

Planning Committee

Town Hall, Colchester
26 April 2012 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda, which is usually published 5 working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to meetings, with the exception of Standards Committee meetings. If you wish to speak at a meeting or wish to find out more, please refer to Attending Meetings and "Have Your Say" at www.colchester.gov.uk

Private Sessions

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

Mobile phones, pagers, cameras, audio recorders

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

Access

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

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

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

Colchester Borough Council, Angel Court, High Street, Colchester
telephone (01206) 282222 or textphone 18001 followed by the full number you wish
to call

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

www.colchester.gov.uk

Material Planning Considerations

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

- planning policy such as adopted Local Development Framework documents, for example the Core Strategy, Development Plan Documents (DPDs) and the Site Allocations DPD, Government guidance, case law, previous decisions of the Council
- design, appearance and layout
- impact on visual or residential amenity including potential loss of daylight or sunlight or overshadowing, loss of privacy, noise disturbance, smell or nuisance
- impact on trees, listed buildings or a conservation area
- highway safety and traffic
- health and safety
- crime and fear of crime
- economic impact – job creation, employment market and prosperity

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

All applications are considered against a background of the Council's Equality Impact Assessment (EIA) Framework in order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination. The legal context for this framework is for the most part set out in the Equality Act 2010.

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 26 April 2012 at 6:00pm

Members

Chairman : Councillor Ray Gamble.
Deputy Chairman : Councillor Theresa Higgins.
Councillors Christopher Arnold, Peter Chillingworth,
John Elliott, Stephen Ford, Peter Higgins, Sonia Lewis,
Jackie Maclean, Jon Manning, Philip Oxford and
Laura Sykes.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee and who have undertaken the required planning skills workshop. The following members meet the criteria:-
Councillors Nick Barlow, Lyn Barton, Mary Blandon,
John Bouckley, Nigel Chapman, Barrie Cook, Nick Cope,
Annie Feltham, Bill Frame, Mike Hardy, Marcus Harrington,
Pauline Hazell, Michael Lilley, Sue Lissimore, Nigel Offen,
Ann Quarrie, Will Quince, Paul Smith, Terry Sutton,
Dennis Willetts and Julie Young.

Agenda - Part A

(open to the public including the media)

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

An Amendment Sheet is 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 - 7

To confirm as a correct record the minutes of the meetings held on 29 March 2012 and 12 April 2012.

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. 120012 St John Ambulance Site, Chapel Road, Wivenhoe (Wivenhoe Quay) **8 - 28**

Demolition of the superstructure of existing St Johns Ambulance building and erection of two storey building of mixed use C3 Residential and D1 Gallery/Studio (resubmission of 110608).
2. 120013 St John Ambulance Site, Chapel Road, Wivenhoe (Wivenhoe Quay) **29 - 35**

Demolition of the superstructure of existing St John Ambulance building and erection of two storey building of mixed use C3 Residential and D1 Gallery/Studio (resubmission of 110609).
3. 120109 Land east of Boundary Road, Colchester (Wivenhoe Cross) **36 - 48**

Erection of a new higher education research and training facility comprising 5,550 square metres of D1 floorspace including ancillary facilities with associated car parking and landscaping.
4. 120151 University of Essex, Wivenhoe Park, Colchester (Wivenhoe Cross) **49 - 61**

Construction of multi-deck car park above existing surface level car park; creation of new access to car park from Boundary Road to include taxi drop-off/pick-up area and relocation of existing compactor.
5. 100927 Land to rear of 19 and 21 Empress Avenue, West Mersea (West Mersea) **62 - 68**

Extension of time for the implementation of outline planning permission O/COL/05/1024 for proposed new bungalow with detached garage on plot 1.

6. 120158 Fieldings, School Road, Little Horkesley (Fordham and Stour) **69 - 75**

Demolition of double garage and erection of new double garage of larger plan size (same depth and height).

- 8. Air Quality Management Areas // Briefing Note 76 - 81**

See report of the Head of Environmental and Protective Services.

- 9. Performance Monitoring // 1 April 2011 to 31 March 2012 82 - 85**

See report of the Head of Environmental and Protective Services.

- 10. Members Call-in Procedure // Proposed change 86 - 89**

See report of the Head of Environmental and Protective Services.

- 11. Scheme of Delegation // Proposed change in respect of Section 106 Agreements 90 - 92**

See report of the Head of Environmental and Protective Services.

