proposed extension. The proposed extension will also open up views to the east wing; a positive addition to the setting of the listed building. It is considered that the proposal will not harm the character or setting of Wivenhoe Park and the reinstatement of the sunken garden and other landscape improvements will enhance the Park.

The site lies within Wivenhoe Park Local Wildlife Site and an ecological survey has been submitted with the application. The phase 1 habitat survey found that the site is a key habitat for bats and breeding birds and recommended a phase 2 survey for bats. However, the bat survey has yet to be completed and so the impact on this protected species is unknown.

Recommendation: Provided that the bat survey demonstrates that this protected species will not be affected by the proposal and any necessary mitigation measures can be conditioned and subject to the views of English Heritage on the impact on the listed building it is recommended that this application is approved."

- 7.2 Environmental Control would require the imposition of the Demolition and Construction Informative on any grant of planning permission.
- 7.3 When Natural England was first consulted on the proposals it advised that further surveys regarding the presence or absence of bats are required before a final comment on the proposal could be made. This additional survey work has been undertaken and the results have been sent to Natural England. Any comment received will be made available at the Committee meeting.



7.4 The Council's ecologist comments as follows:-

"As long as the mitigation and recommendations outlined in the report are enacted, I am satisfied that the bat population will be adequately protected."

7.5 The following comment has been received from the Council's Urban Design officer:

"The proposed building offers a considerable improvement to the setting of the listed building and the park setting when compared to the existing building intended for replacement. The contemporary design of the new addition is a well suited counter point to the fine listed building. The relationship has been well considered and provides good separation of the two styles of architecture. The design also provides a much improved backdrop for the refurbishment and enhancement of the landscape and gardens via the understated design of the intermediate section between the main facility and the listed house.

Detailing and Materials

I would suggest that all materials are approved by condition to include coping bricks to the intermediate section. This is because the few courses of brick above the render lintel or fascia appear weak but an appropriate shape brick or capping would resolve this."

7.6 The following comment is made by the Design and Heritage officer on the issue of the extension proposals:

"The proposed demolition of the modern extension and its replacement by a new 'pavilion' building forms a fundamental part of this scheme. The existing modern extension does not sit well with the historic house and I would not wish to raise an objection to its demolition. The proposed replacement building is set at a distance from the historic building and is linked via a single storey corridor which is itself screened from the garden by a brick wall. The proposed separation between the pavilion building and the historic house considerably improves the setting of the listed building and allows the historic grouping of buildings to be viewed from the rear. I agree with English Heritage that it is regrettable that the pavilion building overlaps with the main house, however, this will only be apparent when viewed directly from the rear and it is considered that the benefits of the scheme as a whole far outweigh this shortcoming. Regarding the design of the proposed building, there is not an objection to the adoption of a contemporary design solution; indeed to attempt to dress-up the proposed extension in a historicist style would to my mind result in a development that would visually compete with and thus be to the detriment to the main house... PPS 1 also states that 'Local Planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirement to conform to certain development styles or forms. The proposed extension is not considered inappropriate in terms of its overall scale, massing or height and contemporary architectural style of the extension is considered a legitimate design solution in this context."

7.7 The Council's Landscape officer has advised that no objection is raised subject to the imposition of conditions. The Council's Tree Officer makes the following comment in the consultation response:

"Generally I am in agreement with the recommendations made in the report provided. The loss of trees as a result of the proposal is limited to trees of only minor significance and the affect on local amenity is limited."

The imposition of conditions is also recommended.

7.8 The Council's Development Team noted and approved the application.

7.8 Essex County Council Highway Authority has no objection to the proposal as submitted.

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

## **8.0 Town Council's Views**

8.1 Wivenhoe Town Council has commented as follows:

"Although welcoming the development of the hotel and the teaching opportunities it presented Wivenhoe Town Council is disappointed that the proposal does not emulate the existing style of the historic building to which it is attached and as Planning Policy Statement (PPS1) states that '...design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.' This stance is reiterated locally through policies DC1, UEA11 and UEA13 of the adopted Review Colchester Borough Local Plan (2004) and policies SD1 and UR2 of the adopted Colchester Borough Core Strategy (2008). Therefore, it is considered that this application does not preserve or enhance design quality of the existing dwelling nor improve the overall character of the area.

As PPS1 states in its first key objective that '...good planning ensures that we get the right development in the right place at the right time...', the Town Council consider that a more complementary design solution should be sought."

8.2 Members are advised that the applicant's architects have provided a lengthy written response to the comments of the Town Council and these may be read in full on the Council's website. However, for the purposes of this report the following extracts are included:

"The retention and refurbishment of the existing 1980s extension to the grade II\* listed house was initially considered as part of the options appraisal for the hotel project. This was quickly rejected, however, as the ceilings to the first floor hotel rooms are too low meaning that the roof would have to be removed and raised, to the detriment of the historic building as the extension would have become even bulkier and more dominant than before...The existing extension is described by English Heritage in their comments on the application as ...not sympathetic to the house... and ...its demolition would not be objectionable... This view has also been expressed by both the Victorian

Society and the Council's Conservation Officer...The form, materials and appearance of the preferred option have been designed to sensitively respond to Wivenhoe House and the historic East Wing. By using a contemporary design, the new extension does not compete with the Main House, but instead allows the Grade II\* listed house to be showcased and appreciated. This is achieved through the following:

- The new extension makes a light and subtle connection to Wivenhoe House via a single storey Gallery behind a low garden wall. The garden wall separates the 2 storey extension from the Grade II\* listed house providing a break between the new and old. The distance between Wivenhoe House and the new Hotel accommodation opens up views of the rear elevation of the East Wing...One end of the garden wall was connected to the main house leading to a banqueting pavilion at the other end of the wall. The single storey connection to Wivenhoe House accommodates the seminar rooms behind a brick garden wall whilst the new hotel rooms are within the pavilion. The design, therefore, acknowledges the past in a contemporary manner...The two storey pavilion accommodating the new bedrooms has been designed to elegantly sit on the coping stone of the garden wall projecting over the wall to address the views over the restored sunken garden. The horizontality of the garden wall's coping stone has been accentuated to replicate the horizontal banding of Wivenhoe House. The floor of the balconies and the roof fascia of the new pavilion also replicate the horizontal banding. The architecture of Wivenhoe House is, therefore, reflected in the new pavilion in a contemporary manner..."

8.3 Members are also advised that a copy of this letter has also been sent directly to the Town Council by the applicant's architects.

## **9.0 Representations**

9.1 Members are advised that the submitted proposals have not given rise to representations from third parties.

## **10.0 Parking Provision**

10.1 The Design and Access and Planning statements submitted with the planning application advises that 16 car parking spaces (including 3 allocated for disabled persons) would be available for the proposal – the area of parking being shown directly to the front of the listed building. A total of 81 spaces would available outside of University hours, these spaces are located immediately adjacent to the hotel site. It is stated that full time employees and academic staff will park elsewhere on campus e.g. the existing pay and display car parks. Students at the new facility would not be permitted to bring cars on site and will live on the University campus.

10.2 Members are advised that under the current adopted parking standards the parking provision for an hotel is 1 space per bedroom (3 spaces or 6% of total capacity – whichever is the greater – to be allocated for disabled visitors).

10.3 In relation to the application of these standards it is pertinent to note that the proposed development does not include a change of use of the building. Furthermore the existing building as extended contains 46 bedrooms, whereas the proposed development would result in a 40 bedroom facility.

## 11.0 Report

11.1 The existing listed building that is the subject of this application is considered to be an important element within the overall University site and its retention and re-use is a key consideration as part of the submitted proposals. Allied to this is the need to ensure that any alterations to the building are of a sympathetic nature and do not result in a harmful impact to its appearance and overall character. As stated earlier in this report the established use of the building as a hotel ceased at the end of 2009 and it has been unused since this time. In terms of the policy background to the proposal it is noted that the Council's Planning Policy team raise no objection to the principle of the use and comment as follows:

*'In terms of the principle of a hotel use with conference facilities at this location whilst the hotel closed in December 2009 this use is already established at the site and the supporting text to policy UC1 states that a hotel or conference centre would be acceptable within the university campus.'*

11.2 With regard to the internal alterations proposed to the listed building itself, these are discussed in the report relating to the listed building application that is also on this Committee agenda. The key element of the scheme proposed under the planning application is the replacement of the existing 1980s extension to the building and its replacement with a contemporary building and link through to Wivenhoe House. Allied to these works are the proposals to remodel part of the curtilage in order to recreate the sunken garden.

11.3 With regard to the proposed demolition and extension works, it is felt to be important that Members visit the site before the Committee meeting in order to view the current situation 'on the ground'. In your officers' view it is felt that the existing extension is of its time and does not enhance the setting or character of the existing building. Unfortunately, because of the way in which the extension is connected to the listed building it does obscure views of much of the rear elevation. Further, the existing extension does incorporate some poor detailing which further dilutes its overall appearance. Therefore, it is felt that the removal of the existing extension would not, in itself, be of detriment.

11.4 That said, the submitted scheme does propose a replacement extension to the listed building (with a revised approach to linkage) and the replacement is clearly of a fundamentally different architectural style to other buildings – albeit that the design does incorporate references to the listed building itself. In consideration of this approach it is felt that the following points need to be borne in mind:

- In relation to an alternative form of extension the key issue is whether the extension should seek to reflect the architectural approach of the 'host' building. In the case of the submitted scheme the approach taken is to introduce a new architectural response as opposed to a pastiche. In your officers' view this allows the existing building to be understood as it stands, and allows a clear distinction to be drawn between existing and new structures.

- The fact that the new extension does not link directly to the listed building has distinct advantages in that it enables the rear of the building to be ‘opened up’ to wider view – something that the existing extension does restrict. This is felt to be particularly important bearing in mind that wider views of the site are available from Boundary Road. It is felt that the overall setting of the listed building would be improved.
- Following on from this the form of link proposed i.e. to appear when viewed from the west as a garden wall, would promote the reinstatement of a key element in the recreation of the sunken garden which would further enhance the setting of the overall building group.
- The group of buildings within this enclave of development, and indeed on the wider University Campus site, display a wide variety of architectural styles and characteristics. This includes some well-known landmark buildings such as the Ivor Crewe lecture hall.

11.5 Bearing the above in mind it is important to note that the impact of the proposed extension on the listed building has been considered by English Heritage. While the full comments of English Heritage may be found in the report concerning the application for listed building consent, the following extract has been included as it relates specifically to the issue of the proposed extension:

“The modern wing added to Wivenhoe House in 1986-8 is described in the revised *‘Buildings of England’* as “banal”, and is not sympathetic to the house. Its demolition would not be objectionable. It is proposed to replace it with a three storey ‘pavilion’ set at some distance from the house itself and connected to it by single-storey accommodation behind a screen wall. Although the pavilion would be a substantial structure that would be prominent in general views towards Wivenhoe House, the device of separating it from the house itself seems likely to create a more sympathetic composition than that formed by the present extension, whose full height abuts the house. The proposed grouping of structures might allow the historic house to be better appreciated, although it is regrettable that it has not been provided possible to set the pavilion slightly further to the north-east, so that it would not “overlap” the garden front of the house when seen in elevation. The new building has been designed in a modernist style of that type currently much favoured.”

11.6 Allied to the extension works are the landscaping proposals, a key element of which is to create a sunken garden feature to the rear of the listed building and adjacent to the new extension and link feature. This element of the work is to include references to the original design. Site examination reveals that some evidence of the existing sunken garden feature may be found on site (primarily a clear change in land levels). It is considered that the reintroduction of this feature, albeit adjacent to a contemporary extension, would add amenity value to the scheme and also reference a historic feature that was previously located on the site.

## **12.0 Conclusion**

- 12.1 The hotel use of the subject buildings is established and this submitted scheme seeks to reuse the buildings for this purpose, albeit with a hotel school element. Therefore, it is felt that the principle of the use is not a problematic issue in land use planning terms. Core Strategy policy also recognises the acceptability of a hotel use at Essex University. Furthermore the reuse of the listed building for the proposed purpose would ensure that this important element was properly maintained whilst, at the same time, interior works address some unsympathetic alterations that had taken place in the past, and restored some original character.
- 12.2 In terms of the replacement of the existing extension it is your officers' view that the removal of the existing addition (built during the 1980s) would be of benefit to the overall character and appearance of the building. Furthermore the proposed replacement extension, although of markedly different appearance to the listed building, is an appropriate replacement in design terms. The fact that it does not seek to replicate the design of the listed building is considered to be an appropriate response which enables that building to be viewed as a historic element in the landscape in its own right, enables improved views of the rear elevation, and clearly distinguishes between the existing and new buildings. An approval of the planning application is therefore recommended to Committee.

## **13.0 Background Papers**

- 13.1 ARC; Core Strategy; PP; HH; NE; DHU; Urban Design; TL; Development Team; HA; PTC

### **Recommendation - Conditional Approval**

#### **Conditions**

- 1 - A1.5 Full Perms (time limit for commencement of Development)

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

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

- 2 - A2.6 Clarification of Complex Permission

The permission hereby granted relates to the application form, submitted drawings and supplementary submitted documents and no development shall take place other than in accordance with the plan/ design details/schedules/programmes/working methods/method statements/etc and other submitted proposals contained in those plans and documents.

Reason: For the avoidance of doubt and to ensure satisfactory development.

### 3 - B2.2 Food Premises

No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority (in consultation with the Head of Planning and Protection) full details of equipment to be installed for the extraction and control of fumes and odours together with a code of practice for the future operation of that equipment. The use hereby permitted shall not take place other than in accordance with these approved details.

Reason: To ensure that the permitted development does not harm the local environment and/or the amenities of the area by reason of air pollution/odours/dust/smell.

### 4 - B3.3 Light Pollution

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

Reason: In order to protect the setting of the listed building and also in order to mitigate the potential for light pollution and its impact on ecology and amenity.

### 5 - B7.2 Conservation Area Consent

The demolition of the building hereby permitted shall not be in any way commenced or undertaken before the applicant has satisfied the Local Planning Authority that a contract or other sufficiently binding arrangement for the carrying out of the works of the redevelopment of the site as permitted under Planning Application Ref: 101428 or any subsequent application which has been granted by the Local Planning Authority has been made.

Reason: In order to prevent the premature demolition of the existing building and the creation thereby of an unsightly gap and in the interest of maintaining the visual amenity and character of this part of the setting of the adjacent listed building.

### 6 -B7.3 Programme to be Agreed

No demolition whatsoever shall take place until such time as a programme has been submitted to, and agreed in writing by the Local Planning Authority stipulating the extent and timing of such operations.

Reason: In order to safeguard amenity in this location.

### 7 - B7.4 Fencing Around Site

Neither demolition nor any other site works shall commence until the frontage of the site has been enclosed by a continuous solid fence in accordance with details to be agreed in writing by the Local Planning Authority. Such fencing shall remain in place until clearance/building works have been completed.

Reason: To protect the amenities of the locality.

### 8 - C3.1 Materials (general)

Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the proposed development is visually satisfactory, enhances the appearance of the locality and to ensure that the development does not harm the character or appearance of the Listed Building on this and/or adjacent sites.

### 9 - C3.20 Surfacing Materials to be Agreed

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

Reason: To ensure that the proposed development is visually satisfactory, enhances the appearance of the locality and to ensure that the development does not harm the character or appearance of the Listed Building on this and/or adjacent sites.

### 10 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).

Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

Written specifications (including cultivation and other operations associated with plant and grass establishment).

Schedules of plants, noting species, plant size and proposed numbers/densities.

Planting area protection or decompaction proposals.

Implementation timetables.

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



#### 11 - C11.12 Landscape Works Implementation

All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

Reason: To ensure the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

#### 12 - C11.17 Landscape Management Plan

A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to any occupation of the development (or any relevant phase of the development) for its permitted use.

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

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

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

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

#### 14 - C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

#### 15 - C10.18 Tree and Hedgerow Protection: General

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

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

#### 16 - Non-Standard Condition

The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would effect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

#### 17 - D2.5 Non Residential Development

The car parking spaces indicated on the plans hereby approved shall be constructed prior to the commencement of the use hereby approved and thereafter shall be retained and used only for car parking in relation to the permitted uses of the building.

Reason: In order to secure appropriate parking provision for the proposed development.

#### 18 - D4.5 Bicycle Parking (as approved plan)

The bicycle parking facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the use hereby approved before that use becomes operational. These facilities shall thereafter be retained as such.

Reason: To ensure proper provision for cyclists, including parking in accordance with the Local Planning Authority's standards.

#### 20 – Non Standard Condition

The mitigation strategy contained within the submitted document entitled 'Bat Survey – Report for Essex University' produced by the Ecology Consultancy and dated 17 September 2010 shall be fully implemented to the satisfaction of the Local Planning Authority in accordance with a timescale previously agreed in writing.

Reason: In order to ensure that the impact of the proposed development on the local bat population is fully mitigated in accordance with relevant legislation.

#### 21 – Non Standard Condition

Prior to the commencement of the development hereby approved, scaled drawings shall be submitted to and approved in writing by the Local Planning Authority showing the detailing of the proposed 'pavilion' building and the link feature. The development shall be carried out in accordance with the approved drawings.

Reason: The Council would wish to approve the detailing of the new building to ensure that it achieves a satisfactory standard of design, bearing in mind the sensitivity of the location in which it would be erected.

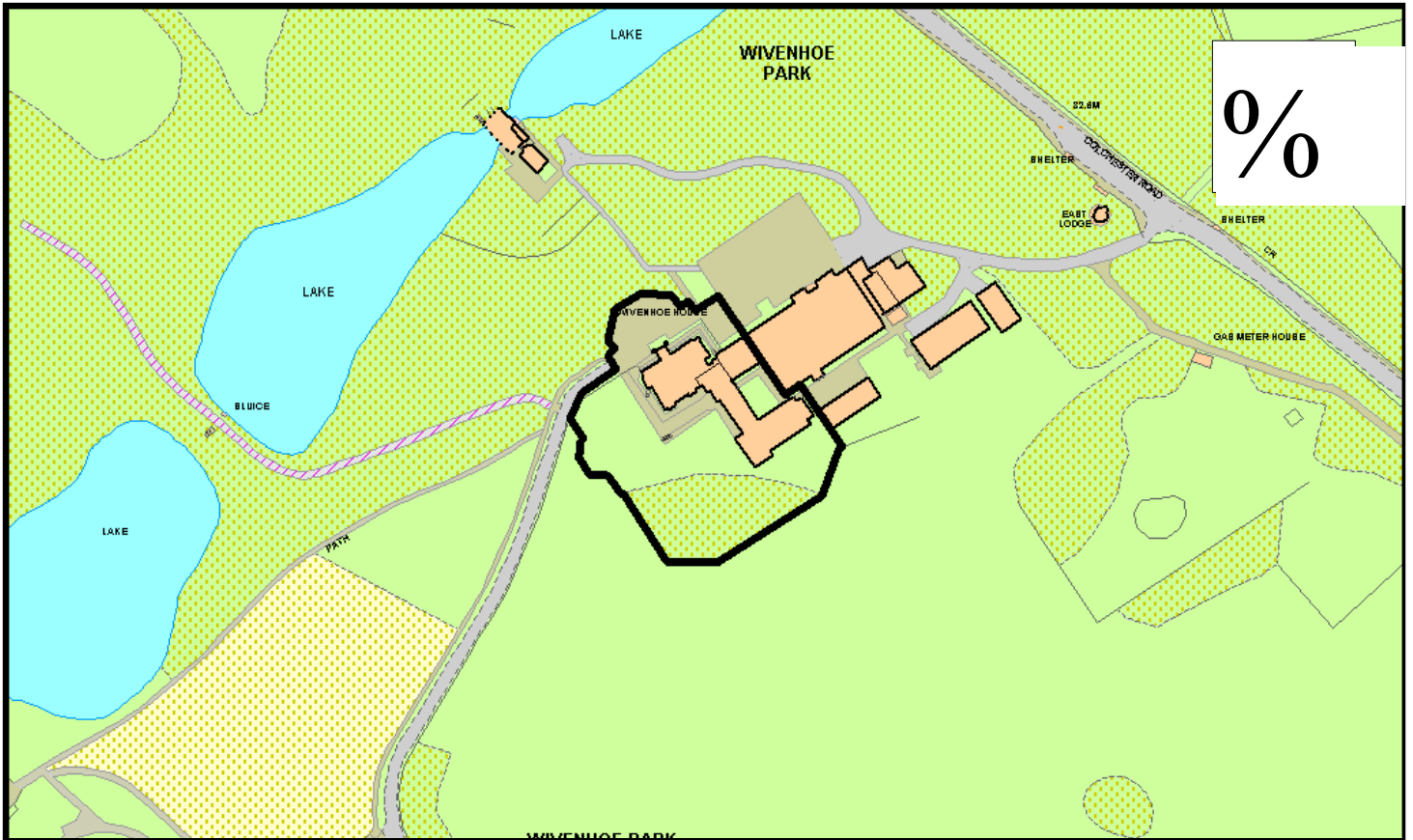
## **Informatives**

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

All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.

The applicant is advised that it is a requirement of the Building Act 1984 that you must serve a demolition notice upon the Council prior to carrying out any demolition of buildings. Further advice may be obtained from the Building Control Section on 01206 282436.

In relation to the submission of materials for approval the applicant is advised that the Council would wish to see the use of an appropriately detailed coping brick or capping detail on the link element between the listed house and the pavilion extension in order to secure a visually-satisfactory form of development.