- 12. 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
29 MARCH 2012**

Present :- Councillor Ray Gamble* (Chairman)
Councillors Christopher Arnold*, Peter Chillingworth*,
John Elliott*, Stephen Ford, Peter Higgins*,
Theresa Higgins*, Sonia Lewis*, Jackie Maclean*,
Jon Manning and Laura Sykes*

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

128. Minutes

The minutes of the meeting held on 15 March 2012 were confirmed as a correct record.

Councillor Peter Chillingworth (in respect of his acquaintance with Robinson & Hall, the applicant's land and property consultants) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

129. 111529 Barratts Farm, East Lane, Dedham, CO7 6BE

The Committee considered an application for a proposed training centre for horses for recreational carriage driving and livery, with manager's accommodation. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to provide for a contribution towards Open Space, Sport and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (b) Upon receipt of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

130. 112183 Jarmin Road Industrial Units, Jarmin Road, Colchester, CO1 1XW

The Committee considered an application for the erection of fifty-seven residential units, consisting of forty-five houses and twelve flats, and the construction of a fifty-five space public car park. The Committee had before it a report in which all information was set out, see also Amendment Sheet. The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability

of the proposal for the site.

Lee Smith-Evans, Urban Designer, attended to assist the Committee in its deliberations.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He congratulated the developers in producing a better scheme than the previous one for 116 units. This scheme provided an improved design and layout, and affordable homes would be provided on site. He had two concerns, one being the retention of the greensward in Catchpole Road which was shown as broken up by a series of driveways, and the other being a blank imposing wall on a three storey block. He urged the committee to come to an agreement with the developer to retain the greensward as it was and he requested that the blank wall be broken up by the use of materials.

The planning officer stated that since the development brief for an earlier scheme had been agreed the council had adopted revised parking standards and the earlier development brief was not now in accordance with the revised standards. In terms of the solid blank wall, he considered it would be possible to negotiate with the developers to break up the appearance of the wall by using design elements elsewhere in the development.

Members of the Committee were of the opinion that this scheme was a vast improvement over the previous scheme, particularly the increase in parking provision, and the retention of the greensward strip and the trees along the Catchpole Road frontage.

The planning officer confirmed that garages would be constructed to the standard size, and the layout of the adjacent public car park was required to be agreed with this authority; therefore any provision for disabled parking could be included at that stage. In terms of visitor parking, it was noted that the provision was below the standard across the scheme, however, the site was considered to be a town centre site with a public car park adjacent. He confirmed that permitted development rights would be removed on the development and no hard landscaping would be permitted on the greensward areas in front of properties.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 legal agreement to provide for the following:-

- four affordable houses provided as three three-bedroom units and one four-bedroom unit;
- a fully functional, marked out and fully equipped public car park given over to the Council prior to occupation;
- a contribution towards facilities within Castle Park.

(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, on the Amendment Sheet and including detailing to be added on the blank wall, permitted development rights to be removed and provision for disabled parking bays to be made in the public car park area.

Councillor Christopher Arnold, Councillor Peter Chillingworth, Councillor John Elliott, Councillor Sonia Lewis and Councillor Jackie Maclean (in respect of the applicant being a member of the Conservative Group) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

131. 112297 14 Church Lane, Colchester, CO3 4AF

The Committee considered an application for a new step outside the front door of a veterinary practice, with a hand rail both sides for disabled and infirm clients. The Committee had before it a report in which all information was set out.

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

132. 100927 Land to the rear of 19 and 21 Empress Avenue, West Mersea

This application was withdrawn from consideration at this meeting by the Head of Environmental and Protective Services because of issues relating to land ownership. The application to come back to the committee at a later date.

133. 111999 57 Rectory Road, Rowhedge, CO5 7HX

The Committee considered an application for alterations to 57 Rectory Road and the erection of two four-bedroom dwellings. The Committee had before it a report in which all information was set out, see also Amendment Sheet. The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Lucy Mondon, Planning Officer, attended to assist the Committee in its deliberations.

Tom Richardson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He referred to there being no supporters of the proposal. He also referred to gardens having been re-classified as greenfield land and there was a presumption against garden grabbing. There was no need to cram in as many dwellings as possible as density targets were no longer applicable. One of the new dwellings would be one metre from his fence and would cut out all sunlight. The upstairs rooms would overlook his property and garden, making it unsafe for his children. Rectory Road was effectively a single carriageway road with no space for on-street parking and no provision for visitors cars.

John McClarty addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 on behalf of the applicant in support of the application. He commented that Colchester had a good pre-application process with which they had engaged. He referred to there being a difference in a number of plots in the area. During the application process they took note of objectors comments and had addressed their concerns by reducing the scale of the development. They had also looked to reduce the height, frontage and overlooking, the latter of which was not an issue. The scheme complied with policies in the recently adopted local plan.

Councillor Lilley attended and, with the consent of the Chairman, addressed the Committee. The main issues of concern were traffic, cramming buildings onto the site and the loss of the badger sett. The site was next to a school bus stop, the area was congested at weekends and night times, and there were no parking spaces nearby, and this proposal would add to existing problems. He presented the view that cramming the new buildings onto the site was a money making exercise and he stated that the badger sett should not be touched. The agent had quoted localism and local people did not want this development on such a small site. It was not in keeping with the surroundings and the new building next to no.55 was huge.

The planning officer explained that the development provided two parking spaces per dwelling which accords with the parking standards; one visitor parking space should also be provided but that would require more groundwork at the front of the site. In terms of impact on no.55, there were no windows overlooking and there was no overshadowing on the side of the dwelling which was not a primary amenity area.

Members of the Committee were concerned at the lack of provision of visitor parking spaces having regard to the narrowness of the road and the on-street parking situation. They also sought confirmation that the proposal complied with the Backland and Infill SPD and the distance between the new property and 55 Rectory Road. Members were of the opinion that the development filled in the street scene, both plots providing reasonable sized gardens and both would receive sunlight.

The planning officer confirmed that visitor parking spaces could be included; the proposal did comply with the requirements of the Backland and Infill SPD; gardens had been removed from the definition of brownfield land, and the new National Planning Policy Framework did not rule out development on garden land but referred back to the Local Plan. She also confirmed that plot 3 was one metre from the boundary with no.55 but would be four metres from its side wall to the side wall of no.55; she also gave the height and length of the building. The Development Manager explained that visitor spaces could be secured by condition, notwithstanding the layout of the frontage areas, and although two visitor spaces would exceed the requirements it was important for there to be one visitor space per new dwelling, albeit at the expense of the frontage landscaping.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report together with a condition to require the submission of details of two additional visitor spaces, one for each of the new dwellings at the front of the properties, and that the landscaping condition will require

the details submitted to be amended to make provision for the two additional visitor parking spaces.

134. 120012 and 120013 St John Ambulance Site, Chapel Road, Wivenhoe, CO7 9DX

These applications were withdrawn from consideration at this meeting by the Head of Environmental and Protective Services. The applications to come back to the committee at a later date.

PLANNING COMMITTEE
12 APRIL 2012

Present :- Councillor Ray Gamble (Chairman)
Councillors Peter Chillingworth, John Elliott,
Stephen Ford, Peter Higgins, Theresa Higgins,
Sonia Lewis, Jackie Maclean, Jon Manning,
Philip Oxford and Laura Sykes

Substitute Member :- Councillor Nigel Chapman
for Councillor Christopher Arnold

(The Committee did not undertake any formal site visits.)

135. 120321 Colchester Mercury Theatre, Balkerne Passage, Colchester, CO1 1PT

The Committee considered an application for a replacement roof covering and replacement windows on The Mercury Theatre. The Committee had before it a report in which all information was set out.

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

Councillor Jackie Maclean (in respect of her business association with the applicant's company) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

136. 120270 100 Coast Road, West Mersea, CO5 8NA

The Committee considered an application for the removal or variation of Condition 2 of planning approval 111470 to allow minor material changes to onsite construction details. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, see also Amendment Sheet.

137. 120352 11 Campbell Drive, Colchester, CO4 0JN

The Committee considered an application for a proposed single storey rear addition. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

RESOLVED (UNANIMOUSLY) that the application be approved with conditions and informatives as set out in the report, see also Amendment Sheet.