**Application No:** 101430

**Location:** Wivenhoe House Hotel, Wivenhoe Park, Colchester, CO4 3SQ

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

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**7.5 Case Officer: Bradly Heffer****OTHER****Site:** Wivenhoe House Hotel, Wivenhoe Park, Colchester, CO4 3SQ**Application No:** 101430**Date Received:** 12 July 2010**Agent:** Dr Jon Burgess**Applicant:** Mr Richard Halsall**Development:** Listed building application for demolition of 1980's wing to grade II\* listed Wivenhoe House and replacement with new rear extension. Internal and minor external alterations to listed building and landscaping works within grade II registered park and garden.**Ward:** Wivenhoe Cross**Summary of Recommendation:** Listed Building Consent**1.0 Planning Report Introduction**

1.1 This listed building application accompanies an application for planning permission (ref. 101428) that is also on this Committee agenda, relating to a proposed development at Wivenhoe House, Wivenhoe Park Colchester. The listed building application relates to alterations to Wivenhoe House as well as the demolition of an existing extension and its replacement with a new building.

**2.0 Site Description and Context**

2.1 The building that is the subject of this development proposal comprises a substantial grade II\* listed building known as Wivenhoe House that has previously had an extension added in the 1980s. It forms one of a group of buildings that forms an enclave of development within the overall Essex University campus site. The authorised use of the building is as a hotel, as use that ceased at the end of 2009. The Full listing description is available to read on the Council's website.

2.2 Wivenhoe House was originally built in the mid 18th century for Isaac Rebow, to the designs of architect Thomas Reynolds. The building was re-modelled in the Victorian Tudor style in the mid 19<sup>th</sup> century to the designs of architect Thomas Hopper and much of the original house was altered or removed. The University of Essex acquired the house in the 1960s which resulted in a number of alterations to the interior. Further alterations followed in the 1970s and 1980s including the removal of the Victorian grand staircase and the addition of the extension to the rear which is still in situ today.

2.2 The hotel building itself, the extension and other buildings in the overall group are of a variety of architectural styles and are located towards the north-eastern corner of the overall University of Essex site - the main campus being located away to the south-west. The site is accessed via a road that leads off the main vehicular access to the campus, which itself leads off Boundary Road.

2.3 Generally, the character of the overall University site is of rolling, landscaped and managed parkland and immediately adjacent to the application site, to the south, are playing fields that extend to Boundary Road. To the north and north east of the application site are areas of established trees. The main campus area of the University itself displays a wide variety of building styles.

### **3.0 Description of the Proposal**

3.1 The range of works proposed under this listed building application comprise:

- The refurbishment of the interior of Wivenhoe House, these works to include the reinstatement of the grand staircase, located in the original stairwell of its Victorian predecessor. Additionally, it is proposed to provide access for disabled persons and a lift facility to enable access to upper levels of the building. The upper floors would be remodelled to create bedroom accommodation .
- The provision of an external stair link between the house and the proposed sunken garden.
- Demolition of the existing extension added in the 1980s and the provision of a new extension with a varied form of link to the listed house.

3.2 The listed building application is accompanied by a Design and Access statement, Heritage Statement and other supporting documents that can be viewed on the Council's website.

### **4.0 Land Use Allocation**

4.1 The site for this proposal is located in a Countryside Conservation Area as allocated in the adopted Review Colchester Borough Local Plan. Land to the north-west has a Site of Importance for Nature Conservation allocation. The site also falls within an area that has a Historic Park and Gardens allocation, as well as a Local Wildlife site.

### **5.0 Relevant Planning History**

5.1 The following planning applications are considered to be relevant to the consideration of this application:

- 76/0504 – Conversion to residential conference centre – approved with conditions 26th July 1976
- 78/1760 – Alterations, installation of new staircase and use of east wing basement as games room – approved with conditions 19<sup>th</sup> March 1979

- 83/0672 – Improvement of conference residential accommodation to provide private bathrooms for majority of bedrooms on first and second floors – approved without conditions – 6th July 1983
- 86/0070 and 86/0071 – Erection of extension to provide 40 bedrooms with en-suite bathrooms and additional seminar and social areas – approved 4th June 1986
- 90/1880 – Alterations to first floor to provide 7no. bedrooms with bathroom/shower en-suite – approved without conditions – 4<sup>th</sup> April 1991

## 6.0 Principal Policies

6.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

DC1- Development Control considerations  
 CO3 - Countryside Conservation Area  
 CO4 – Landscape Features  
 CO5 - Habitats  
 CO6 - Protected Species  
 UEA5 - Altering Listed Buildings  
 UEA10 – Parks and Gardens of Historic Interest  
 UEA11 - Design  
 UC1 – The University of Essex  
 L19 – Tourism and Visitor Facilities

7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:

SD1 - Sustainable Development Locations  
 SD3 - Community Facilities  
 CE1 – Centres and Employment Classification and Hierarchy  
 UR1 - Regeneration Areas  
 UR2 - Built Design and Character  
 ENV1 - Environment

## 8.0 Consultations

8.1 As the subject listed building as a grade II\* category it is a statutory requirement to seek the views of English Heritage on the proposals. The following comment has been received:

### “Summary

With this application, and the parallel application for planning permission, approval is sought for a major scheme to refurbish Wivenhoe House and replace the modern annex to the building. On balance the proposals would seem sympathetic to the architectural and historic character of the house and its setting, but certain elements merit further consideration.

### English Heritage Advice

Wivenhoe House is an interesting building. It was originally built by Thomas Reynolds for Martin Rebow in 1759, but in 1846 John Gurdon Rebow commissioned Thomas Hopper to rebuild the house. The building today is essentially due to Hopper’s work. He recast the Georgian house in a Jacobean manner characteristic of the mid-19<sup>th</sup>

century and also demolished an existing wing. The interior is less characteristic of the period, in that it combines Jacobean decoration – notably in the hall – and rococo plasterwork of an 18<sup>th</sup> century character – notably in the two principal rooms on the south-west side of the house. This plasterwork is English in character, rather than French as was more common in the period. The surrounding parkland, much changed by the University of Essex, was laid out by Richard Woods in the later eighteenth century. The house is now listed at grade II\* and the park is registered at grade II.

The proposed works form an ambitious scheme to refurbish the historic house and to replace the modern wing that provides ancillary accommodation, in order to create a hotel of good quality. Below each is considered in turn.

The proposals for the refurbishment and alteration of the house would be essentially sympathetic to its architectural and historic character, and indeed are designed so as to make use of this character to provide impressive accommodation for the proposed hotel. The house has suffered from ill-considered alterations in the post-war period, and an important part of the scheme would be to undo these. The central passage to the rear of the house would be restored and so too would the principal staircase. The modern staircase would be removed from the north-east corner of the house and a lift provided here. On the upper floors modern partitions would be removed, although some historic partitions would also be removed or altered.

On balance these works would enhance the interest of the house, but some elements of the proposals deserve further comment.

First, although the recreation of the staircase compartment and the reinstatement of the main staircase within it would be very beneficial, what is proposed would not restore the original arrangement. It is proposed that the stair be extended to the basement. This would be contrary to the historic arrangement, but may be justified as it would meet contemporary needs, and as the stair itself will be new. The design of the stair, however, should be reconsidered. The balustrade is formed by a combination of decorated panels derived from Jacobean ornament in the house and column balusters, and the result is historically and visually incoherent. A condition should be attached to any consent to provide the opportunity to obtain a more sympathetic design.

Second, it is proposed to make a number of new openings in principal rooms. Where this is done it is important that the openings take the form of jib doors, complete with skirting and dado where appropriate, so as to preserve the historic character of the rooms concerned. This is noted in the drawings, but in a somewhat ambiguous manner.

Third, alterations are to be made to a number of doors, not least because of the general re-planning of the upper floors. If historic doors are displaced they should be reused elsewhere in the building. They should also retain their historic door furniture if this survives. It ought not to be necessary to replace door furniture to meet disabled access regulations within the principle house.

Fourth, the reinstatement of the historic floor levels in the upper floors should form an important part of the scheme, as the changes that have been made to these levels have damaged the character of the house. It may prove, however, that there are structural considerations that make such work impossible in some places. Again, a condition might be attached to control this aspect of the scheme.

The modern wing added to Wivenhoe House in 1986-8 is described in the revised *Buildings of England* as “banal” and is not sympathetic to the house. Its demolition would not be objectionable. It is proposed to replace it with a three storey “pavilion” set at some distance from the house itself and connected to it by single-storey accommodation behind a screen wall. Although the pavilion would be a substantial structure that would be prominent in general views towards Wivenhoe House, the



device of separating it from the house itself seems likely to create a more sympathetic composition than that formed by the present extension, whose full height abuts the house. The proposed grouping of structures might allow the historic house to be better appreciated, although it is regrettable that it has not proved possible to set the pavilion slightly further to the north-east, so that it would not “overlap” the garden front of the house when seen in elevation. The new building has been designed in a modernist style of that type currently much favoured.

### **Recommendation**

In conclusion English Heritage considers that the proposed works to Wivenhoe House would be broadly sympathetic to its architectural and historic interest and to its setting. We recommend that your Council approve the scheme, subject to the conditions noted above and any other standard conditions that may be appropriate.”

8.2 The following comment has been received from the Council's Conservation Officer:-

### **“Context**

Wivenhoe House dates from c 1760 and was extensively remodelled (both internally and externally) by Thomas Hopper in 1845 in the then fashionable Jacobean style. Elements of the interior are very fine - notably the Jacobean decoration to the hall and the Rococo plaster work to the principal rooms on the SW side of the house.

The house was acquired by Essex University in 1964 and it is understood that various alteration and strengthening works were undertaken at about this time. In 1976 the building was converted to a conference centre by Bryan Thomas & Partners and the same architect added a hotel element to the conferencing facilities in 1982; during the course of these works further internal remodelling of the house was undertaken (including, it is understood, the removal of the original staircase) and the extension added to the rear of the building.

Wivenhoe House is located within a parkland setting designed by Richard Wood, although much of the parkland's original layout design has been changed by the university.

Notwithstanding the C20 interventions, the character of the main house as seen today is that as remodelled by Hopper. The building is listed grade II\* for its special architectural and the surrounding parkland is included on the Register of Historic Parks and Gardens (grade II).

### **Proposal**

The current application proposes the repair and alteration of the main house and the replacement of the 1980s extension with a new ‘pavilion’ building designed in a contemporary style.

The main conservation issues to be considered are the effect that the proposed development would have on the special interest of this grade II\* listed building and its setting and the affect that the proposed development would have on the historic park and garden.

### **Assessment**

The use of Wivenhoe House as a hotel is well established and the current application provides the opportunity to both improve the present treatment of the house and improve the relationship between the historic building and its setting by rebuilding / remodelling the modern extension.

The scheme can effectively be divided into two elements; the works to the house and the development of the proposed extension.

The refurbishment and alteration of the house would undo much of the damage that interior of the building suffered in the C20.

While the loss of the C19 staircase can not be made good, the proposal to reinstate a new staircase in the original position will greatly enhance the architectural character of the house. The proposed staircase will differ from the C19 design in that it will be taken down to the basement; this work will result in the loss of historic fabric in the basement area. The justification for this work is that it is required to meet modern requirement (notably disabled access); alternative solutions to providing disabled access will result in more extensive alteration works to the fabric of the building. In view of this, the current proposal to take the staircase down to the basement level is, on balance, considered acceptable. The design of the new staircase requires careful consideration and I would agree with the view previously discussed that the basement stair should be of a simpler design to that of the main staircase. Unfortunately it has not been possible to locate a photograph / drawing that shows the detailed design of the original staircase and there is currently an on-going debate as to the design / form of the proposed new staircase; in view of this, I would recommend that new staircase is subject to a condition (unless this matter is resolved prior to a decision being issued). A lift is to be installed in the position of the existing Modern staircase and this is not considered to have an adverse effect on the building's special interest (assuming the lift over run is not visible in public views).

The restoration of the central gallery on the principal floor by the removal of the existing false ceiling and associated plant equipment would further improve the setting of the principal floor. It is proposed to create a door (with the central section of the window) to allow access to the garden; the design of this door will need to be appropriately conditioned. It is also proposed to create a number of new openings in the principal rooms and I would agree with English Heritage's suggestion that these openings take the form of jib doors.

The historic and architectural character of the first and second floors of the house have been severely damaged by the alteration of the floor levels and the introduction of partitions that have had little regard of the C19 internal plan of the house. Many of the modern partitions are to be removed and the internal layout of the house returned for the most part to its original plan form. As a part of these works historic doors should be retained and ideally reused in their original positions. Critical to the success of the improvement works is the reinstatement of the original floor level; it is unclear from the submitted information whether this works will have structural implications and, as such, will need to be appropriately conditioned (along with repair specification and unknown features of historic interest that might be revealed during opening-up works being retained / recorded within the context of the agreed scheme). The proposals involve the reopening of the C19 stair gallery arcade, which is welcomed.

Few alterations are proposed to the exterior of the building; the addition of a flight of steps from the principal floor to the sunken garden (previously described) would not cause harm to the character of this building and the proposed removal of the air handling vents would be a positive improvement.

The proposed demolition of the modern extension and its replacement by a new 'pavilion' building forms a fundamental part of this scheme. The existing modern extension does not sit well with the historic house and I would not wish to raise an objection to its demolition. The proposed replacement building is set at a distance from the historic building and is linked via a single storey corridor which is itself screened from the garden by a brick wall. The proposed separation between the pavilion building and the historic house considerably improves the setting of the listed building and allows the historic grouping of buildings to be viewed from the rear. I agree with English Heritage that it is regrettable that the pavilion building over laps with the main house, however, this will only be apparent when viewed directly from the rear and it is considered that the benefits of the scheme as a whole far outweigh this shortcoming.

Regarding the design of the proposed building, there is not an objection to the adoption of a contemporary design solution; indeed to attempt to dress-up the proposed extension in an historicist style would to my mind result in a development that would visually complete with and thus be to the detriment to the main house.

PPS1 states that planning authorities should promote good design and that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted'. The current proposal provides considerable benefits (notably redressing the insensitive alterations that were carried out in the C20, provides a sustainable new use for this important building and creates a unique teaching enterprise – this will be the only such establishment in the country). PPS 1 also states that 'Local Planning Authorities should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirement to conform to certain development styles or forms. The proposed extension is not considered inappropriate in terms of its overall scale, massing or height and contemporary architectural style of the extension is considered a legitimate design solution in this context.

**Conclusion:**

The current application is considered to be sympathetic to the historic and architectural character of Wivenhoe House and its setting and, as such, I would not wish to raise an objection to this application.

8.3 The views of the Victorian Society are as follows:

"We are largely supportive of the proposals to convert Wivenhoe House to a hotel school.

The plans will allow for many inappropriate twentieth century alterations to be reversed and for the building to be repaired and restored. We consider the extension to be an improvement on the existing 1980s extension. The low level 'garden wall' link is a useful device that allows the historic building room to breathe in a way that the earlier extension does not.

We have the following detailed comments to make:

**Staircase**

We welcome the reinstatement of the main staircase. In pre application discussions we recommended that the design should, as far as possible, be based on thorough historical research and documentary evidence of the former staircase. We have since been consulted on a number of different designs, none of which have been satisfactory. The current design, which is partly modelled on Charles Barry's staircase at the Traveller's Club, is an improvement; however, we feel that further work needs to be done on the detailed design and that more detailed drawings need to be provided. The design of the principal newel post is weak, especially when compared with the photograph of the original. The original posts appear to be quite plain and we would recommend against decorating them with strap work mouldings.

We have strong reservations about the new staircase extending to the lower ground floor, as historically there would not have been a staircase in this location. We feel that it should be visually separate from the main staircase, or at least distinct with regard to the design; the lower ground floor was historically lower status and this should be reflected in the detailed design of the stair. The current design shows the same treatment for the entire staircase. Perhaps the lower staircase could have smaller and plainer newel posts to help distinguish between the two parts.

## Garden

The garden was laid out by the noted landscape architect WA Nesfield in 1847-48 and is an important part of the setting of Wivenhoe House as well as the wider grade II registered landscape. We expect this part of the site to be fully researched and consideration given to the restoration of the Nesfield garden. Works should be supported by historical research and strong justification. Disappointingly, with the exception of the reinstatement of the lawn, we cannot see what restoration is to take place. There is little evidence of detailed research being undertaken and no reference to any archaeological investigation.

In summary, while we are generally supportive of the proposals, more work needs to be done on the design of the main staircase and on the restoration of the garden before we can give our full approval to this application.

- 8.4 Members are advised that the following comment has been made by the applicant's planning consultant in relation to the response received from the Victorian Society:

'I am pleased that the Victorian Society are supportive of the proposals to convert the House to a hotel school and note that they particularly welcome the reversal of many of the inappropriate twentieth century alterations and the repair and restoration of the building. I am also encouraged that the Society consider the new extension to be an improvement on the existing 1980s extension. I note their comments on the staircase and garden designs.

I understand that the Society welcome the principle of reinstating the main staircase to the house in common with English Heritage (EH) and the Council's Heritage & Design team, but have some concerns regarding the details. The architects are currently producing a revised design based upon comments received from EH and will continue to consult with the Council, the Society and EH to ensure the detailing is satisfactory. Alistair Day has recommended that the design/form of the staircase is subject to a condition on any listed building consent – the applicants are very happy to resolve the matter in this way.

With regard to the Victorian Society's comments on the garden design... we do not feel it is appropriate to undertake a full restoration of Nesfield's designs given the altered context of the site and particularly because the proposed landscaping works have sought to restore some of the original, pre-Victorian, parkland setting of the House, an approach that was recommended in previous reports for the University.

There will be no disturbance of any potential archaeological remains as works are restricted to the footprint of the existing extension to the house and excavation of the Victorian sunken garden. The Council's Archaeological Officer (Martin Winter) is aware of the proposed works and has confirmed that the land to the rear of the building is not considered to be an area of archaeological potential.

Again, it is suggested that planning conditions are used to ensure appropriate planting and maintenance schemes for the landscaping are implemented. The Council's landscape and tree officers have both indicated their support for the proposals and EH have been fully supportive of the overall proposals recognizing the huge benefit gained by the enhancement of the building's setting."

## **9.0 Parish Council's Views**

9.1 The following comment has been received from Wivenhoe Town Council:

'Although welcoming the development of the hotel and the teaching opportunities it presented Wivenhoe Town Council is disappointed that the proposal does not emulate the existing style of the historic building to which it is attached and as Planning Policy Statement (PPS1) states that '...design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.' This stance is reiterated locally through policies DC1, UEA11 and UEA13 of the adopted Review Colchester Borough Local Plan (2004) and policies SD1 and UR2 of the adopted Colchester Borough Core Strategy (2008). Therefore, it is considered that this application does not preserve or enhance design quality of the existing dwelling nor improve the overall character of the area.

As PPS1 states in its first key objective that '...good planning ensures that we get the right development in the right place at the right time...', the Town Council consider that a more complementary design solution should be sought.'

*Officer comment: The applicants architects response to the comments of Wivenhoe Town Council are included in the planning application report for the proposed works, which is also on the Committee agenda.*

## **10.0 Representations**

10.1 None received.

## **11.0 Report**

11.1 In consideration of the proposed works to the listed building it is considered that these may be divided into two broad elements – the works to the interior of the listed building and the proposal to demolish the existing extension to the rear and its replacement with a new extension. The issues relating to the extension proposal are discussed in more detail in the planning application report that accompanies this report on the agenda.

11.2 As regards the internal alterations to the listed building it is considered that a fundamental element of this work would be the reinstatement of the grand staircase. A feature of the house since its Georgian origins, it is understood that the staircase was removed in 1976/7 as part of works to convert the building into a conference centre. The submitted scheme seeks, in so far as is possible, to revert the building back to the layout mid/late 19th century layout. As well as the reinstatement of a grand staircase, other elements of the work would include removal of stud walling and other features that were inserted in the 20th and early 21st century.

- 11.3 Bearing the above in mind it is noted that English Heritage has no objection to the proposal as such and recognises that ‘...the house has suffered from ill-considered alterations in the post war period and an important part of the scheme would be to undo these...’ As regards the issue of the new staircase English Heritage’s view is that the submitted scheme would be beneficial – although a condition is recommended to finalise the design of the staircase, in order to ensure it would be sympathetic to the building – a view shared by the Council’s Conservation Officer.
- 11.4 Other elements of the submission for internal works have not given rise to objections but, again would need to be properly controlled by condition. In your officer’s view the overall scheme for internal works to the listed building represent a positive opportunity to reverse much of the previously unsympathetic works that have taken place to the building and the application is supported.
- 11.5 As well as the internal alterations to the listed building the scheme includes proposals to landscape the curtilage of the building. Wivenhoe Park is included on the Register of Parks and Gardens of Special Historic Interest and consent is therefore required for landscaping works. A new link would be created between the listed house and the garden by way of a staircase that led from the rear (south-east facing) elevation of the building into a new landscaped area. With regard to this works it is noted that the Victorian Society expressed some concern regarding the level of reinstatement of the sunken garden area in comparison with the original design. In this regard it is felt that the degree of landscaping is appropriate to the overall design context that would be created here. It is felt that the design and arrangement of the landscaping would complement the setting of both the original listed building and also the new extension which is unashamedly contemporary in appearance. It is also important to bear in mind that there are several important trees on the site which are covered by Preservation Orders and therefore should be protected. In the case of the submitted scheme it is noted that none of these trees is shown as being adversely affected and the Council’s arboriculturalist has no objection to the proposal – as confirmed in the planning application report on the agenda (ref 101428).

## **12.0 Background Papers**

12.1 ARC; Core Strategy; EH; DHU; Victorian Society; PTC

### **Recommendation - Listed Building Consent**

#### **Conditions**

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

The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: In order to comply with the requirements of Section 18(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, as amended by the Planning & Compulsory Purchase Act 2004.