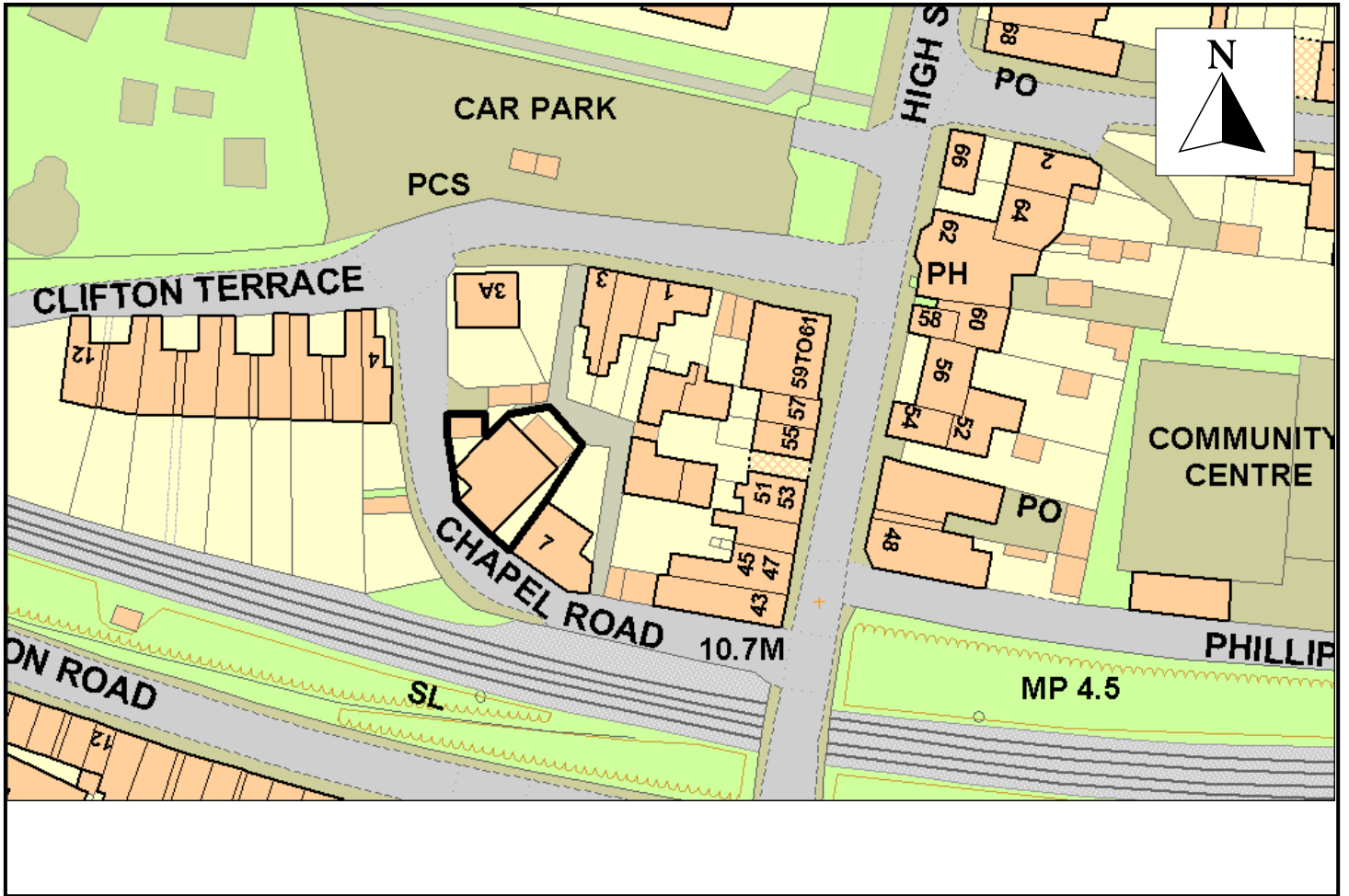
138. Proposed Variation to Section 106 Legal Agreement // Grove Road, Tiptree

The Head of Environmental and Protective Services submitted a report in respect of a variation of the terms of a Section 106 Legal Agreement attached to the planning permission for residential development on land off Grove Road, Tiptree. The Legal Agreement as written required land which had been allocated for the purpose of a cemetery and currently under the ownership of the developer of the site, to be transferred to Colchester Borough Council. The proposed variation would allow the transfer of land direct to Tiptree Parish Council, thereby avoiding the requirement for the land to be transferred twice. The Committee had before it a report in which all information was set out.

Sue Jackson, Principal Planning Officer, attended to assist the Committee in its deliberations. She confirmed that other than the variation described in the report, there were no other changes to the Section 106 Legal Agreement.

A member of the Committee referred to the Borough Council benefitting from the proposed action because it would not be liable for any on-going costs yet the Borough Council had not offered any financial assistance in respect of the fees for the transfer of the land, for which Tiptree Parish Council would be responsible. However, members of the Committee were aware that this matter was not a planning consideration.

RESOLVED (UNANIMOUSLY) that the proposed variation to the Section 106 Legal Agreement be approved for the purpose set out above.



Application No: 120012

Location: Chapel Road, Wivenhoe, Colchester CO7 9DX

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2012



Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **26 April 2012**
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: **Simon Osborn**

MINOR

Site: Chapel Road, Wivenhoe, Colchester CO7 9DX

Application No: 120012

Date Received: 19 January 2012

Agent: Mr Robert Pomery

Applicant: Mrs Pru Green

Development: Demolition of the superstructure of existing St Johns Ambulance building and erection of two storey building of mixed use C3 Residential and D1 Gallery/Studio (resubmission of 110608)

Ward: Wivenhoe Quay

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application was deferred from the meeting of 30th March 2012 by the Head of Service to allow full consideration of further information submitted after the original committee report had been prepared. The application had originally been called-in by Cllr. Stephen Ford if the recommendation was approval on the grounds of loss of a community facility, adverse impact on residential amenity, the loss of an historic building and the impact on the tree. The original report to Committee recommended approval, but recognised this to be a finely balanced application. This new report considers the additional information that has been received.

1.2 A previous application (reference 110608) was brought to Committee on 6th October 2011 and was refused in line with the Officer recommendation. A number of changes have since been made, which are outlined in paragraph 4.3.

1.3 An application for conservation area consent to demolish the existing building has also been submitted and is subject of the following committee report.

2.0 Synopsis

2.1 The application has generated a large number of representations both for and against the proposal, with a clear difference of opinion as to the value of the existing building as an architectural structure, a building of local historic significance and as a community asset, and the architectural merits and use of the proposed replacement building. Representations have also been made with regard to the impact of the proposed building on neighbouring residential amenity. The report considers the application in the light of Policy DP4 (which seeks to protect community buildings from change of use); design policies such as Policy UR2 (which do not exclude contemporary design within Conservation Areas); DP14 (which seeks to protect heritage assets); and, Policy DP1 (which seeks to protect existing residential amenity). It is concluded that there is merit to the proposed replacement building in architectural terms and its impact on the Conservation Area, and also that the proposal is compliant with DP4.

3.0 Site Description and Context

3.1 The application site is an irregular shaped parcel of land, fronting onto an unadopted road, in close juxtaposition to a number of residential properties and within the Wivenhoe Conservation Area. The property is close to the heart of the town and although within a predominantly residential area, is also near to commercial outlets along the High Street, which form part of the Rural District Centre designation.

3.2 The application site is largely occupied by a rectangular-shaped hall of utilitarian form and appearance. A small corrugated-metal garage is located within the north-west part of the site. Part of the site is overhung by a mature tree, the trunk of which is positioned immediately to the north of the application site.

4.0 Description of the Proposal

4.1 The application looks to remove the existing buildings on the site and to create a new 2-storey building of modern design and appearance, comprising a ground floor with a potter's studio, gallery, office and kiln room, with 2-bedroom residential accommodation on the first floor.

4.2 The documentation submitted with the application includes a DAS with 3D views of the proposal accompanying the text and a Heritage Statement.

4.3 A number of changes have been made to the scheme previously submitted. These include: a reduction in the depth of the first floor element of the proposal by 1 metre; the provision of a privacy screen to the first floor balcony; the provision of a Tree Survey.

5.0 Land Use Allocation

- 5.1 Conservation Area
Predominantly Residential Area

6.0 Relevant Planning History

- 6.1 WIV/10/48 – change of use of church hall to furniture store and showroom, approved 1948;
- 6.2 WIV/3/57 – change of use from furniture showroom to builders yard, approved 1957;
- 6.3 WIV/14/60 – change of use from builders workshop to St Johns Ambulance HQ and store, approved 1960;
- 6.4 WIV/26/60 – additions to provide storage, kitchen and toilet accommodation, approved 1960;
- 6.5 110608 – proposed demolition of the superstructure of the existing St John Ambulance Hall. Proposed erection of a 2-storey, flat-roofed building comprising an artist’s studio on the ground floor and two-bedroom dwelling on the first floor. This application was refused on 11th October 2011 for the following reason:

“The LDF Development Policies Document was adopted by the Council in October 2010. Policy DP4 seeks to protect community buildings from inappropriate change of use. Policy DP1 seeks to ensure all development is of a high standard, which respects and enhances the character of the site, its context and surroundings, including the landscape setting, and protects existing residential amenity.