## 2 - C1.2 Making Good Any Damage

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

Reason: To ensure that the important internal features of this Listed Building are not adversely affected.

## 3 - C1.7 Schedule of Finishes and Decoration

A schedule of all new internal surface materials including walls, ceilings and floors, and a schedule of all internal and external joinery specifying the proposed finish and decoration to be used shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement of any works. The development shall be implemented in accordance with agreed details.

Reason: To ensure the use of appropriate detailing to this listed building.

## 4 - C1.8 Plaster and Render

A full specification of the proposed [external render/internal plaster] including details of backing, number and mix of each coat and proposed surface finish shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of [rendering/plastering] work. The development shall be implemented in accordance with agreed details.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the [listed] building.

## 5 - C1.10 Retention of Plaster Detail

All existing internal [and external] plaster finishes and detailing shall be retained and where necessary repaired and where any plaster is repaired, or new replacement plaster is applied, it shall exactly match the existing, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the important internal features of this Listed Building are not adversely affected.

## 6 - Non-Standard Condition

Prior to the commencement of any works detailed drawings shall be submitted to and approved in writing by the Local Planning Authority that address the following issues:

- the detailed design of the new staircase to be inserted into the listed building
- the design of the new door to be inserted in the ground floor of the south-east facing elevation of Wivenhoe House The development shall be carried out in accordance with the approved plans and retained as such.

Reason: To ensure that these new elements are of a satisfactory design and appearance in order that the character of the grade II\* building is not adversely affected from inappropriate additions.

#### 7 –Non-Standard Condition

Where new openings to rooms are proposed to be created their precise position shall be agreed with the Local Planning Authority and these openings shall take the form of jib doors and shall incorporate skirting and dado where appropriate, in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that these new elements are of a satisfactory design and appearance in order that the character of the grade II\* building is not adversely affected from inappropriate additions.

#### 8 - Non-Standard Condition

Any historic door that is displaced as a result of the works hereby approved shall be retained and reused within the building in accordance with details previously submitted to and agreed in writing with the Local Planning Authority. The retained door shall also incorporate its retained historic door furniture.

Reason: To ensure that the historic fabric of this grade II\* building is retained and reused in order to protect its overall character and value.

#### 9 - Non-Standard Condition

Prior to the commencement of works further details shall be submitted to and approved in writing by the Local Planning Authority that demonstrate how the proposed works to amend floor levels are to be carried out and how these will impact on the fabric of the building. The development shall be carried out in accordance with the approved scheme.

Reason: Insufficient details have been submitted regarding this issue and the Council is keen to ensure that any works are carried out in a sympathetic and scholarly manner in order to protect the character of this grade II\* listed building.

#### 10 – Non Standard Condition

Prior to the commencement of development, a programme of building recording works shall be carried out by an appropriately qualified specialist and submitted to the Local Planning Authority. The scope of the building recording works shall be agreed by the Local Planning Authority and the works implemented in accordance with the agreed details.

Reason: To ensure that the historic and architectural character of the building is properly recorded in all its details.

#### 11 – Non Standard Condition

If hitherto unknown evidence of historic character would be affected by the works hereby permitted is discovered, an appropriate record together with the recommendations for dealing with it in context of the approved scheme shall be submitted for written approval by the Local Planning Authority.

Reason: To ensure that the historic and architectural character of the building is properly recorded in all its details.



## 12 – Non Standard Condition

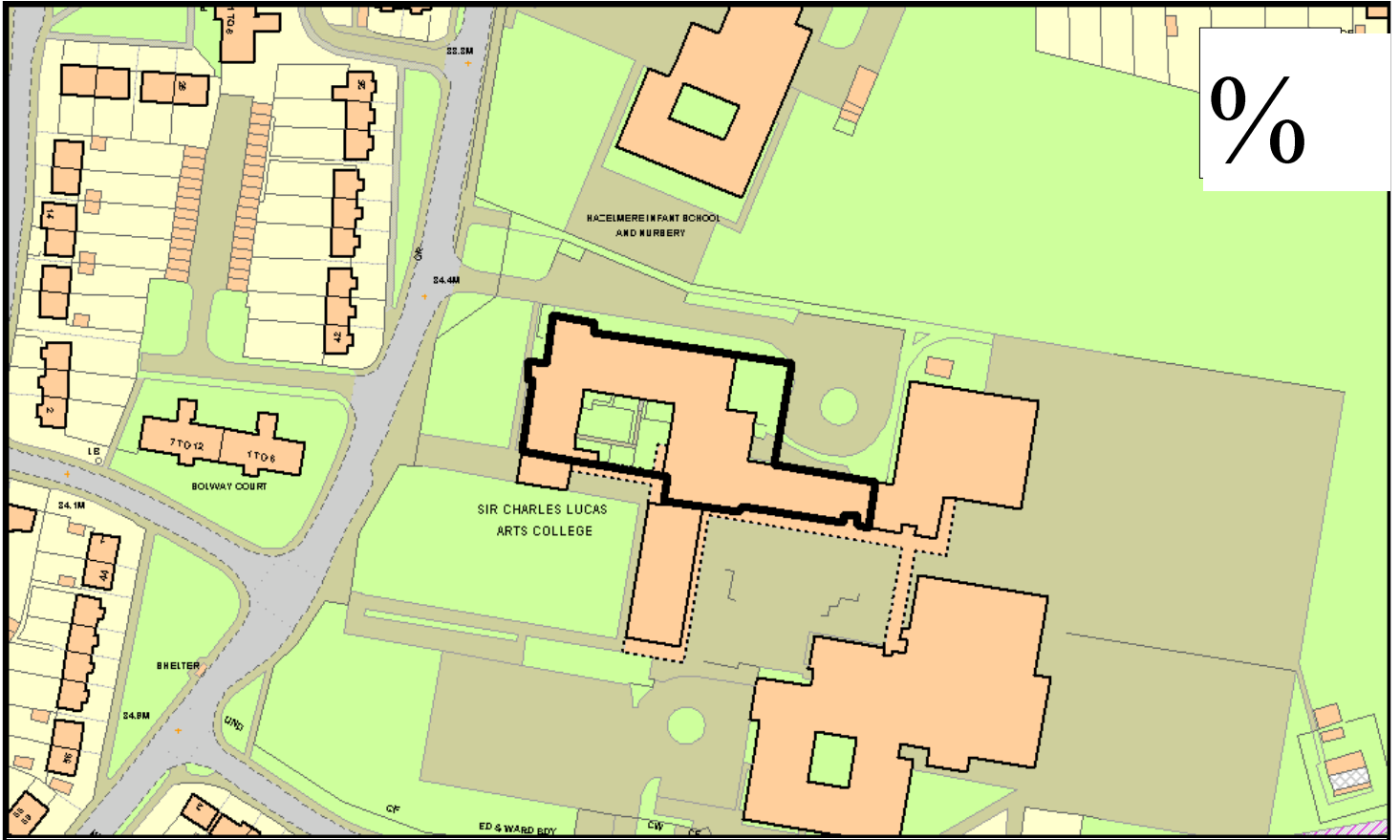
Prior to commencement of works, a schedule of repair works, including where appropriate detailed plans, shall be submitted to and approved in writing by the Local Planning Authority. The repair works shall be implemented in strict accordance with the approved details.

Reason: To ensure that the approved works are carried out without detriment to the architectural character and historic detail of the listed building.

### **Informatives**

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

All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



**Application No:** 101972

**Location:** Sir Charles Lucas Arts College, Hawthorn Avenue, Colchester, CO4 3JL

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

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**7.6 Case Officer: Simon Osborn**

**EXPIRY DATE: 11/11/2010**

**MAST**

**Site:** Hawthorn Avenue, Colchester, CO4 3JL

**Application No:** 101972

**Date Received:** 16 September 2010

**Agent:** Mr Ian Humphrey

**Applicant:** Telefonica O2 (Uk) Limited

**Development:** The replacement of three existing O2 antennas for three sharable O2/Vodafone antennas and installation of ancillary development thereto.

**Ward:** St Annes

**Summary of Recommendation:** Conditional Approval subject to no objections being received before consultation expiry date on 22 October 2010

## **1.0 Planning Report Introduction**

1.1 This application is referred to the Planning Committee on a precautionary basis to ensure a decision is taken on the application within the 8-week period. At the time of drafting the report no objections had been received to the proposal but the period for neighbours' comments has not yet expired; the next available Committee after this one will be the 18th November 2010, which falls beyond the 8-week determination period for this application.

## **2.0 Synopsis**

2.1 Vodafone needs to improve their 3G network capacity in the Greenstead area and propose to do this by sharing three replacement antennas with O2 in their current positions on the rooftop of the Colchester Academy (Sir Charles Lucas School). This is considered appropriate and preferable to a non-sharing solution. The application is recommended for approval.

## **3.0 Site Description and Context**

3.1 The proposed replacement antennas are located on the rooftop of the Colchester Academy (Sir Charles Lucas School) a four-storey building standing 13.8m above ground level. The existing antennas are visible from the surrounding roads, in particular Hawthorn Avenue, Acacia Avenue and the Bromley Road, the nearest of which is set 70m from the proposed installations.

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

- 4.1 The application proposes the replacement of three existing O2 antennas for three shareable antennas (shared between O2 and Vodafone) and the installation of ancillary development. The latter includes remote radio heads that are to be located on the existing antenna support poles so that they will not be visible from ground level, and the installation of an equipment cabinet in the existing O2 cabin at ground level.
- 4.2 Planning permission is required because there will be more than two antenna systems on the top of the building.

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

- 5.1 Predominantly Residential

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

- 6.1 There is an extensive planning history associated with development at the school. The previous applications relating to telecommunications equipment are:

97/0192 – determination as to whether prior approval of details is required for radio base station, determined as permitted development 06/03/1997;

98/1155 – determination as to whether prior approval of details is required for telecommunications base station, determined as permitted development 01/09/1998;  
F/COL/02/0824 – additional 3 no. antennas and 2 no. microwave link dishes on rooftop with other operators, new equipment cabin at ground level and development ancillary thereto, approved 01/07/2002.

#### **7.0 Principal Policies**

- 7.1 In addition to national and regional policies, the following policies from the LDF Development Policies Document are relevant to the consideration of this application:

DP1 – Design and Amenity

#### **8.0 Consultations**

- 8.1 No comments received.

#### **9.0 Representations**

- 9.1 No comments received at time of drafting report, although the consultation period does not expiry until 22nd October 2010.

#### **10.0 Parking Provision**

- 10.1 Large car parks are available within the grounds of the school premises for the parking of contractor vehicles associated with the installation of the proposed replacement equipment.

## **11.0 Report**

- 11.1 Vodafone requires a suitable location in the Greenstead area of Colchester to increase their 3G network capacity. They have identified the Colchester Academy (Sir Charles Lucas School) as the preferred location from a planning perspective as they can swap out three existing O2 antenna for sharable antennas and install an equipment cabinet in the existing O2 cabin at ground level.
- 11.2 PPG8 paragraph 20 strongly encourages telecommunication operators to consider mast sharing opportunities. Paragraph 21 also encourages the use of existing buildings to site new antenna. Existing antenna on the rooftop of the school are visible from the surrounding roads, principally Hawthorn Avenue, Acacia Avenue and the Bromley Road. The proposal will not increase the number of locations upon the rooftop where the antenna will be located and will replace three existing antenna (currently used by O2) with three sharable antenna (which can be used both by O2 and Vodafone). The equipment cabin for Vodafone is to be located within the O2 cabin in an existing fenced compound close to the school building and not visible from the surrounding roads. It is considered that the proposal will have no material visual impact upon the surrounding area.
- 11.3 PPG8 paragraph 30 states, "It is the Government's view if a proposed mobile base station meets the ICNIRP guidelines for public exposure it should not be necessary for a local planning authority in processing an application for planning permission to consider further the health aspects and concerns about them." A Certificate of Conformity with the ICNIRP guidelines for the proposed installation was submitted with the application.

## **12.0 Conclusion**

- 12.1 PPG8 strongly encourages mast sharing opportunities. Vodafone need to improve their 3G network capacity in the Greenstead area and propose to do this by sharing three replacement antennas with O2 in their current positions on the rooftop of the Colchester Academy (Sir Charles Lucas School). This is considered appropriate and preferable to a non-sharing solution. The application is therefore recommended for approval.

## **13.0 Background Papers**

- 13.1 LDF Development Policies Document

## **Recommendation**

That subject to no objection(s) being received before the consultation expiry date on 22nd October 2010, raising matters of a material nature not covered by this report, the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the following conditions. If material objections are raised the application will be reported back to Planning Committee.

## **Conditions**

### 1 - A1.5 Full Perms (time limit for commencement of Development)

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

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

### 2 - Non-Standard Condition

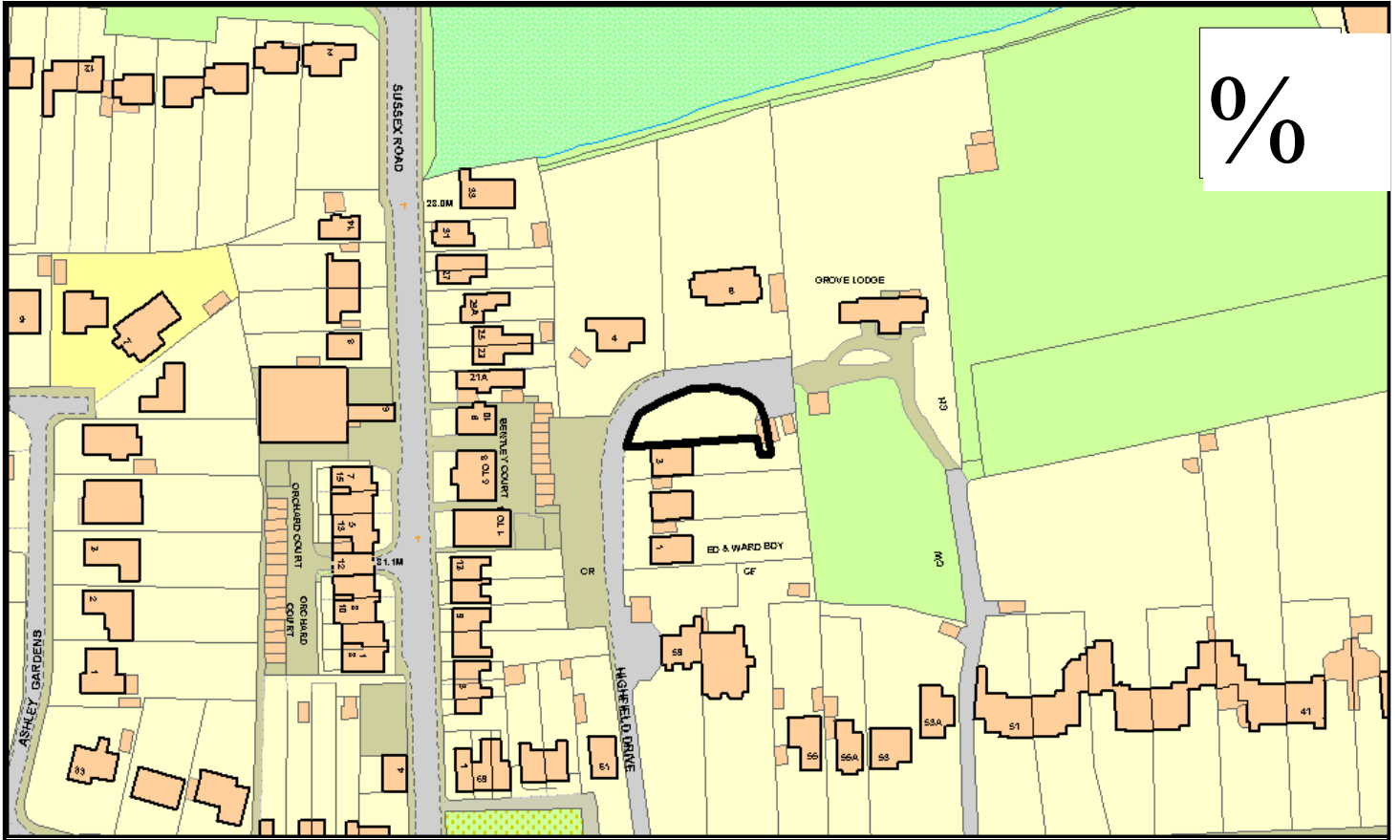
The development hereby permitted shall be constructed strictly in accordance with drawing nos. 100, 200, 300 and 400 and the accompanying documentation submitted with the application registered on 16th September 2010, unless otherwise agreed in writing by the Local Planning Authority.

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

## **Informatives**

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

All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



**Application No:** 101564

**Location:** Land Adjacent To, 3 Highfield Drive, Colchester, CO3 3QA

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

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**7.7 Case Officer: Mark Russell****MINOR****Site:** 3 Highfield Drive, Colchester, CO3 3QA**Application No:** 101564**Date Received:** 27 July 2010**Agent:** Marguerite Livingstone**Applicant:** Mrs. C Vinall**Development:** One detached four bedroom house and replacement of existing detached garage.**Ward:** Lexden**Summary of Recommendation:** Conditional Approval subject to Unilateral Undertaking**1.0 Planning Report Introduction**

1.1 This application is referred to the Planning Committee because it is non-householder, objections have been received and approval is recommended.

**2.0 Synopsis**

2.1 The following report describes the site and its surroundings and gives details of the proposal for a four-bedroom house and garage. Consultation replies, including several objections are then detailed and a response is given to these in the main report section. Conditional approval is then recommended.

**3.0 Site Description and Context**

3.1 The site currently comprises part of the side and rear garden to 3 Highfield Drive, an unmade lane off of Lexden Road, and outside the conservation area. The host property is one of a series of three mid 20th century houses on this lane, with a further two properties at the bottom. The lane is relatively well screened with trees, especially on the western side. No trees of any merit are on the site itself, although a group of trees with preservation orders on them are on the other side of the lane.

**4.0 Description of the Proposal**

4.1 This outline application relates to a proposal to erect a detached four bedroom house in a position slightly set back from the main building line of numbers 1 – 3 Highfield Drive. A detached garage is proposed to the far rear of the new property. It is not clear whether this is for use by both dwellings, but the host dwelling could utilise space to the front for parking.



- 4.2 Whilst this is only an outline application, the indicative scale and design is sympathetic to numbers 1-3 Highfield Drive, with a bay window to the living room, and red brick walls with a choice of slates or pan-tiles.
- 4.3 In addition to the house, a double garage is proposed to the far rear of the site.
- 4.4 Final design details, along with landscaping, are issues to be covered by a Reserved Matters application.

## **5.0 Land Use Allocation**

- 5.1 Residential

## **6.0 Relevant Planning History**

- 6.1 No relevant history

## **7.0 Principal Policies**

- 7.1 In addition to national and regional policies, the Development Plan (2010) policies are relevant to the consideration of this application:  
DP1- Design and amenity
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:  
SD1 - Sustainable Development Locations  
UR2 - Built Design and Character
- 7.3 Also of relevance is Colchester Borough Council's own publication, the Supplementary Planning Document "Backland and Infill" and the adopted SPD "The Essex Design Guide".

## **8.0 Consultations**

- 8.1 The Highway Authority commented as follows:

"During previous discussions on this site the applicant has provided traffic and accident information which prove there are no existing safety concerns, and as the proposal does not aim to increase the level of parking The Highway Authority would not wish to raise an objection to the above" (subject to the conditions which are at the foot of this report). Some objectors have subsequently challenged the Highway Authority's views and have stated that some of the submitted information is misleading. The Highway Authority, however, has considered all of the available information and has reiterated its view that it can raise no objections.

- 8.2 Museum Resources has asked for a Watching Brief condition, given that Roman burials have been reported in the vicinity.

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

## **9.0 Representations**

9.1 Six letters of objection have been received. These are all from neighbouring and nearby properties. The salient points are:

1. Unsuitable access to the lane
2. Too much traffic for the lane
3. A blind spot will be created for cars
4. Insufficient parking for the existing and host dwellings
5. Badly parked vehicles could block the lane and the turning head
6. Lack of parking for visitors and for works traffic
7. Damage to the lane
8. The character of the area would be ruined.
9. Loss of view, light and privacy to number 4 Highfield Drive.
10. Loss of privacy to the existing number 3.
11. Garden of new and host dwellings are too small

## **11.0 Parking Provision**

11.1 Two parking spaces per dwelling are proposed. This complies with the Essex Planning Officers' Association's publication "Parking Standards – Design and Good Practice" which asks for a minimum of two parking spaces per dwelling of two or more bedrooms. The standards also indicate that a sub-standard garage (i.e. of less than 7m x 3m as measured internally) should be discounted as a space.

## **12.0 Report**

### Design and Layout/Scale, Height and Massing.

12.1 Whilst this is only an Outline application, the indicative drawings give a good idea of what the dwelling would look like, and how it would fit in with the prevailing pattern of development. Notwithstanding the fact that it is proposed to be set slightly back from the building line of Highfield Drive, the overall design and Layout, scale, height and massing are held to be sympathetic within the context of Highfield Drive. Details of this are left to the Reserved Matters application.

### Impact on the Surrounding Area

12.2 The presence of the new dwelling would only be felt within Highfield Drive itself, and would not be detectable from Lexden Road. It is noted, however, that there would be a slight increase in traffic, including during the construction phase.