In this respect, the existing building appears to have previously been used, in part, for community purposes and, it is considered that the application has not demonstrated to the satisfaction of the Council that the replacement building would be a genuine community facility and that it would not be economically viable to retain the existing building for community use (or could not be operated by an alternative occupier for community purposes), nor has it provided an adequate assessment to demonstrate there is an excess of such provision in the vicinity. As such the proposal cannot be supported in accordance with Policy DP4.

The proposed replacement building will furthermore result in adverse impacts on existing residential amenity, including an overbearing impact to 7 Chapel Road and overlooking to the private amenity area of 4 Clifton Terrace. The proposal as such is contrary to Policy DP1 and to adopted SPD (including the Essex Design Guide and Extending Your House).

Finally, the construction of the proposed building would result in the severe pruning of the Sycamore tree to the rear of the site and would give rise to future pressures for its continued pruning and/or removal, as the tree is only semi-mature. The proposal as such will be detrimental to visual amenity and contrary to Policy DP1.”

- 6.6 110609 – proposed demolition of the superstructure of the existing St John Ambulance Hall. This application was refused on 11th October 2011 for the following reason:

“In the absence of planning permission for a suitable replacement building, the Council cannot support the demolition of an existing Victorian building, as this would punch a hole within the existing urban fabric and have a detrimental impact upon the character and appearance of the Conservation Area. As such the proposal is contrary to Policy UR2 in the LDF Core Strategy adopted December 2008 and Policy DP14 in the LDF Development Policies Document adopted October 2010.”

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
National Planning Policy Framework published 27th March 2012.
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
Extending your House
The Essex Design Guide
External Materials in New Developments
Cycling Delivery Strategy
Wivenhoe Town Plan 2008

8.0 Consultations

8.1 ECC Highways stated:

“Whilst it is noted the parking provision on site is substandard this Authority does not feel that the proposed use of the site will alter the trips associated with the building. It is assumed that the current building could be reopened and used by the public for the function of the St John Ambulance without further recourse to the planning process. In this regard the Highway Authority would not wish to raise an objection to the proposal”.

8.2 Network Rail stated:

No objection in principle to the development however due to its close proximity to the embankment and Network Rail infrastructure Network Rail strongly advises that the developer contact Asset Protection 6 weeks prior to the commencement of development. Network Rail’s asset protection team can be contacted on AssetProtectionEastAnglia&Wessex@networkrail.co.uk.”

8.3 Environmental Control advised that on the basis of the information previously submitted regarding the extraction/ventilation system for the kilns they had no objection and simply recommended the standard Demolition and Construction informative.

8.4 Revised Planning Policy comments:

Background

Previous comments were sent on this application on 21st February and 29th March 2012. The comments were based on the information available at the time. Additional information has now been submitted and it seems an opportune time to review the position and finalise the response from Planning Policy.

There are various planning considerations involved in the proposal but this response focuses solely on the scale of community use and any implications associated with Development Policy DP4.

All parties agree that the hall was used in the past by St Johns Ambulance. As well as training purposes the hall was hired out to local groups. This demonstrates that the building has served a function as a community asset. However, the building was put on the market in 2006 and since that date community use seems to have been informal and infrequent to such an extent that the owners and their agents did not know what it was being used for and when. There is not even water to the building and the general condition is poor.

The letter from St Johns Ambulance dated 13 March 2012 sets out clearly the interest in the building since it was put on the market and to a lesser extent the use of the building since it was put on the market in 2006. There is no reason to dispute the information they provide. What this demonstrates is that the building has been marketed for a considerable period of time. There has been some interest from local organisations including Wivenhoe Town Council and Wivenhoe Film Theatre but it would appear not to have been a viable proposition for either of these organisations or indeed anyone else. Further research has been undertaken as to the importance of the hall in community life and what would be lost if the building was put to another use. The Wivenhoe Town Plan was produced in 2008 based on much local evidence and research. The section on Leisure, Social and Education states that; ‘Wivenhoe has a high level of engagement in social and cultural activities and in community groups.

New groups and clubs emerge frequently. A small sample of activities currently on offer includes:

- Sports (including cricket, football, tennis, badminton, sailing, judo and bowls)
- Music (jazz, folk, blues, singing, bellringing)
- Drama (play-reading, musicals, pantomime)
- Community organisations (the Wivenhoe Society, Ferry Trust, The Nottage Institute, May Fair, Women's Institute).
- Pubs that host live music, quiz nights.
- Churches that host musical and dramatic events, meetings, clubs.
- The nearby University of Essex has facilities open to the public including a sports centre, drama and music performances, clubs and bars and external lectures as well as its own degree programme.

Activities take place in a range of community halls. These are spread rather unevenly, being mainly located in the lower part of the town, and are generally small, the largest being William Loveless Hall, run by WTC, which has a capacity of 200.'

The suggestion here is that Wivenhoe is well provided for in terms of community activities/facilities although it is recognised that there is always room for more and a swimming pool was the highest priority, followed by a sports centre. The only mention of the St John Ambulance Hall was in the Action Plan which stated;

'Meeting to evaluate setting up a Development Trust to secure key premises in the future such as Philip Road Centre, Police Houses, St Johns Ambulance Hall. The timescale for this was Sept 2008 and a review was to be carried out in June 2009. Funding was to be sought from the Lottery Community Assets Fund.'

Earlier this year the Town Council completed this action when they purchased 2 former police houses. The council's long-term plan is to use them as community buildings. Ideas include a cafe, community hall or council offices.

Policy DP4

Much has been made as to whether Policy DP4 applies because of the scale of community use and whether the building actually is a community facility. There has been some community activity of the building albeit low level and informal and it therefore seems appropriate to apply Policy DP4, for the avoidance of doubt. The proposal is considered to satisfy the criteria of Policy DP4 as detailed below (the policy is in italics);

Policy DP4 seeks to retain existing community facilities where these positively contribute to the quality of local community life and the maintenance of sustainable communities. Any proposal that would result in the loss of a building currently or last used for the provision of facilities, services, leisure or cultural activities for the community will only be supported if there is an alternative facility within 800m or it has been proven that it would not be viable to retain the building for economic use.

The extensive marketing that has been undertaken and the description of the building condition suggest that it is not economically viable to retain the building in community use. It is also within 800m of the William Loveless Hall which provides various community uses. The most recent uses by the Wivenhoe Gilbert and Sullivan Society and In Accord do not seem to be dependent on the building being there. The Society actually practice in the Congregational Church and perform in the William Loveless Hall and no details are available of In Accord who have been using the building without the permission of the owners. The building therefore has made little contribution to the quality of community life in Wivenhoe since at least 2006.

If this requirement is satisfied *it still needs to be demonstrated that the community facility could not be operated by anyone else and that it has been marketed to the satisfaction of the Council. Finally it needs to demonstrated that there is an excess of provision or that the building is not required for any other community facility.*

The marketing has been undertaken to the satisfaction of the Council which demonstrates that the building could not be operated by anyone else unless substantial refurbishment work was undertaken. The local community have been aware of the intention to dispose of the facility and it is unfortunate that in the 5 or 6 years of marketing no one found this to be a viable proposition until the Wivenhoe Community Trust submitted an offer in January this year. The Wivenhoe Town Plan demonstrates that the town is well served in terms of leisure, social and community activities. Although it acknowledges there is always scope for more this need can be met by the recently acquired former police houses. The facilities most in demand by residents are a swimming pool and sports centre neither of which could be provided for in the St John Ambulance Hall.

On the basis of the information above, Planning Policy are satisfied that the officers' previous recommendation of approval is the correct one.

8.5 The Design and Heritage Unit recommended approval of the application and made the following comments:

"The proposed design is a minor amendment to Planning application 110608 to which I gave recommendation for approval, subject to additional information on boundary treatment to the front of the property. I am satisfied with the 1m high fence in western red cedar to match elevations. I have no further comments on the design amendments."

The comments on the earlier application were:

"The building is situated in the Conservation Area of Wivenhoe, with a number of listed buildings and buildings of townscape value in the immediate vicinity. The building itself was a timber framed late 19th Century parish hall, but its original appearance has now much changed, to the detriment of its appearance and the overall appearance of the sensitive conservation area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality.

The proposal is for a modest scale contemporary building of simple, but bespoke design. The design form utilises the existing footprint and relates well to the constrained site. The setback of the studio area and entrance from the street provides a better relation to the public realm than the existing situation.

The proposed use for potter's studio and gallery open to members of the public, as well as a living space provides richness and interest and will be a positive asset to the image of Wivenhoe as an 'artist's colony'.