### Impacts on Neighbouring Properties

- 12.3 Aside from the issue of a slight increase in traffic, the main amenity issues raised have related to loss of view, light and privacy to the dwellings at the bottom of the lane (numbers 4 and 5 Highfield Drive), as well as to the host dwelling number 3. Measurements show the new dwelling to be 17 metres from number 4 and 25 metres from number 5, and whilst to the south of those dwellings, it is to be obliquely located in relation to both. This could not be classed as overbearing or overshadowing. The only first floor windows facing the properties would be for a landing and a bathroom both can be obscured if necessary. As for number 3, whilst the new dwelling would project slightly further back than it, this would not fail guidance in the “Essex Design Guide”. Issues of private views, whilst noted, can not be considered, but it is worth noting that for number 5, at least, the main view (at a low level) would be of the planted belt.

### Amenity Provisions

- 12.4 The new dwelling would enjoy a garden of in excess of 120m<sup>2</sup>, whilst the host would retain a similar amount to this. This complies with standards, although it is worth noting that numbers 1 and 2 have in excess of 200m<sup>2</sup> each.

### Highway Issues

- 12.5 All of the Highway issues raised are noted, but after careful consideration, the Highway Authority has not objected.

### Other Matters

- 12.6 Issues of nuisance during the construction phase are covered by the demolitions and constructions advisory note.

## **13.0 Conclusion**

- 13.1 In conclusion, and whilst noting all of the concerns, the development is held to be acceptable, and Members are advised to approve this outline scheme.

## **14.0 Background Papers**

- 14.1 Core Strategy, Development Plan; Supplementary Guidance; HA; Museums; NLR

**Recommendation** - Conditional Approval subject to a Unilateral Undertaking for a contribution to Open Space and Community Facilities.

### **Conditions**

- 1 - A1.1 Outline Permission (submission of reserved matters)

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

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

## 2 - A1.2 Outline Permission (submission of reserved matter)

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

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

## 3 – A1.3 Outline Permission (time limit for submission of reserved matter)

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

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

## 4 – A1.4 Outline Perms (time limit for commencement of Development)

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

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

## 5 – Non-Standard Condition

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

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

## 6 - Non-Standard Condition

No unbound material shall be used in the surface treatment of the vehicular access within 6/10 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety to ensure accordance with Policy 1.1 of the Highways and T transportation Development Control policies.

## 7 - Non-Standard Condition

The vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres per vehicle parking space.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy 7 of the Highways and Transportation Development Control policies.

#### 8 -Non-Standard Condition

All single garages should have a minimum internal measurement of 7m x 3m. All double garages should have a minimum internal measurement of 7m x 6m. All garages shall be provided with vehicular doors a minimum width of 2.3m.

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety and in accordance with Policy 7 of the Highways and Transportation Development Control policies.

#### 9- Non-Standard Condition

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, approved by Essex County Council.

Reason: In the interests of promoting sustainable development and transport in accordance with policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11.

#### 10 - Non-Standard Condition

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

Reason: To ensure that any remains of archaeological importance are properly recorded, as Roman burials have been recorded in the vicinity.

11 – A7.5 - Removal of Permitted Development Extensions Relating to Erection of Buildings  
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), or freestanding buildings erected on any part of the site or an access/hardstandings created without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenity of the area, to protect the amenity of adjoining residents and to prevent the overdevelopment of the site by controlling future extensions, alterations and associated development.

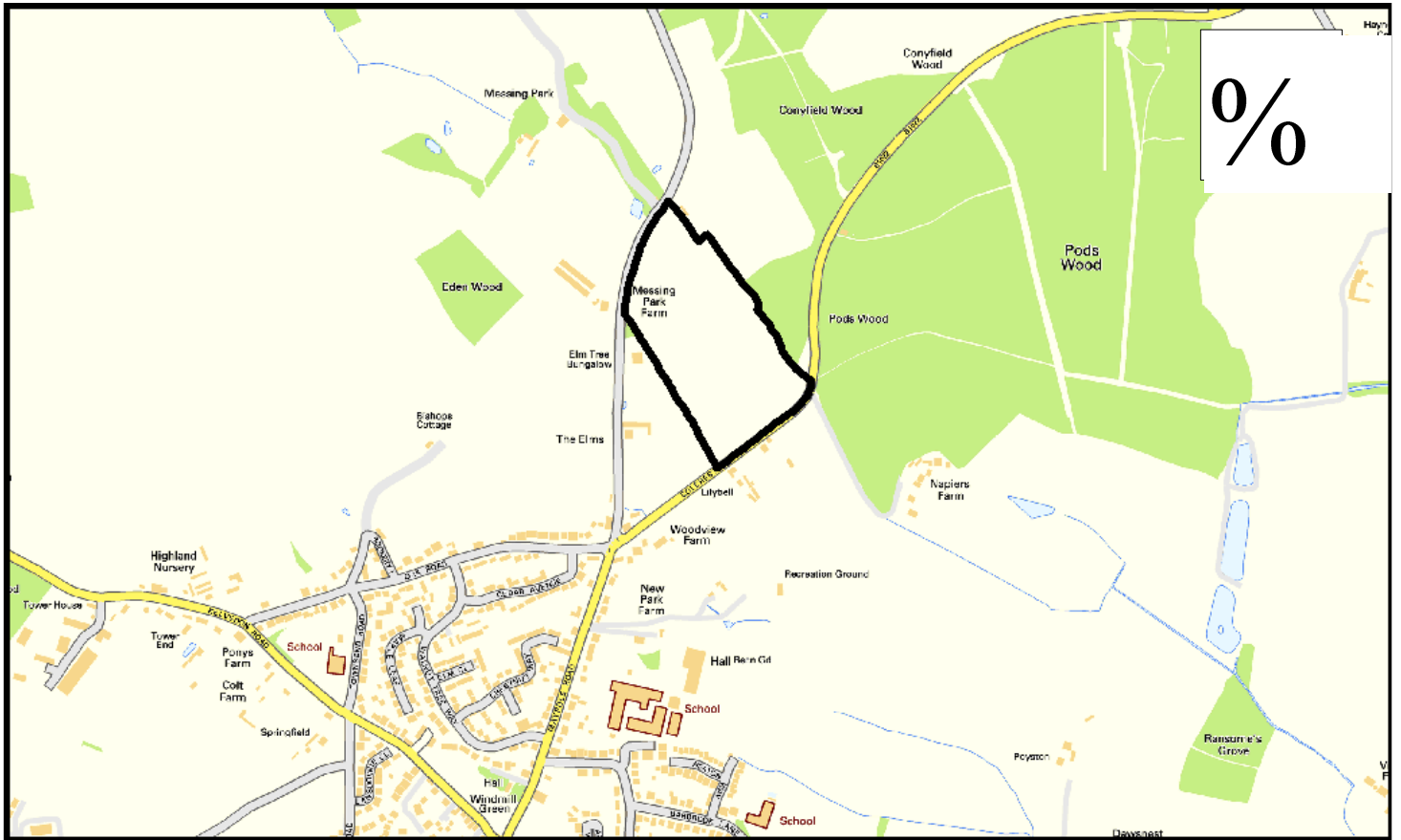
#### 12 - A7.7 Exclusion of Garages Conversions

Any garage hereby permitted shall be retained as such at all times and shall at no time be physically altered in a manner which would prevent its use as a car parking space except where the Local Planning Authority have given their written approval for a replacement car parking space and that replacement space has been constructed as approved.

#### **Informatives**

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

All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.



**Application No:** 100928

**Location:** Land Off (East of Elm Tree Bungalow, Opposite Messing Park Farm), Messing Road, Tiptree, Colchester

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

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**7.8 Case Officer: John More**

**EXPIRY DATE: 07/07/2010**

**Site: Messing Road, Tiptree, Colchester**

**Application No: 100928**

**Date Received: 12 May 2010**

**Agent: Mr Raymond Stemp**

**Applicant: Mr P Hiller**

**Development: Proposed stable block and new access. Resubmission of 091253.**

**Ward: Tiptree**

**Summary of Recommendation: Conditional Approval**

## **1.0 Planning Report Introduction**

1.1 The application has been referred to the planning committee as it was called-in by Cllr Kevin Bentley as he considers "that this development will have an adverse visual impact in a sensitive countryside location." In addition to the call-in request from Cllr Bentley, thirty one letters of objection have been received and the application is recommended for conditional approval.

## **2.0 Synopsis**

2.1 The main planning issues in this case are the effect of the proposal on the character and appearance of the surrounding countryside in the light of national and local planning policies that seek to protect it and highway safety issues arising from the new access.

## **3.0 Site Description and Context**

3.1 The site is located just outside the built up area of Tiptree on the rural fringe on the east side of Messing Road. The site is approximately 7.1 hectares in area, measuring approximately 420m x 220m. The site is currently used for grazing of horses which falls within the definition of Agriculture. There are a number of horse field shelters located towards the centre of the site which are rather unsightly and run down. The site is located adjacent Elm Tree Bungalow to the south/west. The site is served by one existing access off Messing Road in the south/west corner of the field.

3.2 The site is enclosed to Messing Road by a mixed native hedge. To the side boundaries by fences and to the Colchester Road by mixed hedge and fence.



- 3.3 The site and the surrounding area are rural in character with some dispersed linear residential development along Messing Road, particularly towards the Tiptree end, becoming more rural as you proceed towards Messing. To the north-east of the site there is a small farmstead while to the north-east of that there are more stables in fields.
- 3.4 There is a public footpath to the north-east of the site from where the development will be visible.

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

- 4.1 The application is for the erection of a stable block containing 6 loose boxes, erection of a hay barn and the stopping up of the existing access onto Messing Road and the creation of a new access onto Messing Road further to the north.
- 4.2 The stables would measure 22.4m x 4.9m, 3.7m to the ridge, 2.3m to the eaves. The hay barn would measure 11m x 4.9m, 3.7m to the ridge, 2.3m to the eaves.
- 4.3 Materials proposed is dark stained tongue and groove shiplap boarding for the walls with red clay tiles to the stable roof and sheet metal to the barn roof.
- 4.4 The new access would be set more centrally in the site where greater visibility splays are achievable to improve highway safety. It would involve removing a section of hedge for the new access and stopping up the existing access and planting new hedge. The gates would be set back from the road to allow vehicles to stand clear of the highway while the gates are opened.
- 4.5 New planting is shown flanking the new access and the buildings.
- 4.6 For the avoidance of doubt, the applicant has not applied for any change of use of the land. The land is currently used for the grazing of horses which falls within the definition of Agriculture.

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

- 5.1 The land is currently designated in the Local Plan proposals map as white land deemed to be countryside. It is shown to be within an area designated Countryside Conservation Area. The woodland to the north east of the eastern part of the site (Conyfield Wood) is designated as a Site of Importance for Nature Conservation.
- 5.2 The Local Development Framework Proposals Map also shows the site as white land. Conyfield Wood is designated as a Local Wildlife Site. Countryside Conservation Areas no longer exist.

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

- 6.1 Prior to this application, planning application 091253 which proposed a stable block and hay barn served from the existing access was withdrawn following discussions with the Planning Department and the Highway Authority as the existing access has substandard visibility splays and the Highway Authority objected to the application.

6.2 Planning application 080533 was a similar application for a stable block, hay barn and a new vehicular access. The application was refused for the reasons set out below:

- “1. The site lies within the open countryside and forms part of the Tiptree and Messing Countryside Conservation Area. The Adopted Review Colchester Borough Local Plan - March 2004 policy CO1 seeks to protect the open countryside for its own sake. Policy CO3 affords special protection to this Countryside Conservation Area from any development likely to be prejudicial to its natural, social or cultural resources. The erection of the proposed buildings, together with the tarmac drive, concrete path and car parking area, will have a significant and adverse impact upon the character and appearance of this area of undeveloped open countryside, which forms an important approach into the built up area of Tiptree. Furthermore the proposed new buildings will add to the existing sporadic development within the immediate locality and thereby further erode the rural character of the open countryside and Countryside Conservation Area. The development is, therefore, contrary to the aforementioned policies.*
- 2. The creation of the proposed access would be harmful to visual amenity as it would appear to involve the substantial removal of an established hedge which makes a positive contribution to visual amenity within this defined Countryside Conservation Area. The proposal would therefore conflict with the Adopted Review Colchester Borough Local Plan policies DC1, CO1, CO3 and CO5.*
- 3. As far as can be determined from the submitted plans the Applicant does not appear to own or control sufficient land to provide the access with adequate vehicular visibility splays in accordance with the recommended minimum standards contrary to the Adopted Review Colchester Borough Local Plan - March 2004 policies DC1(d) and UEA11”*

6.3 There were two previous applications, F/COL/06/0086 and F/COL/06/1009, for the formation of a new agricultural access onto Messing Road at the northern end of the site which were both refused in 2006.

## **7.0 Principal Policies**

7.1 The following saved policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

- DC1- Development Control considerations
- CE1 - The Open and Undeveloped Countryside
- CO1- Rural resources
- CO3 - Countryside Conservation Area
- CO4 - Landscape Features
- CO5 – Habitats
- CO8 - Agricultural Land
- CO12- New stables or extensions to existing
- UEA11 – Design

7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:  
SD1 - Sustainable Development Locations  
ENV1 - Environment  
ENV2 - Rural Communities

7.3 At the time this report is considered by members it is likely that the Development Policies document will have been adopted by the Colchester Borough Council. The following policies from the Development Policies document are also relevant:  
DP1 - Design and Amenity  
DP21 - Nature Conservation and Protected Lanes  
DP24 - Equestrian Activities

## **8.0 Consultations**

8.1 The Landscape Officer makes the following comments:

“The hedgerow has been assessed under the Hedgerows Regulations 1997 and found to be protected both in terms of it’s composition and it’s line. However the Regulations allow for the existing access to be planted up and a new access to be formed, provided this does not involve any further hedge loss in order to facilitate sight splays. It is recommended that any detailed proposals includes the reinforcement of the whole of the frontage hedge to Messing Road (i.e. bramble removal, gapping up and planting of hedgerow trees). In conclusion, I am satisfied with the landscape content of the proposal subject to the above.” A condition is recommended relating to tree and shrub planting which is attached in the recommendation.

8.2 Environmental Control recommend conditions to be attached to any permission granted.

8.3 Highway comments will be reported via the amendment sheet when received.

In addition to the details reported above, the full text of all consultations responses are available to view on the Council’s website.

## **9.0 Parish Council's Views**

9.1 Tiptree Parish Council has no objection to this application.

## 9.2 Messing cum Inworth Parish Council comment:

“It is in a Countryside Conservation Area / Green Belt area. Furthermore, it is essential that the integrity of the village of Messing is maintained to avoid the danger of it becoming a continuous conurbation with Tiptree. The proposed stable block would be a major intrusion into this Green Belt area and possibly set a precedent for future developments on the site. In addition, aerial photographs reveal that this site is an area of archaeological interest. In a previous application [06/1009] The Borough Council reported that the hedge in question was identified as being classified as ‘important’ under the Hedgerow Regulations 1997 for structural, ecological and historic reasons. Because of this the protected hedge and its line should be protected in full.”

*Officer Comment: There is no ‘Green Belt’ within the Colchester Borough.*

## 10.0 Representations

### 10.1 Thirty one letters of objection have been received, the planning issues raised are summarised below:

- Adverse impact on the character and appearance of the area
- No buildings should be erected in this sensitive area
- Neighbouring woodland is a protected wildlife area
- Objective of the local plan is to resist non-essential development in the countryside and protect its undeveloped and open character
- Similar proposals have been rejected before, this should be rejected for similar reasons
- Concrete road out of character
- This would set a precedent for future building on the site
- It has the look of a commercial project
- This is a back door to a future dwelling
- The long block of stables with a red tiled roof would look like a house
- It is located in Countryside Conservation Area
- Would constitute sporadic development in the countryside
- This is an area of high landscape value which must be protected
- Contrary to policy DP21 Nature Conservation and Protected Lanes
- This area is included within Essex Wildlife Trusts Living Landscapes Birch complex
- Contrary to policy DP24 Equestrian activities
- Visual intrusion to uninterrupted views
- There is a likelihood that there will be tractors, horse box trailers, and caravans will be permanently stationed around the stables adding to the visual intrusion
- Trees planted will harm the uninterrupted views
- There will be a net loss in hedgerow
- This is a high value landscape and should be protected
- There is only a small area of open fields between Tiptree and Messing which should be retained
- This will join Tiptree and Messing
- Replacement hedgerow will take years to grow
- Messing Road is not suitable for heavy vehicles that may be required for this development

- The additional entrance would be a danger to road users
- The buildings would create an artificial feel to the site
- This would open the door to further development

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

## 11.0 Report

11.1 The main issues in this application are considered to be as follows:

- The effect of the proposal on the character and appearance of the countryside
- Highway Issues
- Other Matters

### The effect of the proposal on the character and appearance of the countryside

- 11.2 The main issue in this case is not the design and appearance of the buildings themselves but the overall impact of the proposed development on the character and appearance of the countryside. The proposed buildings would be single-storey in height and typical stable design and are considered to be of an appropriate scale and design. The materials proposed are also considered to be acceptable for a countryside location although black colour boarding would be preferred. The location of the building has been somewhat dictated by the location of the proposed access (discussed later in the report) and the need to minimise the length of any driveway/hardstanding across the site.
- 11.3 The site is currently used for the grazing of horses and there are two rather run down and unsightly field shelters located towards the centre of the site. The proposal would result in the removal of the existing field shelters and replace them with one stable block and a hay barn located closer to Messing Road. While these would be new buildings in the countryside, when balanced against the removal of the existing field shelters it is not considered the overall visual impact would be so significantly harmful to warrant refusal of the proposal on the grounds of visual harm to the landscape. The proposed building would be located closer to Messing Road than the existing field shelters where they would be screened from Messing Road by the existing hedgerow and less visible from the Colchester Road. New planting is also proposed around the proposed buildings and access which would also help to soften their impact.
- 11.4 In terms of the new site access, the Landscape Officer has assessed the Hedgerow on Messing Road under the Hedgerows Regulations 1997 and found it to be protected both in terms of its composition and its line. However the Regulations do allow for the existing access to be planted up and a new access to be formed, as is being proposed here, provided this does not involve any further hedge loss in order to facilitate sight splays. Negotiations have taken place with the Highway Officer to reduce the site splays to a point where no further removal of the hedgerow will be required to facilitate sight splays, other than some facing back. As such the proposal would not conflict with the Hedgerow Regulations 1997.

- 11.5 The Landscape Officer also recommends that the whole of the frontage hedge to Messing Road be reinforced (i.e. bramble removal, gapping up and planting of hedgerow trees). This would be an enhancement to the hedgerow and its habitat in accordance with policy DP21 and should be conditioned.
- 11.6 On balance it is considered that the impact of the proposal on the character and appearance of the countryside would be neutral and not so harmful to warrant refusal of the proposal on landscape grounds.

#### Highway issues

- 11.7 The existing access at the western end of the site onto Messing Road has substandard visibility splays and the Highway Authority objected to the use of this access for the stables. Following discussions with the Highways Officer a new access is now proposed more centrally on the Messing Road frontage where the greatest visibility splays are achievable. While these are still below standard they represent an improvement on the existing situation in terms of visibility and improve safety when exiting the site.
- 11.8 At the time of writing this report the final recommendation from Highways had not been received however this will be reported on the amendment sheet along with any recommended conditions.

#### Other Matters

- 11.9 Due to the location, scale and nature of the development, it is not considered the proposal would be likely to have an adverse impact on the Site on Importance for Nature Conservation/Local Wildlife Site in Conyfield Wood.
- 11.10 The applicant states that the stable are for personal use only and that no commercial use of the site is proposed. A condition is recommended to control the use of the stables for private/personal use to avoid there being later calls for further development which often occurs on commercial sites.
- 11.11 There is not currently an existing residential property on the site associated with grazed horses and field shelters and it is not considered this proposal would weaken the council's ability to refuse any such applications for new dwellings in the future.
- 11.12 This application must be considered on its merits, what may or may not occur in the future is not a matter for this decision. The proposal is for stables to house horses which are currently grazed on site where the existing shelters are unsightly and run down. It is not considered the proposal would weaken the council's ability to refuse further development on this site in the future were it to be proposed.

## **12.0 Conclusion**

- 12.1 On balance, it is not considered the proposed buildings and new access, when balanced against the removal of the existing buildings and stopping up of the existing access coupled with the improvements to the existing hedgerow and other landscaping proposed, would have such a harmful effect on the character and appearance of the countryside to warrant refusal of permission in this case.

## **13.0 Background Papers**

13.1 ARC; Core Strategy; Development Policies; TL; HH; HA; PTC; NLR; CBC

### **Recommendation - Conditional Approval**

#### **Conditions**

1 - A1.5 Full Perms (time limit for commencement of Development)

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

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

2 - Non-Standard Condition

The buildings hereby permitted shall be used solely for the stabling of horses and storage of associated equipment and foodstuffs in connection with the private grazing use of the site. No commercial uses including a livery, riding establishment within the meaning of the Riding Establishments Act 1964, gymkhanas, industrial or other storage uses shall take place whatsoever.

Reason: For the avoidance of doubt as to the scope of this permission and to ensure that the use does not cause harm to the amenity of the surrounding area.

3 - Non-Standard Condition

No floodlighting or other external form of illumination shall be attached to the buildings hereby permitted without the prior approval in writing of the local planning authority.

Reason: To ensure the nature of the use is appropriate within the rural area and to prevent unnecessary light pollution.

4 - Non-Standard Condition

Prior to the commencement of any work on site a detailed scheme for the storage of manure and its subsequent disposal shall be submitted to and approved by the Local Planning Authority. The storage and disposal of manure shall be carried out in accordance with the approved scheme thereafter.

Reason: To ensure satisfactory provision is made for the storage and disposal of manure in the interests of pollution prevention.

5 - Non-Standard Condition

There shall be no burning of animal or stable wastes anywhere on the site as shown edged in red (or blue) on the plans which are attached to and form part of this permission.

Reason: In the interests of pollution prevention.

#### 6 - C11.14 Tree / Shrub Planting

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority.

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

#### 7 -C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

#### 8 - C10.18 Tree and Hedgerow Protection: General

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

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

#### 9 - Non-Standard Condition

Within one month following the first use of the stables the existing field shelters identified in Appendix A of the Design and Access Statement dated May 2010 shall be demolished and completely removed from the site to the satisfaction of the Local Planning Authority and shall not be returned at any point thereafter.

Reason: The new buildings were allowed on the basis of the removal of the existing buildings on the site to protect the character and appearance of the countryside.

#### 10 - Non-Standard Condition

Plus any conditions required by the Highway Authority.

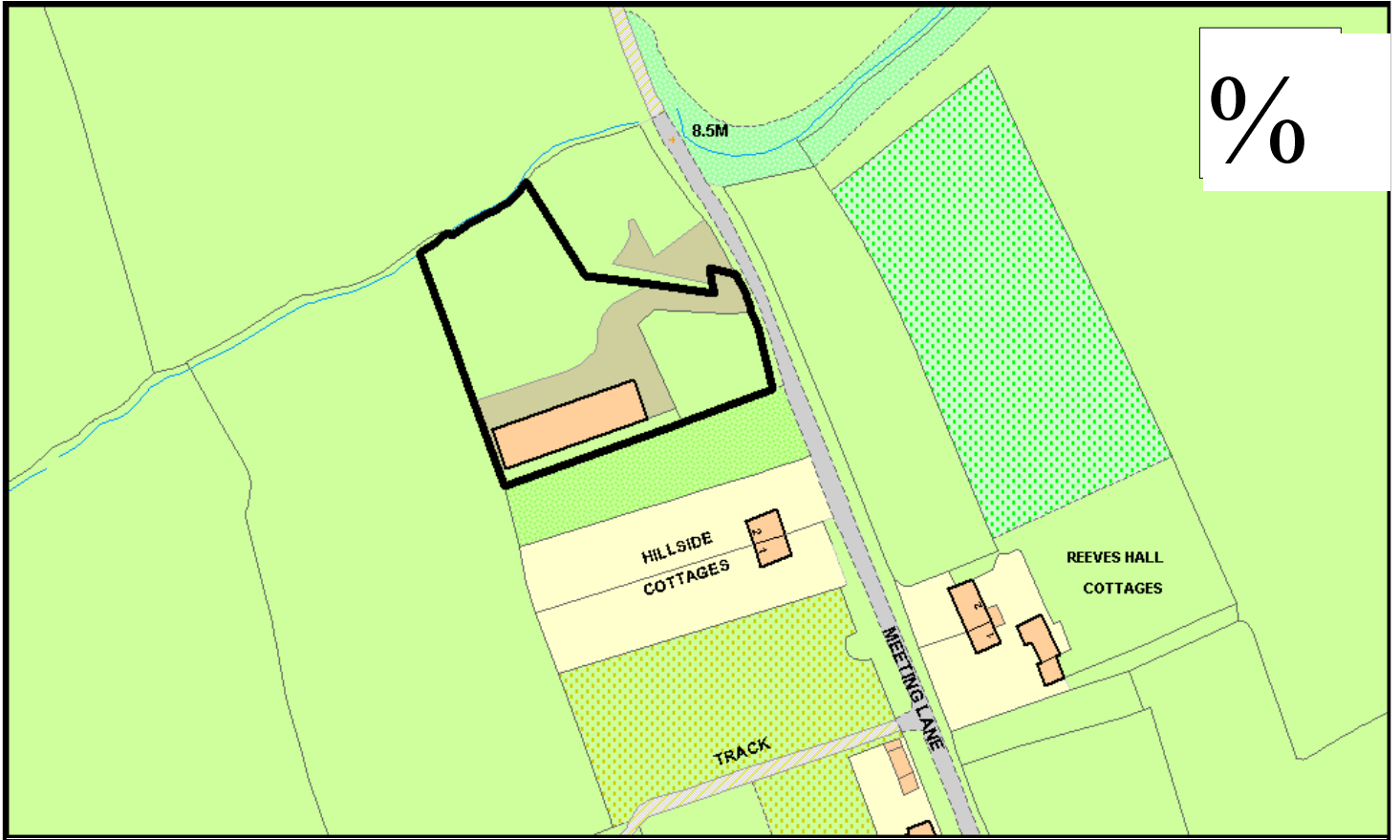


## **Informatives**

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

All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 01206 838600.

The tree and shrub planting details required by condition 6 shall include the reinforcing of the whole of the frontage hedge to Messing Road (i.e. bramble removal, gapping up and planting of hedgerow trees).



**Application No:** 101510

**Location:** Chicken Shed, Meeting Lane, East Mersea, Colchester, CO5 8TE

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

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**7.9 Case Officer: Bradly Heffer****OTHER****Site:** Chicken Shed, Meeting Lane, East Mersea, Colchester, CO5 8TE**Application No:** 101510**Date Received:** 20 July 2010**Agent:** Edward Gittins & Associates**Applicant:** Mr Gary Moore**Development:** Change of use of former chicken shed to a live-work unit comprised of Class B8 storage and C3 residential.**Ward:** Pyefleet**Summary of Recommendation:** Refusal**1.0 Planning Report Introduction**

1.1 This report relates to an application to change the use of a former agricultural building to a live-work unit comprising residential and storage use.

**2.0 Site Description and Context**

2.1 The application site is accessed off Meeting Lane West Mersea, and has a given area of approximately 0.3 hectares. The subject building itself is located in the south-western corner of the site and runs parallel with the southern boundary. The site is relatively level and the boundaries are defined by a mixture of established trees and hedging. A hardened area is located to the northern side of the building, utilised for vehicular parking etc.

2.2 The application site is surrounded to the east west and north by agricultural/rural land whilst to the south there are some dwellings facing on to Meeting Lane and also on to East Road.

**3.0 Description of the Proposal**

3.1 Under the submitted planning application retrospective planning permission is sought for the change of use of the subject building from agricultural use (the building having originally been used as a chicken shed) to a mixed residential (C3) use and storage (B8) use. Plans submitted with the application show the majority of the building being used for storage with an area for residential use at the western end. The plans show that this residential space is divided to provide three bedrooms, a lounge/dining area, kitchen, shower room and utility room.

- 3.2 Members are advised that the application is accompanied by a Planning Statement, the full text of which is available to view on the Council's website. The following extracts have been included for Members' information:

'The building has been used for the storage of roofing materials in association with the Applicant's roofing business, Gary Moore Roofing (formerly G.D Moore Roofing) for the last 17 years whilst the western end was severed in 2003 and converted over the past six years into a three bedroom residential unit...Regrettably the Applicant was forced to sell his permanent residence at 17 Norfolk Avenue, West Mersea, in February last year following financial difficulties and, having moved into the building in late February with his wife and two sons, the accommodation within the barn is his sole residence.'

'It is considered that the use of the building as a live-work unit does not harm the character or appearance of the surrounding countryside owing to its position within established screen planting and in close proximity to other residential properties.'

'The live-work unit could be suitably controlled by the imposition of a condition to restrict planning permission for the benefit of the Applicant and his immediate family only...Such 'personal' conditions are legitimate and enforceable under the terms of Circular 11/95 and may be used in exceptional circumstances where there are clear compassionate grounds.'

' The proposed change of use would secure permanent accommodation for the Applicant and his wife who are otherwise without a home and whose children currently attend a local school.'

- 3.3 Members are advised that the application is accompanied by a Unilateral Undertaking to provide a contribution to open space, sport and recreational facilities in accordance with the Council's SPD requirement.

#### **4.0 Land Use Allocation**

- 4.1 The site for this proposal lies in a Countryside Conservation Area as allocated in the adopted Review Colchester Borough Local Plan.

- 4.2 Within the Local Development framework the site lies within a Coastal Protection Belt.

#### **5.0 Relevant Planning History**

- 5.1 The following comprises the planning history for this site:

- 81/0285 – Outline application for erection of single storey dwelling. Construction of new vehicular access and pedestrian access to the highway. Application refused via notice dated 3rd April 1981
- 93/1076 – Outline application for erection of two storey dwelling and garage. Application refused via notice dated 7th October 1993. A subsequent appeal against this decision was dismissed.

- 98/0523 – Outline application for the erection of 1 pair of 2-bedroom semi-detached dwellings. Application refused via notice dated 26th May 1998.
- 090864 – Certificate of lawful use development for an existing use relating to use building as a store for a roofing and building repair and maintenance business.

## **6.0 Principal Policies**

6.1 In addition to national and regional policies, the following policies from the adopted Colchester Borough Review Local Plan (March 2004) are relevant to the consideration of this application:

DC1- Development Control considerations  
 CE1 - The Open and Undeveloped Countryside  
 CO1- Rural resources  
 CO3 - Countryside Conservation Area  
 CO10 - Agricultural Diversification

6.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:

SD1 - Sustainable Development Locations  
 SD2 - Delivering Facilities and Infrastructure  
 H1 - Housing Delivery  
 H2 - Housing Density  
 H3 - Housing Diversity  
 UR2 - Built Design and Character  
 TA4 - Roads and Traffic  
 ENV1 - Environment  
 ENV2 - Rural Communities

## **7.0 Consultations**

7.1 The following comment has been received from the Council's Planning Policy division:

"The site where the chicken shed stands is located in open countryside towards the eastern end of Mersea Island with existing residential property to the south along Meeting Lane. The site is designated as white land on the Local Plan and LDF Proposals Maps and despite having secured a lawful use for B8 storage uses it is not located within a designated Rural/Local Employment Site. The site also falls with the Coastal Protection Belt. The proposal under consideration is for a change of use of a former chicken shed to a live work unit comprising B8 storage and C3 residential use. In principle Colchester Borough Council supports the concept of live work units, due the sustainability benefits they can deliver and where such proposals accord with policy. This particular application however raises some planning policy issues.

There are no policy issues regarding the current B8 use at this site for the storage of roofing business materials. This accords with PPS7 and Core Strategy policy ENV2 (Rural Communities) which states that the Council will favourably consider and support small scale rural business appropriate to local employment needs, that harmonise with the local area and which have negative environmental impacts. There is currently a lawful employment use covering the whole building and the Council

would wish to retain this lawful use on the whole site should new employment opportunities arise locally.

The residential part of this proposal however does raise policy issues.

The proposal for a change of use of a former Chicken shed to a live work unit comprising B8 storage and C3 residential use is in effect an application to regularise and secure planning permission for a currently unpermitted residential development in the countryside. This does not accord with either national or local planning policy which strictly controls residential development in the countryside.

Para 10 of PPS7 states that isolated houses in the countryside will require special justification for planning permission to be granted. One such example would be where the need for a proposed new house arises directly from an essential need for a worker to live permanently at or near their place of work in the countryside.

Para 11 of PP7S also states that 'very occasionally the exceptional quality and innovative nature of the design of a proposed, isolated new house may provide this special justification for granting planning permission. Such a design should be truly outstanding and ground-breaking, for example, in its use of materials, methods of construction or its contribution to protecting and enhancing the environment, so helping to raise standards of design more generally in rural areas.'

The residential element of this scheme is not essential to support the roofing business, therefore it does not support the objectives of PPS7. Furthermore the business cannot be classed as an agricultural or forestry business and therefore the proposal does not accord with Local Plan Policy H10 or Development Policy DP8 ( as the residential element of the scheme is not being provided to support an agricultural or forestry type business. Finally the design of the property cannot be classed as exceptional in terms of its design or the materials used therefore it does not accord with paragraph 11 of PPS7. For these reasons the proposal is considered to not accord with current national or local planning policy. Core Strategy policy ENV2 recognises that there is a need for affordable housing on rural exception sites outside village envelopes where it can be demonstrated that a community need exists. This proposal is not supported with appropriate evidence on how it meets affordable housing need as required by policy ENV2. For this reason therefore the proposal fails to satisfy adopted Core Strategy policy in relation to rural housing provision.

Recommend: refusal"

7.2 The Highway Authority advises that it has no objection to the proposals.

7.3 Environmental Control has no comment to make.

The full text of all consultation responses are available to view on the Council's website.

## **8.0 Parish Council's Views**

8.1 East Mersea Parish Council comment as follows:

"East Mersea Parish Council would like to recommend refusal of this application. The Chicken shed as a residential property should not be there and the Council would like to see the enforcement notice issued on the 15th July upheld. The development has not been carried out using the correct processes; having regard to current planning legislation, which has resulted in the Council and planners being unable to have an input into the scale of the development or to the design, appearance or layout of the property."

## **9.0 Representations**

9.1 The planning application has generated 5 letters objecting to the proposal and 7 letters in support. In terms of the points of objection raised these are summarised as follows:

- The site has been subject to breaches of planning control in the past
- The proposal does not come within the category of what could reasonably be termed a live/work unit.
- The site is outside of any area proposed for new housing development
- The Planning Committee has already agreed to authorise the issue of an enforcement notice against the unauthorised use
- The proposal generates more traffic along Meeting Lane
- The proposal could cause a precedent for similar applications elsewhere

9.2 The following points are made in support of the proposal:

- The additional residential use supports local shops and amenities and is good for the community
- The applicants have owned the property for over 20 years and it has always been used for business and pleasure purposes. The applicants are hard working members of the community.
- The use does not give rise to nuisance and it provides additional security to neighbours.
- The use has not changed the appearance of the wider landscape.

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

## **10.0 Parking Provision**

10.1 The submitted forms indicate that 2 spaces would be available for cars on site and 1 space for a light goods vehicle. Members are advised that the current adopted standard requires that 2 spaces are provided for a 2+ bed unit and 1 space per 150 square metres is required for a B8 use without any retail element. The floor space of the B8 element of the use is given as 264 square metres on the submitted forms. Therefore there is a shortfall of one space. However, given that the site does benefit from a large curtilage it is felt that an additional car parking space could be found without difficulty.

## **11.0 Report**

- 11.1 Members are advised that the site for this proposal is located in a rural area, remote from the established village envelope for East Mersea. On this basis it is established Council policy – in line with central government policy statements – to protect such areas from unnecessary and inappropriate forms of development. In this case, it is felt that the proposal clearly conflicts with this policy approach in that it would result in the creation of a new dwelling in an area not allocated for this purpose. It is fully acknowledged that the site is well-screened from wider public view and is not readily apparent in the landscape. However, this in itself does not represent a sound reason to allow a change of use that conflicts with principle land use planning policies, in your officer's view.
- 11.2 It is noted that the application has given rise to a degree of support, and it is certainly regrettable that the applicant's personal circumstances have resulted in the previous loss of a house elsewhere on Mersea Island. Nevertheless, in this case it is considered that the advice of the Council's Planning Policy division is correct as there is, in your officer's view, a clear conflict with the identified policies.
- 11.3 Members are also reminded that this matter was previously brought to the attention of the Planning Committee at the meeting held on 15th July 2010, when a report was submitted by the Council's enforcement team – requesting that Members authorised the issue of an enforcement notice. Members resolved to agree with the recommendation. The serving of the notice has been held in abeyance following the submission of this planning application.

## **12.0 Background Papers**

- 12.1 ARC; Core Strategy; PP; HA; HH; PTC; NLR

### **Recommendation - Refusal**

#### **Conditions**

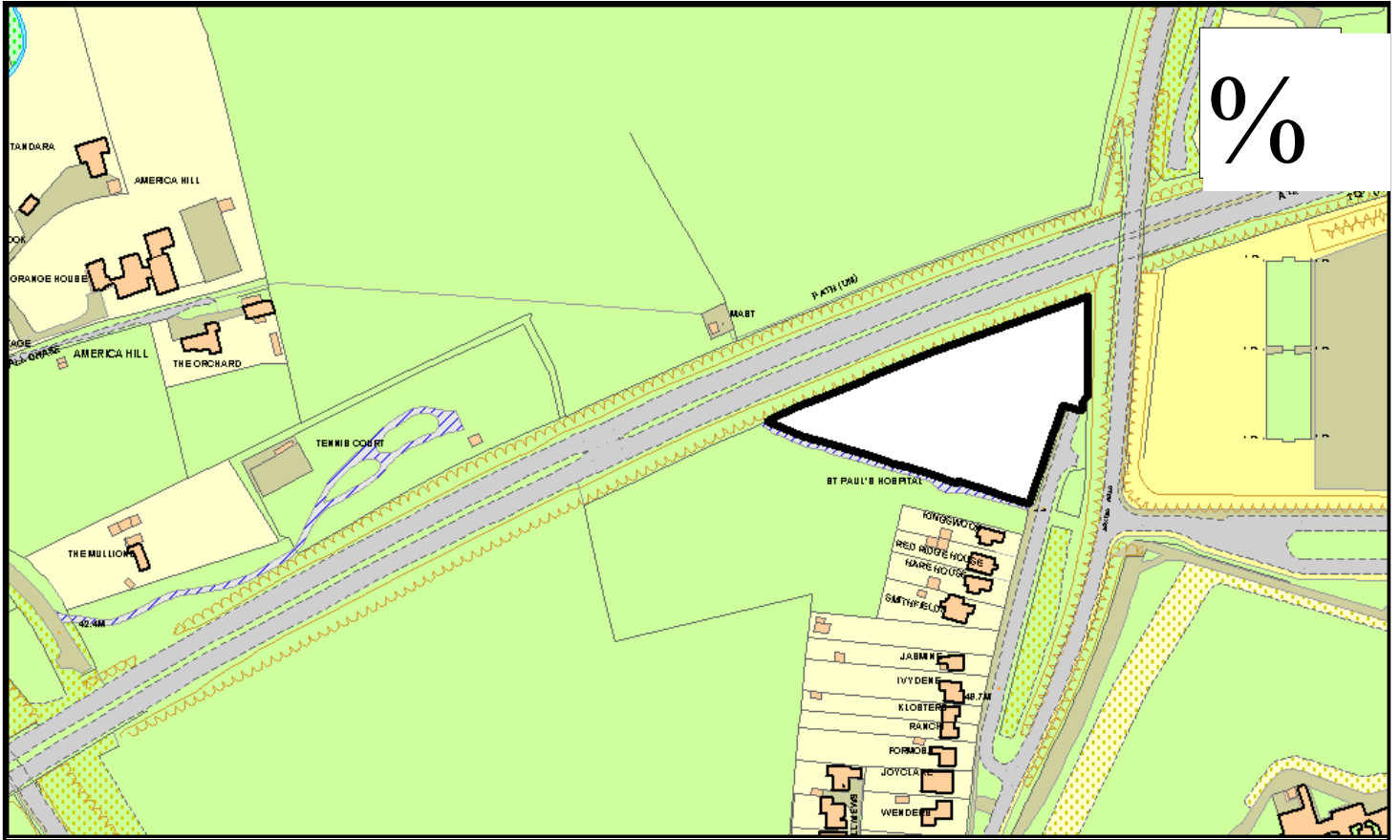
##### **1 - Non-Standard Refusal Reason**

The site for this proposal is in a Countryside Conservation Area and outside the East Mersea Village Envelope as allocated in the adopted Review Colchester Borough Local Plan – March 2004 (ARCBLP). In this area policies seek to safeguard and enhance rural resources and safeguard the historic character of the countryside and to resist non-essential development, particularly proposals for new residential use.

Specifically, saved policies DC1, CE1 and CO1 of the ARCBLP require that the countryside is protected from inappropriate forms of development, as an important amenity resource. Additionally, saved policy CO3 emphasises the importance attached to the overall value of the Borough's Countryside Conservation Areas.



Leading on from this, policies SD1, H1 and ENV1 of the Local Development Framework Core Strategy emphasise protection of the Borough's rural areas from inappropriate forms of development and also, importantly, the issue of achieving sustainable forms of development. The site for this proposal lies remote from the development limit for East Mersea as allocated in the Adopted Review Colchester Borough Local Plan - March 2004. It is an established aim of the Council to resist sporadic, ad-hoc residential development in such areas in order to protect the character and amenity of the countryside and to avoid unsustainable development. The provision of a dwelling on the identified site would be contrary to this aim and would result in the provision of a non-essential dwelling, remote from the settlement of East Mersea. Furthermore, the development, if permitted, would in terms of equity undermine the Council's ongoing control of similar development proposals in the area.



**Application No:** 101766

**Location:** St Pauls Hospital, Boxted Road, Mile End, Colchester, CO4 5HE

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

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**7.10 Case Officer: David Whybrow**

**OTHER**

**Site:** St Pauls Hospital, Boxted Road, Mile End, Colchester, CO4 5HE

**Application No:** 101766

**Date Received:** 26 August 2010

**Agent:** Ms Clare Bland

**Applicant:** Cambian St Pauls Ltd

**Development:** Erection of new activity centre, extensions, replacement gatehouse, acoustic fencing and replacement septic tank with pumping chamber.

**Ward:** Mile End

**Summary of Recommendation:** Conditional Approval

## **1.0 Planning Report Introduction**

1.1 This application for new building works at St Pauls Hospital, Boxted Road, Colchester, is placed before Members as a result of representations by 3 local residents and the local Member, Councillor Goss.

## **2.0 Site Description and Context**

2.1 St Pauls Hospital lies at the northern edge of the built up area of Colchester immediately to the south of the A12 Trunk Road. Access is by way of a cul-de-sac off the west side of Boxted Road which also serves a ribbon of residential properties on its western side. The area between the cul-de-sac and Boxted Road proper is well treed and this, coupled with the existence of arable land to the west, gives the area a semi-rural character.

2.2 The hospital itself occupies a site of 0.8 ha. It provides care to people with learning disabilities and is organised in a series of accommodation blocks and lodges up to 2 storeys in height plus secure courts. The predominant building materials are red brick, black boarding, clay pantiles and slates. The main car parking areas are in the northern and north-east part of the site.

### **3.0 Description of Proposal**

3.1 The application is accompanied by a Planning Statement, Design and Access Statement and Arboricultural report, all of which may be viewed on-line. As outlined in the planning statement, the proposals consist of:-

- a) Replacement gatehouse - A 2 storey structure of 268 sq.m. between the 2 entrances on the eastern frontage to improve security and admin facilities. These facilities are currently found in the centre of the complex and are not conducive to satisfactory site security. A reception and waiting area will be included for visitors.
- b) Activity Centre - A single-storey, courtyard building of 134 sq.m. sited alongside the site's southern boundary on what is currently an untidy "service" area. The activity centre will provide a full and varied programme of treatment and recreational activities for patients. Beneath the courtyard it is proposed to replace an existing septic tank and replace this with an underground pumping chamber and private drain with connection to main sewer.
- c) Titus House extension - Small addition of 12 sq.m. to Titus House providing a single storey day room alongside the existing residential cluster in the northern part of the site.
- d) Eleni House extension - Enhanced laundry facility of 11 sq.m. attached to central block.
- e) Infill extension between Philip Court and Eleni House – Single storey addition of 183 sq.m. providing covered walkways between buildings and space for an enhanced internal kitchen with dry and chilled goods stores.
- f) Acoustic fencing - 2.5m high acoustic fencing to southern boundary in timber. Replaces existing chain link fence and part acoustic fence in poor condition.

3.2 The statement concludes that:-

1. Taken together the development proposals represent an opportunity to comprehensively improve the quality and range of services provided to the benefit of patients and staff.
2. The proposals will improve the healthcare services provided and enhance site security.
3. The proposals will not result in additional staff or patients and intensity of use will not alter.
4. Proposals will reflect the high standard of design, compatible with the surrounding residential area in terms of scale, form and materials, and
5. Will satisfy relevant planning policy.

### **4.0 Land Use Allocation**

4.1 Residential

## **5.0 Relevant Planning History**

- 5.1 F/COL/00/1696 - Addition of bedroom and shower room to Eleni House, demolish garages at Recit-Et-Eve and extend to provide 3 extra bedrooms, lounge and staff rooms, Construct new 8 bedroom self contained lodge - Approved 15 March 2001
- 5.2 F/COL/02/0396 - 2 No. 8 bedroom residential care homes at 2 storeys - Approved 24 June 2002
- 5.3 F/COL/02/0487 - Reconstruction of existing care home - Approved 25 July 2003
- 5.4 F/COL/03/0898 - Proposed spa room extension - Approved 25 July 2003
- 5.5 F/COL/04/1205 - New boundary treatments - Approved 16 August 2004
- 5.6 F/COL/05/0069 - New enclosure for water main booster set - Approved 9 March 2005
- 5.7 090631 - Erection of three metre high fence around perimeter of the hospital site - Approved 30 June 2009
- 5.8 091084 - Erection of 3.9 metre high fence around perimeter of the hospital site - Approved 3 November 2009

## **6.0 Principal Policies**

- 6.1 Adopted Core Strategy
  - DC1 - General DC considerations
  - UEA11 & 13 - Non residential design and residential amenity considerations
  - CO4 - Natural features
  - P1 - Pollution
- 6.2 Adopted Core Strategy
  - UR2 - Built design and character

## **7.0 Consultations**

- 7.1 The Highway Authority comments as follows:-

"This site has been subject to a number of planning applications recently and whilst this particular case aims to reduce the number of vehicles attending the premises through introduction of the laundry facility, it is evident from the damage to the highway verge that the site struggles to accommodate the existing level of traffic.

Additionally, this application raises concerns that further proposals will be forthcoming which will lead to intensification in use of the site. The Highway Authority would not like to see any further traffic associated with the hospital site as damage to the highway is already occurring.

No objections are raised against this application subject to the following:-

No works in connection with the proposed development shall commence until such time as the access road has been improved at its northern end where it terminates at the gate to the hospital. The above shall be provided entirely at the developer's expense. These improvements must include, but not be limited to:

1. Widening of the carriageway.

2. Installation of raised kerb line along the verge on the eastern side of the road.
  3. Appropriate surfacing of the highway.
- Reason: To make adequate provision within the highway for the existing and proposed traffic associated with the site as a result of the proposed development, to stop unacceptable damage to the highway, and to better accommodate the existing parking on the highway in proximity to the access.
- Note - This condition requires a Legal Agreement between the Applicant/Developer and the Highway Authority using the powers in Section 278 of the Highways Act 1980."

7.2 The views of Environmental Control have been requested and will be available at the Meeting.

7.3 The Environment Agency has been consulted regarding the new pumping station and any views expressed will be reported at the Meeting.

## **8.0 Parish Council's Views**

8.1 Myland Parish Council comment as follows:-

"With the new development there is no doubt that the coverage of the site is much higher than normally desirable for a residential facility, and will lead to loss of all open space amenity. Whilst we understand the noise/pollution environment is not conducive to outside activities, we would like to see some sort of horticultural facilities included in the activity areas for the residents.

Based on concerns from local residents, please reassure us that:

1. Any changes to the sewerage system will not inconvenience or cause amendment/costs to the sewerage facilities of the local houses.
2. The green travel plan, with additional signage measures on the highway, has/will be updated and is available for residents' inspection."

## **9.0 Representations**

9.1 Councillor Goss makes the following observations:-

"Can you please ensure that the matters of parking and nuisance noise which have been the bane of local residents' lives for some years are dealt with under the conditions for the extension of St Pauls hospital please?

Parking should be prohibited on the outside of the building on Boxted Road as many of the staff show a gross inconsideration for local residents by blocking the turning circle and blocking driveways. During a recent visit it was proven spaces were available onsite and yet lazy staff park on the road causing issues.

A condition should be placed on St Pauls to deliver a robust mini bus service and introduce a Park and Ride for those staff who want to park on the road."

9.2 3 further letters have been received from local residents, full details of which may be viewed on-line. A summary of the comments made is set out below:-

1. Support and encourage introduction of long overdue acoustic fencing but query whether the "finished" face will be inward or outward looking.
2. Inadequate description of replacement of septic tank by pumping system in terms of rating and capacity.

3. Is change of use involved here? The application suggests present use is C2 while earlier applications refer to D1 (non residential institutions).
4. Parking at site is inadequate and staff and visitors regularly park in the cul-de-sac and obstruct the turning head opposite the hospital entrance.
5. The Committee have previously indicated that this site is overdevelopment and continued piecemeal development should be avoided.
6. Moving parking spaces to the rear of the site will deter staff and visitors from using them, creating further obstruction of the cul-de-sac and dangerous manoeuvres by larger delivery vehicles and refuse trucks.
7. Past and present owners do not apply management controls to prevent indiscriminate street parking. Staff and visitors therefore choose to park on the narrow lane rather than use the car park area even when spaces are empty.
8. Would not object to proposal if following conditions imposed:-
  - (i) Applicant provides written details of their policy and procedure to manage parking, have a dedicated employee to regulate and have specific responsibility for parking.
  - (ii) Vehicles are not allowed to obstruct the turning head.
  - (iii) Limitations on construction times.

9.3 For Members' information the agent for this scheme has furnished responses to a number of the matters raised in the above representations, as follows:-

#### **Parking**

There will be no net loss of parking spaces. An additional drawing is submitted to illustrate how 3 parking spaces displaced by the proposed gatehouse are to be relocated. The proposed works will not increase the number of staff or visitors and the parking requirement will remain the same.

#### **Acoustic Fencing**

The submitted information on acoustic fencing depicts a wooden fence with a front side with vertical wooden strips and a rear side with additional horizontal slats. The manufacturers of the fencing have confirmed that both sides of the fence are 'gap proof' and equally able to attenuate noise. The effectiveness of the fence is therefore not dependent on which way it faces. We therefore propose that the 'front' side will face away from the application site so as to provide a more appealing appearance for neighbouring residents.

#### **Sewage Pumping**

A comment has been received regarding the adequacy of the sewage pumping station in Boxted Road in light of the proposed removal of the existing septic tank. We understand that Anglian Water are a statutory consultee for this application and therefore they will have the opportunity to comment on this aspect of the proposals. Should they, as the statutory water authority, have any concerns of the system, we anticipate this will be noted within any correspondence from them.

### **Use Class of the Site**

We can confirm that the application is not for a change of use of the site and that both the existing and proposed works fall within the C2 Use Class by virtue of the site operating as a residential institution. Condition 11 of planning permission ref: COL/00/1696 and Condition 13 of planning permission ref: F/COL/02/0487 both state that:-

*“The premises shall be used for residential and day care facilities for persons with learning difficulties and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.”*

The proposed works will not contravene this condition and will allow a range of therapies to be offered on the site to aid those residents with learning difficulties. It is not proposed to offer facilities for non-residents and therefore the use would not fall within Class D1.

### **10.0 Report**

- 10.1 There will be broad support for developments such as these that provide supports and care for vulnerable people in society and increase the range of healthcare facilities in the Borough. That said it is fair to say that the Committee have previously expressed concerns at the incremental expansion of this site with the potential to lead to its overdevelopment. For the most part however the proposed building works are relatively minor and have little impact on views from outside the site. Architectural styles and finishes complement those of the existing complex while the facilities to be provided are beneficial to the smooth running of the hospital, do not increase staff or visitor numbers and are therefore not intensifying activity in and around the site.
- 10.2 On the basis that those neighbours who objected should be reassured by the further comments of the agent and indeed have expressed support for the proposed acoustic fencing, it is considered that the chief determining factor in this case will be the effectiveness of the applicants' parking strategy and specifically their ability to deter indiscriminate parking in the public highway.
- 10.3 To date they have erected signs along the street frontage advising staff that they must park within the hospital site. They are policing the matter with patrols being made to monitor the system. They have also indicated that they would be agreeable to the imposition of a condition requiring the submission and approval of a travel plan that would formalise the vehicular and other movements associated with the operation of the hospital.
- 10.4 As regards the Highway Authority's recommended conditions the agent argues that as there would be no increase in staff or patient numbers, there will be no net loss of parking space and the proposals will potentially result in a reduction in heavier vehicles due to the creation of an improved on-site laundry facility. Such conditions would therefore be unnecessarily onerous and unlikely to meet the tests for reasonableness set out in Circular 11/95. Notwithstanding this they would accept a condition requiring the appropriate reinstatement/repair (but not widening) of any part of the highway within the vicinity of the site damaged as a result of construction works.



## **11.0 Conclusion**

11.1 It is not considered that this scheme is objectionable in land use or architectural terms. It offers solutions to problems experienced by local residents in terms of its provision of acoustic fencing and travel plan and is, on balance, recommended for approval.

## **12/0 Background Papers**

12.1 ARC; ACS; CBC; PTC; NLR; HA; HH; NR

### **Recommendation - Conditional Approval**

#### **Conditions**

1 - A1.5 Full Perms (time limit for commencement of Development)

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

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

2 - C3.5 Materials to Match Existing

The external materials and finishes to be used for the approved development, shall be of the same type and colour as those of the existing building unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development harmonises with the appearance of the existing building and the character of the area.

3 - Non-Standard Condition

The proposed acoustic fencing to the site's southern boundary shall be constructed as illustrated in the submitted application documents prior to the occupation of any of the additional accommodation hereby approved.

Reason: To ensure that the permitted development does not harm the amenities of the area by reason of undue noise emission.

4 - C10.16 Tree & Natural Feature Protection: Entire Site

No burning or storage of materials shall take place where damage could be caused to any tree, shrub or other natural feature to be retained on the site or on adjoining land (see BS 5837).

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.

#### 5 - C10.18 Tree and Hedgerow Protection: General

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

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

#### 6 - Non-Standard Condition

Following the completion of building works pursuant to this planning permission any part of the adjacent highway that may be damaged as a result of the construction works shall be reinstated and repaired to the satisfaction of the Planning and Highway Authorities.

Reason: In the interests of highway safety and for the convenience of pedestrians and motorists.

#### 7 -Non-Standard Condition

Before the development is commenced a staff travel plan shall be submitted to and agreed in writing by the Local Planning Authority and the travel plan as approved shall be implemented prior to the occupation of any of the accommodation hereby permitted.

Reason: In the interests of highway safety and sustainable transport objectives.

#### 8 - Non-Standard Condition

The 3 additional car parking spaces identified on additional drawing no. 2387/17 shall be laid out, constructed and available for use prior to the occupation of any of the accommodation hereby permitted.

Reason: To ensure that future improvement of the highway is not prejudiced.

#### 9 – A2.1 - Development to Accord With Approved Plans

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans returned stamped approved with this decision.

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

Any additional condition(s) recommended by the Environment Agency.

Any additional condition(s) recommended by the Highway Authority.

#### **Informatives**

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



## Planning Committee

Item

8

21 October 2010

<b>Report of</b>	<b>Head of Environmental &amp; Protective Services</b>	<b>Author</b>	<b>Vincent Pearce</b>
<b>Title</b>	<b>Revised Scheme of Delegation :To officers by the Planning Committee</b>		
<b>Wards affected</b>	all		

**This report concerns proposed revisions to the scheme of delegation that relates to the Planning Service**

### 1. Decision(s) Required

- 1.1 Members are requested to agree the changes to the Scheme of Delegation described in section 5 of this report. Such changes as shall have been agreed to come into immediate effect for any decision made after the meeting unless advised otherwise by the Legal Services Manager and Monitoring Officer.
- 1.2 In the event that Members agree the proposed Scheme of Delegation then the Legal Services Manager and Monitoring Officer be instructed to formally amend the Constitution accordingly.

### 2. Reasons for Decision(s)

- 2.1 This report is presented as part of the continuous performance management regime operated by the Planning Service Manager as monitored by the Planning Committee on a regular basis. Prompted by discussion at a Planning Committee Chairman and Group Spokesperson Liaison Group meeting earlier this year an opportunity has been taken to analyse the workload of the Planning Committee in order to explore the potential for enhancing even further the established quality and efficiency of proceedings.
- 2.2 The reference here to quality focuses on a number of key elements

#### (a) The quality of decision

Are decisions made by the Committee based on sound advice from officers and comprehensive reports? Do Members serving on the Planning Committee have sufficient understanding of the planning process? Are debates given sufficient time to explore all material aspects of a proposal? Was the decision taken the right decision? Are all the matters coming before the Planning Committee of a type and complexity that warrants the additional procedural input and the resource this requires?

#### (b) The quality of outcome

Do the planning permissions that get approved add to the visual, social, cultural, economic and townscape quality of the urban and rural environment and has the planning process added value to the project?

### **3. Alternative Options**

- 3.1 Make no changes to the current Scheme of Delegation.
- 3.2 Modify the current proposal to introduce thresholds for the number of objections received that would automatically trigger referral to Planning Committee
- 3.3 Reduce the level of delegation

### **4. Supporting Information: Background**

- 4.1 In order to set this discussion into context an analysis of the Committee's workload for the Period 1 July 2009 – 30 June 2010 is provided and considered overleaf (Figure: 1).
- 4.2 What is clear from the statistics is that there is huge variety in a number of factors from meeting to meeting and that there is no established 'norm'.
- 4.3 Consequently it is difficult to forecast agenda size and Committee length in advance.
- 4.4 The most uniform element of the system is the fact that Planning Committee meetings are held fortnightly throughout the entire year, which results in some 26 meetings per annum.
- 4.5 As can be seen there have been some ridiculous extremes in Committee length from a brief 3 minutes to a lengthy session that lasted 4 hours.
- 4.6 Complaints from the public and visiting members about how the Planning Committee operates vary from meeting to meeting depending on factors such as length of proceedings or the number of items that are determined en-bloc. Public who sit for several hours waiting for the item they are interested in become frustrated particularly if when it gets to that item there is no meaningful discussion (depending on the decision taken and whether they were for or against the proposal). The public can also become frustrated at turning up and finding that the item they are interested in goes through en-bloc with no discussion. (what was the point of that?). 'Called-in' items can also generate frustration from the public particularly where the councillor who called it in then does not attend the meeting and there is subsequently no discussion or where the member speaks in favour of the recommendation in a case that would have otherwise been determined under delegated authority.
- 4.7 By the same token officers occasionally mistakenly refer an item to Planning Committee that need not have gone because a letter of representation has been mis-interpreted as a valid objection (usually in order to err on the side of caution where the nature of the representation is unclear but relates not to material considerations). This causes frustration for the applicant and members of the Committee.
- 4.8 A number of years ago the Planning Committee agreed to vary the extent of delegated authority given to officers in an attempt to meet the then best value performance indicator target for the level of delegated decision making (BV188) which stood at 90%. The Council at that time regularly only achieved mid 70's to low 80's. The Governments general view of low levels of delegation was that it was an indicator of an inefficient and cumbersome regime for determining planning applications.
- 4.9 In response members agreed that delegated authority to approve householder applications even where there had been objections be given to officers. (these accounted for some 64% of all applications at that time). This was a 'sensitive' change with many

members at the time because it was the first time that delegation included the ability to approve where there had been objections. The new regime operated for a pilot period and the 'call-in' mechanism was introduced as a failsafe that protected the public's right to have an application considered in public subject to a councillors request. This put local councillors back at the heart of local planning matters. The pilot worked very successfully – Committee agendas reduced in size and planning performance (then BV109 now NI157) improved as more decisions were made within the prescribed 8 week period. This helped lift the Council out of being on a planning standard for poor performance. Subsequently Members agreed the permanent adoption of the extended delegated authority regime.

**Figure 1: Planning Committee analysis. 01 July 2009 – 30 June 2010**

<b>Committee date</b>	<b>Planning applications</b>	<b>Enforcement reports</b>	<b>Other reports</b>	<b>Length of meeting (mins)</b>	<b>En-bloc items</b>	<b>Called in items</b>	<b>Deferred items</b>
17 June 2010	7	1	0	105	2	-	1
3 June 2010	8	0	2	222	2	-	2
20 May 2010	4	0	0	38	0	1	-
29 April 2010	11	0	0	150	0	-	1
15 April 2010	9	0	0	94	0	-	-
1 April 2010	7	1	0	240	1	-	-
18 March 2010	5	2	0	54	2	1	-
4 March 2010	6	1	1	120	2	1	-
18 February 2010	7	0	0	48	0	1	-
4 February 2010	10	1	0	136	1	2	-
21 January 2010	3	0	0	3	0	-	-
7 January 2010	7	0	0	120	0	-	-
17 December 2009	8	3	0	126	3	-	-
3 December 2009	8	0	1	100	1	-	2
19 November 2009	5	0	1	11	1	-	1
5 November 2009	13	1	0	118	1	-	-
15 October 2009	7	0	1	95	1	1	-
1 October 2009	6	0	0	n/a	0	-	-
17 September 2009	8	0	0	169	0	-	-
3 September 2009	11	1	0	180	2	-	1
20 August 2009	8	0	0	99	0	-	-
6 August 2009	10	2	0	96	2	-	-
23 July 2009	9	1	2	188	3	-	1
9 July 2009	5	1	1	165	2	1	1
Total	182	15	9	2677	26	8	10
<b>Average</b>	<b>7.6</b>	<b>0.6</b>	<b>0.4</b>	<b>116 1 hr 56mins</b>	<b>1.0</b>	<b>0.3</b>	<b>0.4</b>

4.10 Current levels of delegated decision making stand at 88.7%. (01-04-10 to 30-09-10)



## **5.0 The suggested adjustments to the Scheme of Delegation**

5.1 In order to improve the quality of Planning Committee meetings further it is suggested that further adjustments to ensure that the bulk of items that come to Committee are

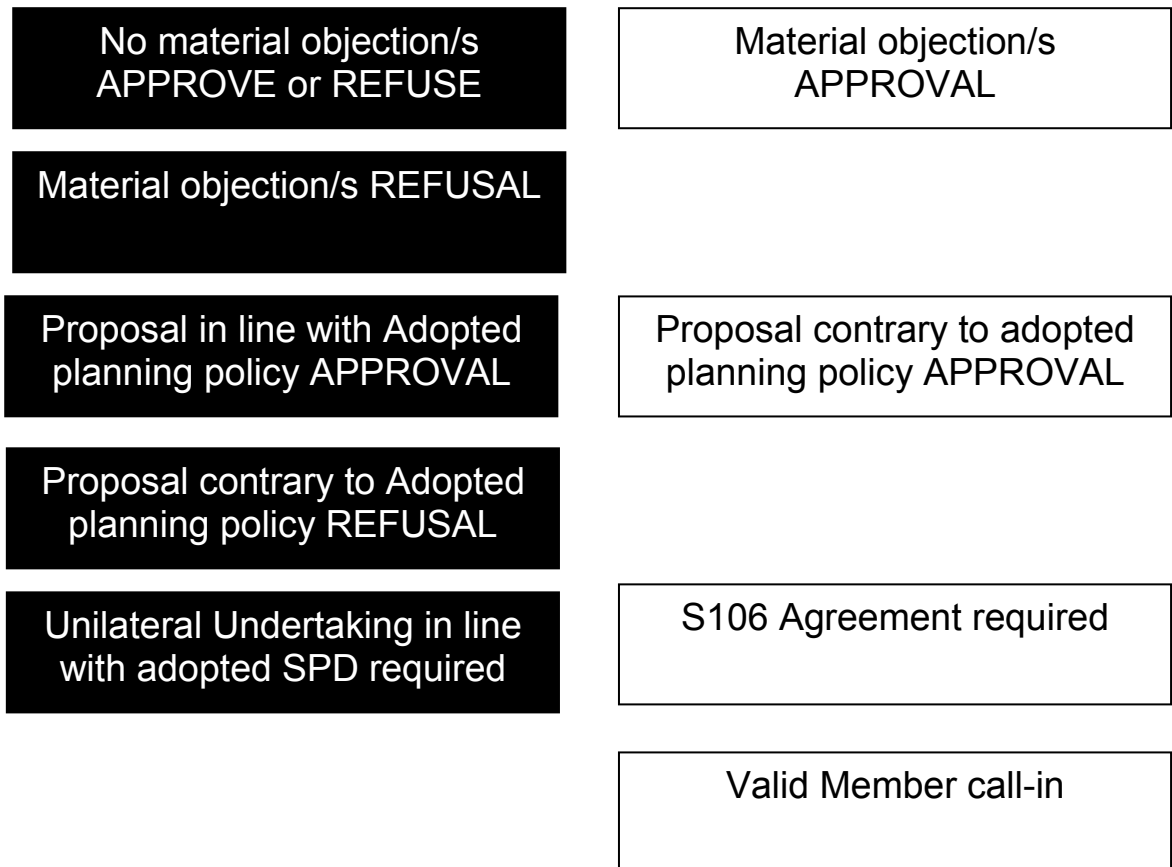
ones where Members believe there have been important planning issues raised that need to be properly explored through public debate.

- 5.2 It is not suggested that any adjustments are made to the Scheme of Delegation in respect of 'Major' planning applications and 'Reserved Matters' applications.
- 5.3 The principal adjustment being proposed is the extension of the Scheme of Delegation to include 'Minor' and 'Other' applications where there have been objections as a logical extension of the delegated powers previously given in respect of Householder applications. **It is important to note that no change to the 'Call-In' procedure is being proposed.**
- 5.4 The suggested adjustments are summarised in figures 2, 3, 4 & 5 as follows:-

**DIAGRAMMATIC DESCRIPTION of  
CURRENT and PROPOSED SCHEME of DELEGATION**  
(in respect of the three main categories of application)

Legend  Denotes delegated  Denotes NOT delegated

**Fig 2. Majors:Current**  
**NOTE: NO change proposed**



**Fig 3: Reserved Matters:Current**  
**NOTE: NO change proposed**

Any reserved matter in all circumstances except where there has been a valid member call-in

Valid Member call-in

**Fig 4: MINORS: current**

No material objection/s  
APPROVE or REFUSE

Material objection/s  
APPROVAL

Material objection/s REFUSAL

Proposal in line with Adopted planning policy APPROVAL

Proposal contrary to adopted planning policy APPROVAL

Proposal contrary to adopted planning policy REFUSAL

Unilateral Undertaking in line with adopted SPD required

S106 Agreement required

**Fig 4a: MINORS: proposed**

No material objection/s  
APPROVE or REFUSE

Material objection/s  
APPROVAL

Material objection/s REFUSAL

Proposal in line with Adopted planning policy APPROVAL

Proposal contrary to adopted planning policy APPROVAL

Proposal contrary to adopted planning policy REFUSAL

Unilateral Undertaking in line with adopted SPD required

S106 Agreement required

**Fig 5: OTHERS\*:  
current**

No material objection/s  
APPROVE or REFUSE

Material objection/s REFUSAL

Proposal in line with Adopted  
planning policy APPROVAL

Proposal contrary to adopted  
planning policy REFUSAL

Unilateral Undertaking in line  
with adopted SPD required

\* excludes householder applications and adverts where there is currently full delegation in all circumstance except where there has been a valid member call-in

Material objection/s  
APPROVAL

Proposal contrary to adopted  
planning policy APPROVAL

S106 Agreement required

Member call-in

**Fig 5a OTHERS\*\*:  
proposed**

No material objection/s  
APPROVE or REFUSE

Material objection/s REFUSAL

Proposal in line with Adopted  
planning policy APPROVAL

Proposal contrary to adopted  
planning policy REFUSAL

Unilateral Undertaking in line  
with adopted SPD required

\*\* excludes householder applications and adverts where no change is proposed from the current full delegation in all circumstance except where there has been a valid member call-in

Material objection/s  
APPROVAL

Proposal contrary to adopted  
planning policy APPROVAL

S106 Agreement required

Member call-in



## Fig 6: Enforcement

### **CURRENTLY DELEGATED**

Authority to serve an enforcement notice, stop notice or breach of condition notice under the Town and Country Planning Act 1990 (Part VII), where the land has been in use as a car boot sale or market for more than fourteen days in any one calendar year and to arrange for the institution of proceedings where the requirements of such Notices are not complied with within statutory time limits.

### **PROPOSED for DELEGATION**

Authority to serve an enforcement notice, stop notice or breach of condition notice under the Town and Country Planning Act 1990

## **6.0 Impacts**

- 6.1 Committee agendas will get significantly shorter subject to the extent of call-ins being made. The number of 'call-ins' may initially increase as they did when delegated powers in respect of householder applications were extended, until everyone became comfortable with the working of the new regime.
- 6.2 Subject to the above happening Members may subsequently wish to review the frequency of Planning Committee meetings (these currently being held fortnightly).
- 6.3 Planning officers will be required to produce fewer full reports thereby gaining capacity to meet higher performance targets – It should be noted that officers' file notes and delegated decision reports are already publicly viewable on the Council's Planning On-line facility.
- 6.4 The administrative cost of servicing Planning Committee will reduce (shorter meetings and thinner agendas save staff and printing costs). It is difficult to assess the level of savings achievable but clearly if the Committee cycle was ultimately adjusted say from its current approx 26 meetings a year to 17 meetings (three-weekly cycle) it is reasonable to predict a 35% saving.
- 6.5 The call-in system would continue to protect the democratic process and will ensure that ward members remain actively involved in locally sensitive planning issues in their area.
- 6.6 The suggested change to the Scheme of Delegation will mean that contentious applications and those which are likely to have far reaching and lasting impacts (large-scale majors) are likely to be subject to even greater Member scrutiny and examination at Committee as the agendas become less congested. Shorter focussed meetings are likely to mean that concentration levels can be sustained better than at present when meetings take on a long-haul nature.

## **7. Strategic Plan References**

- 7.1 Depending on the nature of the alleged breach the draft Strategy could touch on each of the Strategic Objectives and priorities. It certainly supports the key objective to “shift resources”

## **8. Consultation**

- 8.1 None

## **9. Publicity Considerations**

- 9.1 Any change agreed would be publicised on the Council planning Web-pages

## **10. Financial Implications**

- 10.1 If agreed the suggested amendments to the Scheme of Delegation would result in financial savings which could increase significantly if subsequent amendments are made to the frequency of meetings

## **11. Equality, Diversity and Human Rights Implications**

- 11.1 The Constitution relates universally to all and these proposed changes do not alter its integrity and soundness in respect of Equality and Diversity.

## **12. Community Safety Implications**

- 12.1 The suggested changes to the Scheme of Delegation in respect of enforcement action may result in speedier taking of enforcement action in line with the newly agreed Enforcement strategy which in turn could result in improved community safety

## **13. Health and Safety Implications**

- 13.1 The taking of enforcement action can on occasion result in improved health and safety

## **14. Risk Management Implications**

- 14.1 The ‘call-in’ system will ensure that any potential risk of the planning system as operated in Colchester becoming unduly opaque (as opposed to transparent) is avoided.

## **Background Papers**

The Constitution

## Planning Committee

Item  
**9**

21 October 2010

<b>Report of</b>	<b>Head of Environmental and Protective Services</b>	<b>Author</b>	<b>Vincent Pearce 282452</b>
<b>Title</b>	<b>Planning application determination performance monitoring, and an appeals analysis update for the period 1 April 2010 – 30 September 2010</b>		
<b>Wards affected</b>	<b>All</b>		

**This report provides:- details of the performance of the Planning Service judged against Government National Indicators and local indicators and summarises the details of 'allowed' appeals for the period 1<sup>st</sup> April 2010 – 30<sup>th</sup> September 2010**

### 1.0 Decision Required

1.1 Members to note the performance record of the Planning Committee and Planning Service.

### 2.0 Summary of performance report (Headlines)

- ◆ 'Major' application performance was below the Government target in the period. X
- ◆ 'Minor' and 'other' application performance exceeded the relevant Government targets in the same period. ✓
- ◆ The number of planning applications in 2010 is significantly up (15.5%) on those for the same period in 2009. ✓
- ◆ The delegated decision rate was just below the 90% target ✓
- ◆ Appeals record (formerly BV204) was worse than the national average X

### 3.0 Reasons for Decision

3.1 This report is presented as part of the Service's ongoing commitment to comprehensive performance management and in response to Members' desires to monitor the performance of the Planning Service as judged against key National Indicators (NI's) and important local indicators.

### 4.0 Alternative Options

4.1 Not applicable

### 5.0 Supporting Information

5.1 None

## 6.0 Performance Assessment

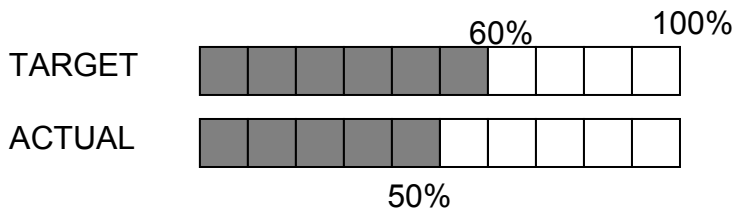
6.1 This report will review performance against the following performance indicators

- NI157 (8 and 13 week performance)
- Former BV188 (delegated decisions)
- Former BV204 (appeals upheld)

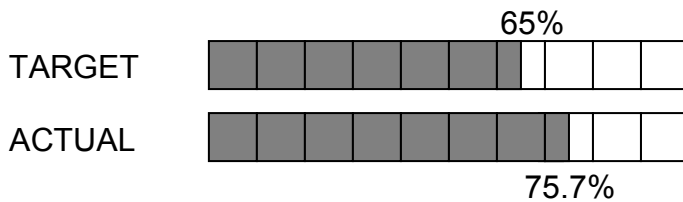
### ■ NI 157 (8 and 13 week performance)

6.2 Performance levels for the half year 1 April 2010 – 30 September 2010 were as described below:-

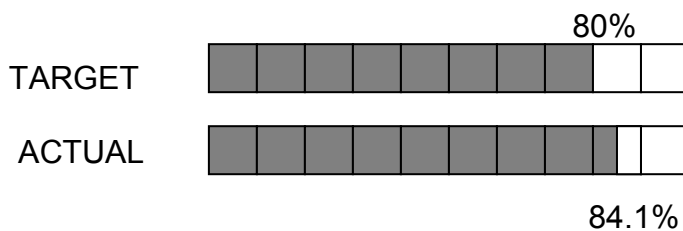
MAJOR application performance (National target against actual)



MINOR application performance



OTHER application performance



HOUSEHOLDER application performance



**FIGURE 1: NI 157 by type (1 April 2010 – 30 September 2010)**

(note: there is no national target for householder applications (part of others) but this is a useful indicator as to how quickly the majority of users get a decision, as householder applications form the largest proportion of all applications)

- 6.3 The really good news for the period is that performance in the 'Major' category has improved significantly from the period 1 April 2010 – 30 June 2010 (when it stood at 25%) to that of 1 April 2010 – 30 September 2010 where it had climbed to 50%.
- 6.4 Members will be aware that capacity was severely reduced at the end of 2009 into 2010 when variously three of the Services five Principal Planners was off on long term sick leave. This resulted in a 60% drop in capacity and this reflected in the poor performance figures, particularly those in the 'Major' category in the early part of the year.
- 6.5 It should also be noted that a fourth Principal Planner resigned in mid-2010 and it has not been possible to find a suitably experienced replacement on a 1 year temporary contract basis.

#### ■ Delegated decision making

- 6.6 88.7% of all the decisions made during the period 1 April 2010 – 30 September 2010 were delegated.

#### ■ Upheld appeals

- 6.7 In the period under review the Council lost 7 appeals from a total of 16 determined
- 6.8 The appeal upheld rate was therefore 45% which is worse than the national average of some 36%.
- 6.9 This suggests that the Planning Inspectorate is taking a different view of what constitutes material harm than the Council and that we may be out of step with other authorities across the country in overly rigidly interpreting policies.
- 6.10 It could mean certain policies are now weak.
- 6.11 It could mean that the Council is unnecessarily refusing applications to boost its NI157 performance figures.
- 6.12 This report will now consider the summarised detail of the upheld decisions to see if a clear trend can be identified.

#### 1.

Reference: 090516

Address: **Turnpike Close, Colchester**

Proposal: Change of use to storage, bagging, grading and distribution of aggregates and associated ancillary development, plus vehicle storage

Summary of Inspector's Letter (decision dated 18<sup>th</sup> June 2010).

Inspector : Ron Boyd, BSc (Hons) MICE

- Delegated decision

### Main Issue

The Inspector identified the main issues to be:-

the effect the storage of vehicles has on

- (a) the character and appearance of the surrounding area,
- (b) the living conditions of nearby residents with particular regard to noise and disturbance from traffic movements, and
- (c) the risk of pollution to water quality from waste produced on the site. Noted that the only issue was the effect of the proposal on the character and appearance of the existing dwelling and the area.

### Considerations

The Inspector was of the view that the site is currently well screened by flora and this will be enhanced by further landscaping. The site is not visible from long views. Traffic movements are modest such as not to cause highway safety/amenity issues. No servicing occurs on site and the public do not visit for viewings consequently disturbance will be minimal. Residential properties in the vicinity do not overlook the site and therefore nuisance is unlikely. In the Inspector's opinion the fact that the appellant provides portaloos for staff/visitors means that there should not be a pollution issue that arises.

### **2.**

Reference: 091317

Address: **Roberts Farm, Fordham Road, Mount Bures**

Proposal: Retention of a temporary dwelling for a further 18 months.

Summary of Inspector's Letter (decision dated 8<sup>th</sup> July 2010).

Inspector : Richard High, BA, MA, MRTPI

- Delegated decision

### Main Issue

The Inspector identified the main issues to be:-

- 1) the principle of a further extension of the permission for a temporary dwelling;
- 2) the effect of the temporary dwelling on the character and appearance of the countryside.

### Considerations

The Inspector was of the view that as the site benefits from an extant outline planning permission for a dwelling and as there was evidence of stud activity it is reasonable to expect 24 hour on site supervision. He also took the view that as the economy was fragile the fact the work on the permanent house had not commenced was perhaps understandable. He also did not feel it was material to take account of who managed the stud and who lived on site as the justification for a residential presence was animal welfare.

The Inspector was of the opinion that as the Council had already allowed the temporary accommodation its appearance cannot be so bad as to warrant a refusal on the grounds of adverse impact on the character of the countryside. (at least for a further extension of time). He also noted that the site was reasonably screened by flora.

### 3.

Reference: 091511

Address: **Silver Birches, Old Ipswich Road, Dedham**

Proposal: single storey side extension .

Summary of Inspector's Letter (decision dated 15<sup>th</sup> April 2010).

Inspector : Ron Boyd BSc (Hons), MICE

- Delegated decision

#### Main Issue

The Inspector identified the main issue to be:-

Whether the proposed development would be in accordance with Development Plan Policies controlling development outside settlement boundaries and, if not, whether there are sufficient material considerations to justify its provision nevertheless in the countryside.

#### Considerations

The Inspector was of the view that as the site was well wooded, the existing bungalow was set back, an existing fence helps to screen the building and the extension was in proportion to the main bungalow (even though it exceeded the policy guide) the proposal would be compatible with surrounding development.

### 4.

Reference: 100069

Address: **Glencoe, 47 Coach Road, Great Horkesley**

Proposal: conversion of bungalow to chalet style dwelling

Summary of Inspector's Letter (decision dated 17<sup>th</sup> May 2010).

Inspector : K. G. Smith, BA (Hons), MRTPI

- Delegated decision

#### Main Issue

The Inspector identified the main issue to be:-

The effect on the streetscene and pattern of development in the area

#### Considerations

The Inspector was of the view that based on the site visit the proposal would not be harmful and would not look out of context as there is already a variety of building styles and forms hereabouts.

### 5.

Reference: 100327

Address: **The Ridges, Layer Breton Heath, Layer Breton**

Proposal: demolition of conservatory and replacement with extension

Summary of Inspector's Letter (decision dated 11<sup>th</sup> June 2010).

Inspector : Frances Mahoney, Dip TP, MRTPI, IHBC

- Delegated decision

### Main Issue

The Inspector identified the main issue to be:-

The effect of the proposed development on the living conditions of the neighbouring residents at Little Oaks, in respect of outlook and levels of natural daylight and sunlight.

### Considerations

The Inspector was of the view that whilst the proposed rear extension in replacing the conservatory would add to the expanse of solid side wall and the extent of the pitched roof of The Ridges, it would not unacceptably add to the overall mass and bulk of the existing bungalow sufficient to unacceptably diminish the living conditions already enjoyed by the residents of Little Oaks in respect of outlook. Based on the site visit the proposal would not be harmful and would not look out of context as there is already a variety of building styles and forms hereabouts.

In addition he noted that The Ridges lies to the south of Little Oaks and as a result some overshadowing of the rear garden of Little Oaks (particularly in winter) already occurs. The proposed extension by reason of its added height and more solid construction would add to the shadowing over and above that caused by the existing bungalow and conservatory. However, the Inspector considered this additional shadowing would be minimal and would only affect a small area of the rear garden of Little Oaks, some distance from the rear of the chalet and away from the pool area. Consequently he was of the opinion that the proposal would not unreasonably harm the living conditions of the residents of the neighbouring dwelling at Little Oaks in terms of overshadowing.

### **6.**

Reference: 100440

Address: 44 Irvine Road, Colchester

Proposal: replacement of existing flat roofed car port and porch canopy with pitched roofs

Summary of Inspector's Letter (decision dated 26<sup>th</sup> August 2010).

Inspector : Hilary Lock BA (Hons), Dip TP, MRTPI

- Delegated decision

### Main Issue

The Inspector identified the main issue to be:-

The effect of the proposed development and its design on the character and appearance of the street scene.

### Considerations

The Inspector was of the view that the existing flat roofed structures were out of character with such features elsewhere in the vicinity and that the proposed forms whilst complicated would not appear out of character.



## **7. Note: split decision (part dismissed , part upheld)**

Reference: 100950

Address: **45 Thornton Drive, Colchester**

Proposal: rear dormer roof extension & conservatory

Summary of Inspector's Letter (decision dated 28<sup>th</sup> September 2010).

Inspector : Stephen Job BA (Hons), Dip TP, MRTPI

- Delegated decision

### Main Issue

The Inspector identified the main issue to be:-

The effect of the proposed development on the character and appearance of the area.

### **The appeal in respect of the roof extension was dismissed)**

### Considerations

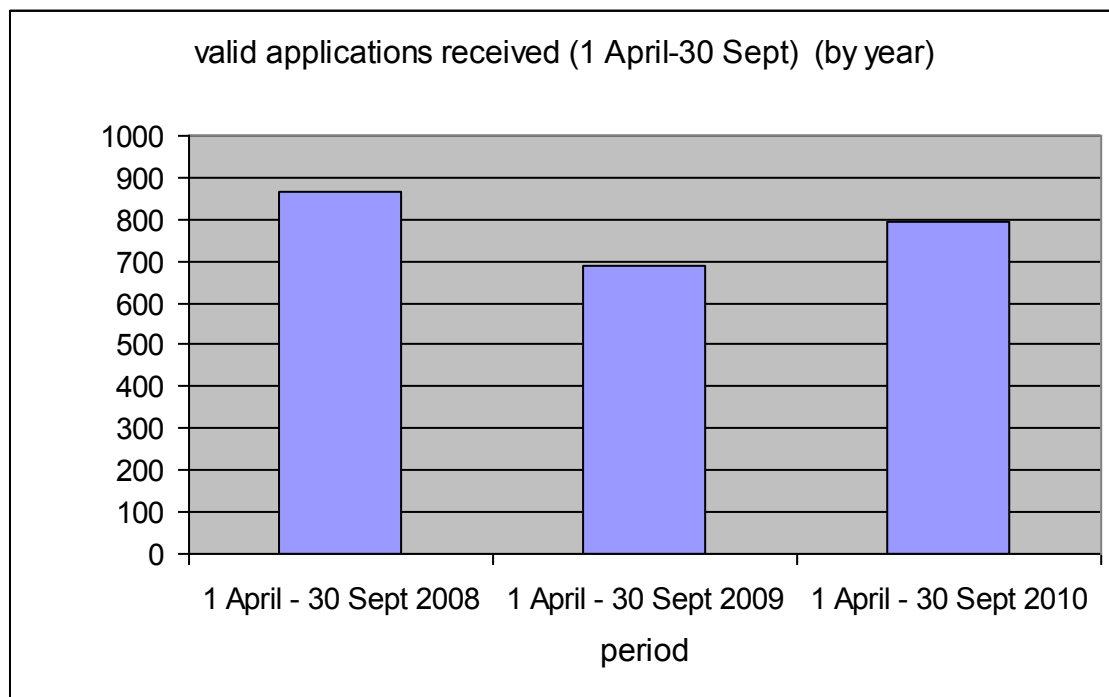
As the Council had not raised objection to the conservatory the Inspector allowed that element.

Costs claim made by appellant. Decision awaited.

- 6.13 looking at these decisions there does seem to be a common theme in that the majority of the appeals involved consideration of the impact that developments would have on local character. In most of these appeals the Inspector had significant regard to existing screening that existed as this helped to shield development from view. It has always been a basic tenet of the planning system that just because a development is hidden by flora it does not make it acceptable because trees and hedges die or can be removed thereby exposing development to view.
- 6.14 It would appear from these recent decisions that Inspectors are giving weight to the nature and extent of natural screening that exists and that this can now be said to mitigate a certain degree of adverse impact. The shift in emphasis is being discussed within the Development Management team and greater weight is likely to be given to this aspect of proposals when assessing the merits of proposals.
- 6.15 It should be noted however that the decisions received do not support the notion that any development however bad can be approved if it is hidden by established flora.

### ■ **Planning applications received**

- 6.16 As can be seen from figure 2 below the number of planning applications received in the 2010 reporting period is 15.5% higher than the equivalent period in 2009 and this represents a significant increase in workload.



**FIGURE 2:** Comparative graph showing applications received (by half year)

## ■ Planning Performance Agreements (PPA's)

6.17 Since 1 April 2010 the Planning Service has entered into four Planning Performance Agreements (PPA) relating to significant 'major' proposals:-

- St Albrights, Stanway - residential redevelopment (now an application)
- Rowhedge Port, Rowhedge – mixed use redevelopment
- Part Severalls Hospital, Colchester – Child & Adolescent Unit (now an application)
- Angel Court, Town Centre – mixed use conversion (now an application)

6.18 Members will be aware that any planning application that is the subject of a PPA is then excluded from NI157 calculations which in the case of the schemes above should be beneficial as each is likely to take more than 13 weeks to determine because of their complexity. (& possible need for S106 Agreements).

## 7.0 Financial implications

7.1 None beyond the outstanding costs claim

## 8.0 Strategic Plan References

8.1 Further improving the performance of the Planning Service (Development Management) has been identified within the Service as a priority. The Planning Service contributes to all of the Councils key objectives.

## 9.0 Risk Management

9.1 There are no risk management issues to report this quarter.

**10.0 Publicity Considerations**

10.1 None

**11.0 Human Rights Implications**

11.1 None.

**12.0 Community Safety Implications**

12.1 None.

**13.0 Health and Safety Implications**

13.1 None.

Background papers.

Appeal decision notices relating to the appeals quoted in the report

21 October 2010

<b>Report of</b>	<b>Head of Environmental and Protective Services</b>	<b>Author</b>	<b>Vincent Pearce 282452</b>
<b>Title</b>	<b>Enforcement performance monitoring for the period 1 April 2010 – 30 September 2010</b>		
<b>Wards affected</b>	<b>All</b>		

**This report provides:- details of the performance of the Planning Service's Enforcement Team for the period 1<sup>st</sup> April 2010 – 30<sup>th</sup> September 2010**

## **1.0 Decision Required**

**1.1 Members to note the performance record of the Enforcement Team.**

## **2.0 Summary of performance report (Headlines)**

- ◆ **Number of complaints investigated = 253**
- ◆ **Number of Enforcement Notices served = 24**
- ◆ **Number of prosecution actions = 4**
- ◆ **Number of breaches resolved = 189**
- ◆ **Number of cases where breach is currently unresolved = 64**

## **3.0 Reasons for Decision**

**3.1** This report is presented as part of the Service's ongoing commitment to comprehensive performance management and in response to Members' desires to ensure that the new Planning Enforcement Strategy agreed 1 July 2010 is fully pursued. Members will recall that the latest Strategy marks a significant change in emphasis in that it introduces a pro-active and robust approach to the enforcement of breaches of planning control.

## **4.0 Alternative Options**

**4.1** Not applicable

## **5.0 Supporting Information**

**5.1** None

## 6.0 Performance Assessment

6.1 Members will realise that as the new Planning Enforcement Strategy was only agreed on 1 July 2010 this report straddles two different enforcement regimes:-

- **Pre- 1 July**

Characterised by its reactive nature being triggered by complaints and then followed up by extensive negotiation and conciliation

- **Post 1 July**

Characterised by its pro-active nature whereby officers identify and investigate breaches as well as responding to complaints. The new approach puts less emphasis on trying to encourage the remediation of a breach and more emphasis on taking action if a remedy is not quickly forthcoming.

6.2 As a result of this the performance figures quoted in this report are only those for the period 1 July 2010 – 30 September 2010 in order that performance is only judged against the latest more rigorous targets described in the new Planning Enforcement Strategy and are not skewed by including data from before this period.

6.3 Members will have been pleased to have noted the results of the first pro-active campaign undertaken by the Enforcement Team. The Committee had long complained of the eyesore that the unauthorised display of estate agents boards created across the borough. Some sites were covered in an invasive and what seemed permanent rash of boards mounted on a variety of devices of various heights (each fighting to 'out do' the others for prominence) that cluttered many a streetscene. Most constituted a prosecutable offence. In a number of cases these boards appeared not even to relate to properties on which they were being displayed but were suspected as being fly-posted, speculative advertising for the agencies themselves.

6.4 The Enforcement Manager ensured that Colchester estate agents were all visited and advised of the fact that offences were being committed and that all unauthorised boards should be removed forthwith if the culprits were to avoid prosecution. The board erecting companies were also approached.

6.5 The response was positive and dramatic and in a short space of time the whole borough had been cleared of unauthorised estate agents boards. The impact has been remarkable in that the appearance of the worst affected areas has been transformed.

6.6 The next wave of investigation and action related to unauthorised signage on retail premises where Members had expressed concern at the extraordinary growth in uncontrolled signs, banners and posters that had started to erode the fine character of the town centre conservation area. This campaign was not undertaken lightly as everyone involved from the Council was aware that retailers were coping with the effects of the banking crisis like the rest of the population. However one of the key attractions of Colchester as a shopping attraction is the quality and range of the shops that exist and the attractiveness of the town centre. The view was taken to nip the proliferation of unauthorised signs in the bud before the character of the Town was severely harmed and it started to look like a desperate twilight zone which it clearly isn't as recent events have shown. (eg: refurbishment of the Lion Walk Centre and the exciting arrival of H&M and Revolution).

- 6.7 We are all familiar with towns that give up trying to control signs. In the end an unbridled 'sign-race' breaks out as the more you erect the less impact they have, so they get bigger, brighter, higher, more fantastical in order to stand out. Before you know it the fine facades of buildings are obscured.
- 6.8 All the Enforcement Team have had intense refresher training in relevant areas of the law to ensure that the new Enforcement approach is applied correctly. The team are operating in a firm but fair way in line with the Council's high customer service expectations.
- 6.9 The Enforcement Team now expect the majority of complaints from the public to be made via the Council's web site where a 'smart' e-form has been created that will ensure all the appropriate information is garnered before the investigating officer arrives on site thereby making her/his involvement more efficient and effective. Complaints can still however be made via the CSC.
- 6.10 This report will now examine the progress of cases where some form of action has been instigated following a site visit and identification of a serious breach of planning control. (please see figure 1 overleaf).
- 6.11 As this style of presentation is new to the Committee it should be pointed out that each quarter a fresh update will be provided and some of the cases will drop off the list as breaches are satisfactorily resolved and new cases will appear. This way Members will get to see how every case that has triggered a Notice of whatever kind has or is being handled
- 6.12 The types of notices described will be one of the following:-

**BCN:**

Breach of Condition Notice (where a planning condition on a planning permission has not been complied with)

**PCN:** Planning Contravention Notice (to requisition information prior to serving an Enforcement Notice)

**S330 Notice:**

To requisition information in respect of a listed building prior to serving an Enforcement Notice)

**S215 Notice:**

Relates to the tidying-up of an untidy site

**Enforcement Notice:**

Requires specific remedial action to be taken within a prescribed timescale

**Injunction:**

Via the Courts to tackle immediate and serious harm where a quick response is needed in the public interest.

**Stop Notice:**

To stop unauthorised activity

**Direct Action:**

Where the Council uses its enforcement powers to carry out remedial works in default and then charges all the costs to the owner.

**Figure 1: progress report on Enforcement action (1 July 2010 – 30 September 2010).**

<u>refno</u>	<u>Type</u>	<u>notice served on</u>	<u>status</u>	<u>start date</u>	<u>expiry date</u>	<u>premises address</u>	<u>No further action</u>
2859	s330 Requisition Notice	Mr J Brown	Notice Served	01/04/2010	22/04/2010	Chapel Road, Boxted, Colchester	Work in progress
2870	Planning Contravention Notice	Mr and Mrs T Apps	Work in Progress	17/06/2010	08/07/2010	43 Peppers Lane, Boxted, Colchester, CO4 5HL	Complied with
2875	Planning Contravention Notice	Mr P Fairs	Notice Served	15/05/2010	05/06/2010	Elm Farm, Elm Lane, Marks Tey, Colchester, CO6 1HU	Complied with
2877	s330 Requisition Notice	Mr Simon F Wakefield	Notice Served	18/05/2010		Essex & Suffolk Lettings, 15-19 Headgate, Colchester, CO3 3BT	Complied with
2887	Planning Contravention Notice	Mr and Mrs Moore	Notice Served	26/05/2010	17/06/2010	The Barn, Haynes Green Road, Layer Marney, Colchester, CO5 9UF	
2907	Discontinuance Notice	J C Decaux UK Limited	Pending	10/08/2010	10/01/2011	Advertising Hoarding on Roman Wall, Middleborough, Colchester	Pending action
2910	Planning Contravention Notice	Mr Smith	Notice Served	18/06/2010	09/07/2010	Mr Smith, 2 Hope Cottages, Straight Road, Boxted, Colchester, CO4 5QW	
2911	Planning Contravention Notice	Mr Brian Edwards	Complied With	16/06/2010	08/07/2010	Mr Brian Edwards, Officers Club, St Johns Green, Colchester	Complied with
2927	Enforcement Notice					Gun Hill Garage Site, Ipswich Road, Dedham, Colchester	Pending action
2930	Enforcement Notice		Action Authorised			Pantile Farm, Peldon Road, Abberton, Colchester, CO5 7PD	Action authorised
2931	Planning Contravention Notice	Mr Steven Deane (Branch Manager)	Notice Served	28/06/2010	26/07/2010	Gun Hill Garage Site, Ipswich Road, Dedham, Colchester	Complied with
2932	Enforcement Notice		Action Authorised			Pantile Farm, Peldon Road, Abberton, Colchester, CO5 7PD	Action authorised

<u>refno</u>	<u>Type</u>	<u>notice served on</u>	<u>status</u>	<u>start date</u>	<u>expiry date</u>	<u>premises address</u>	<u>No further action</u>
2935	Breach of Condition Notice	Charles Day & Co Ltd	Notice Served	03/08/2010	03/11/2010	33 North Hill, Colchester, CO1 1QR	Complied with
2944	Enforcement Notice	Mr G Rampling	Notice Served	11/10/2010	11/04/2011	Ramplings Plant, Church Lane, East Mersea, Colchester	Expiry date 11/4/11
2945	Planning Contravention Notice	Mrs C Payne de Cramilly	Notice Served	23/07/2010	13/08/2010	The Railway Sleeper, 172 Bergholt Road, Colchester, CO4 5AJ	Complied with
2948	Enforcement Notice		Action Authorised			The Chicken Shed, Meeting Lane, East Mersea, Colchester, CO5 8TE	Action authorised
2949	Planning Contravention Notice	MR P Callaghan	Notice Served	03/08/2010		Mr P Callaghan, 1 Gate Cottage, Mersea Road, Langenhoe, Colchester, CO5 7LW	
2953	Planning Contravention Notice	Mr William Paul Venner	Notice Issued	26/08/2010	16/09/2010	Land Adjacent To, Brook House, 115 Bromley Road, Colchester, CO4 3JG	Complied with
2956	Planning Contravention Notice	N R Powell Developments Ltd	Notice Served	06/09/2010	27/09/2010	00/01/1900 Plots 8 & 9, Jubilee Meadow, Halstead Road, Eight Ash Green, Colchester	
2961	Planning Contravention Notice	The Company Secretary	Notice Served	17/09/2010	08/10/2010	Land At, The Bugle Horn, Barrack Street, Colchester, CO1 2LJ	Complied with
2963	Enforcement Notice	Trustees of E Browning Smith	Action Authorised			Elm Farm, Elm Lane, Marks Tey, Colchester, CO6 1HU	
2964	Enforcement Notice	The Company Secretary	Action Authorised			PLOT 9, Jubilee Meadow, Eight Ash Green, Colchester	
2965	Enforcement Notice	The Company Secretary	Action Authorised			6 Jubilee Meadow, Eight Ash Green, Colchester, CO6 3HQ	



6.13 This current report does not provide information of performance against agreed internal enforcement targets (as set down in the new Planning Enforcement Strategy). This is because elements within the targets work on a 3 monthly cycle and as the targets only came into play from 1 July 2010 there hasn't been long enough to build up useful data. The next quarterly report will include this information as 6 months will have passed.

6.14 Members are reminded that the targets set are as follows:-

- acknowledging all enforcement complaints within 3 working days of receipt
- making the first site to investigate the complaint within the specified period below:-

100% on a Priority One complaint (immediate to 2 working days from receipt of the complaint)

90% on a Priority Two complaint (within 5 working days of receipt of the complaint)

90% on a Priority Three (within 10 working days of receipt of the complaint)

90% on a Priority Four complaint (within 15 working days of receipt of the complaint)

resolving 80% of enforcement complaints within 3 months of receipt

notifying all parties to a complaint of the Councils decision (whether or not to enforce) within 10 working days of making the decision.

## **7.0 Financial implications**

7.1 None

## **8.0 Strategic Plan References**

8.1 Shifting resources, listening.

## **9.0 Risk Management**

9.1 There are no risk management issues to report.

## **10.0 Publicity Considerations**

10.1 None

## **11.0 Human Rights Implications**

11.1 None.

## **12.0 Community Safety Implications**

12.1 None.

## **13.0 Health and Safety Implications**

13.1 None.

## INDEX TO PLANNING APPLICATIONS CODES

<b>A</b>	Advertisements	<b>K</b>	Certificate of Lawfulness
<b>AG</b>	Agricultural Determination	<b>LB</b>	Listed Building
<b>C</b>	Change of Use	<b>M</b>	County Matter
<b>CA</b>	Conservation Area	<b>O</b>	Outline
<b>CBC</b>	Colchester Borough Council	<b>PA</b>	Prior Approval
<b>CC</b>	Essex County Council	<b>RM</b>	Reserved Matters
<b>F</b>	Full	<b>S</b>	Electricity Consultation (Overhead Lines)
<b>G</b>	Government Dept. Consultation	<b>T</b>	Renewal of Temporary Permission
<b>J</b>	Alternative Development	<b>X</b>	Demolition in Conservation Area

## INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

**Note: Any Document or Consultee not included in these lists will be specified in full.**

<b>ARC</b>	Adopted Review Colchester Borough Local Plan March 2004
<b>BOT</b>	St Botolphs Development Brief
<b>CHD</b>	Colne Harbour Urban Design Framework SPG - Nov. 2000
<b>CPS</b>	Cycle Parking Standards
<b>ERP</b>	Essex and Southend on Sea Replacement County Structure
<b>GAP</b>	Gosbecks Archaeological Park Draft Management Plan
<b>HCP</b>	High Woods Country Park Management Plan
<b>MSP</b>	Essex County Council - Minerals Subject Plan
<b>VEM</b>	East Mersea Village Appraisal - 19 February 1996
<b>VFC</b>	Village Facilities Survey 1995
<b>VFD</b>	Fordham Village Appraisal - 31 August 1994
<b>VFG</b>	Fingringhoe Village Appraisal - 1 September 1993
<b>VGT</b>	Great Tey Village Appraisal - 19 July 1993
<b>VLG</b>	Langham Village Appraisal - 6 April 1994
<b>VPL</b>	Peldon Village Appraisal - 4 June 1994
<b>VRH</b>	Rowhedge Village Appraisal - 20 November 1995
<b>VWG</b>	West Bergholt Village Appraisal - 30 August 1995
<b>WMW</b>	West Mersea Waterside Study

## INTERNAL CONSULTEES

<b>BC</b>	Building Control Manager
<b>CD</b>	Conservation & Design Manager
<b>CF</b>	Financial Services
<b>CU</b>	Head of Street and Leisure Services
<b>DO</b>	Disability Access Officer
<b>HA</b>	Highway Authority (ECC)
<b>HD</b>	Housing Development Officer
<b>HH</b>	Environmental Protection (Env. Control)
<b>MR</b>	General Manager (Museum Archaeological)
<b>PP</b>	Head of Housing & Environmental Policy
<b>SE</b>	Head of Enterprise and Communities
<b>SL</b>	Legal Services
<b>TL</b>	Trees & Landscapes Officer - Planning Services

## REPRESENTATIONS ETC

<b>CAA</b>	Correspondence with applicant/agent
<b>CBC</b>	Colchester Borough Councillor(s)
<b>LAS</b>	Other Local Amenity Society(ies) (not listed elsewhere)
<b>NLR</b>	Neighbours or Local Resident(s)
<b>OTH</b>	Other correspondence
<b>PTC</b>	Parish & Town Council(s)

## EXTERNAL CONSULTEES (2 character codes)

<b>AB</b>	Soc Protection Ancient Buildings	<b>HG</b>	English Heritage - Historic Gardens
<b>AM</b>	Ancient Monuments Society	<b>HM</b>	English Heritage (Hist. Mon. Section)(England)
<b>AR</b>	Ardleigh Reservoir Committee	<b>HO</b>	The Home Office
<b>AT</b>	Colchester Archaeological Trust	<b>HS</b>	Health & Safety Executive
<b>AV</b>	Civil Aviation Authority	<b>IR</b>	Inland Revenue (Valuation)
<b>AW</b>	Anglian Water Services Limited	<b>LF</b>	Environment Agency (Waste Regs)
<b>BA</b>	Council for British Archaeology	<b>MD</b>	Defence Estates (East)
<b>BD</b>	Braintree District Council	<b>MH</b>	NEE Mental Health Services Trust
<b>BG</b>	Transco (B Gas)	<b>MN</b>	Maldon District Council
<b>BH</b>	Babergh District Council	<b>MS</b>	Marine Safety Agency
<b>BO</b>	Blackwater Oystermans' Association	<b>NC</b>	English Nature
<b>BT</b>	British Telecom	<b>NE</b>	North Essex Health Authority
<b>BW</b>	Essex Bridleways Association	<b>NF</b>	National Farmers Union
<b>CA</b>	Cmsn for Architecture & Built Environment	<b>NI</b>	HM Nuclear Installations Inspectorate
<b>CB</b>	Churches Conservation Trust	<b>NP</b>	New Possibilities Healthcare Trust
<b>CE</b>	County Education Department (ECC)	<b>NR</b>	Environment Agency
<b>CH</b>	Country Highways (Surveyor ECC)	<b>NT</b>	The National Trust
<b>CS</b>	Colchester Civic Society	<b>PD</b>	Ports Division (DETR)
<b>CY</b>	Colchester Cycling Campaign	<b>PT</b>	Petroleum Officer (ECC Trading Standards)
<b>DS</b>	Department of Social Security	<b>RA</b>	Ramblers Association
<b>DT</b>	Route Manager - Highways Agency	<b>RD</b>	The Rural Development Commission
<b>DV</b>	Dedham Vale Society	<b>RE</b>	Council Protection Rural Essex
<b>DW</b>	Dedham Vale & Stour Valley Project	<b>RF</b>	Royal Fine Art Commission
<b>EB</b>	Essex Badger Protection Group	<b>RP</b>	Rowhedge Protection Group
<b>EE</b>	Eastern Electricity – E-On	<b>RR</b>	Roman River Valley Society
<b>EH</b>	English Heritage	<b>RS</b>	RSPB
<b>EI</b>	HM Explosive Inspectorate	<b>RT</b>	Railtrack East Anglia
<b>EN</b>	Essex Wildlife Trust	<b>RY</b>	Royal Yachting Association
<b>EP</b>	Essex Police	<b>SB</b>	Save Britain's Heritage
<b>EQ</b>	Colchester Police	<b>SD</b>	MAFF Fisheries Office/Shellfish Division
<b>ER</b>	Essex Rivers Healthcare Trust	<b>SK</b>	Suffolk County Council
<b>ET</b>	Fair Trading (ECC Trading Standards)	<b>SR</b>	The Sports Council – Eastern Region
<b>EU</b>	University of Essex	<b>ST</b>	Colne Stour Countryside Association
<b>EV</b>	Environmental Health (ECC - Env. Services)	<b>TB</b>	Tollesbury Parish Council
<b>EW</b>	Essex & Suffolk Water Company	<b>TG</b>	Tendring District Council
<b>FA</b>	Essex Police - Fire Arms Officer	<b>TI</b>	Department of Trade and Industry
<b>FB</b>	Essex Fire & Rescue Service	<b>TK</b>	Tolleshunt Knights Parish Council
<b>FC</b>	Forestry Commission	<b>TW</b>	20 <sup>th</sup> Century Society
<b>FE</b>	Feering Parish Council	<b>VI</b>	Vehicle Inspectorate (GVTS)
<b>GA</b>	Colchester Garrison HQ	<b>VS</b>	Victorian Society
<b>GE</b>	Government Office for the East of England	<b>WS</b>	The Wivenhoe Society
<b>GU</b>	HM Coast Guard	<b>WT</b>	Wivenhoe Town Football Club
<b>HB</b>	House Builders Federation	<b>WA</b>	Wormingford Airfield (Gliding Club)
<b>HE</b>	British Horse Society	<b>WW</b>	Society Protection Ancient Buildings (Wind & Watermill Section)



## **Colchester Borough Council Environmental Control**

### **Advisory Notes for the Control of Pollution during Construction & Demolition Works**

*The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.*

#### **Best Practice for Construction Sites**

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

#### **Noise Control**

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

## **Emission Control**

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

## **Best Practice for Demolition Sites**

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

### **Noise Control**

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

### **Emission Control**

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.