There are some distant views to the site from across the rail line, currently largely obscured by vegetation on the sloping rail sidings. The proposed building addresses these views well, with an active and interesting frontage. An active frontage follows the curve in Chapel Road, providing an improved townscape and interesting short views.

The Council is not against contemporary methods and materials and encourages high quality, creative design and showcases of (sic) innovative sustainable construction methods – this is well formulated in the Core Strategy, Policy UR2. The Council is equally committed to enhancing the historic built character with well built, distinctive developments that are both innovative and sympathetic to local character.

The contemporary architectural approach, although in contrast to the traditional forms in the Conservation area, is refreshingly different and contemporary, while the massing, scale and proportion achieves a domestic feel sympathetic to the surrounding area.

The building demonstrates good proportions and balanced openings, and provides visual interest from all sides. The use of two contrasting materials is successful, reflecting the contemporary form of the building, while attention to detail will provide aesthetic quality. The palette adds to the variety of forms and finishes already present in the conservation area.

The building is of its time, it is considered that it will improve what has become an unsightly corner and will enhance the character of Wivenhoe as a whole.

It is unclear from the plan where the 1.8m high fence (shown on SW elevation drawing) would be positioned – this is acceptable as a rear boundary treatment, but not at the frontage to Chapel Road. All boundary treatment should be indicated on the plans”.

8.6 The Tree Officer’s comments are as follows:-

“In general I am not in agreement with the proposal as it will ultimately require the large Sycamore to be reduced on an annual basis. This is likely to result in ongoing issues between neighbours should the property ever be sold on by the current owners. However, the comments by the applicant are entirely accurate in that subject to a Conservation Area Notice being submitted they would be able to reduce this tree back to the property boundary as this tree is not one that would merit protection by a tree preservation order.

In conclusion whilst it is my opinion that the proposal being given permission may result in dispute between neighbours in the long run this should not be used as a reason to refuse the planning permission given the status under the CA/TPO legislation and common law principles.”

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

9.0 Town Council Response

9.1 Wivenhoe Town Council have stated that:-

“Wivenhoe Town Council has not changed with regard to this application. The Town Council would support the design scheme in a different location. However, with reference to DP4, *that seeks to protect community buildings from inappropriate use*, the demolition of this building will result in a loss of a community building. In the applicants ‘Planning Statement’ section 4.32 there is a claim that the site has been abandoned. Wivenhoe Town Council does not believe this to be the case, and knows of at least two community groups that use the hall on a regular basis. The current poor state of the internal facilities and out of date electrics are the reason for low usage. However, there is evidence that a community group, with funding, can address these issues if they have an opportunity to buy the property.

The demand for public use of such a facility has been researched and proven. Our community has only one other openly community building in the WLH, which is much bigger but with poor acoustics and is often unavailable for hire because it is already booked.

In the Planning Statement provided by the applicant it states: 'The marketing attracted few potential purchasers, the majority of which enquired with the aim of demolishing the building and replacing it with a dwelling.' For information Wivenhoe Town Council and Wivenhoe Cinema Group made formal offers and both had surveys done with a view to restoring it for community use. Wivenhoe Town Council's offer was refused.

The suggestion that the Gallery would replace this community use was inapplicable because unless the gallery had commercial classification it would only be able to open for a limited number of days a year, and then with a reduced area, and only for a specific interest group.

This building was built and used before class classification was implemented, however having been used in the capacity of D2 our understanding is that a change of use to D1 is necessary. It is the belief of Wivenhoe Town Council that this is unworkable on this site particularly with the consideration of future occupants. For example a day nursery would need a facility for safe and concentrated drop offs for a number of small children where no immediate parking is available on an unmade up road. The ground floor of the proposal is more close to a B1 or B2 classification, which has not been applied for.

Wivenhoe Town Council also have grave concerns with regard to noise and toxic omission, due to the nature of the proposal.

Regarding overshadowing and overlooking issues, Wivenhoe Town Council would like clarification from Colchester Borough Council that they are satisfied these issues have been fully addressed.

With regard to the tree survey we understand that the tree will need constant pruning and reshaping by the neighbour on whose land it is situated on."

9.2 Further comments received on 21st March 2012 state:

"Wivenhoe Town Council is aware of intense competition in the town for community hall facilities. The general demand for these facilities often results in disappointment and frustration for a proportion of the many clubs, societies and community groups based in the town. The Council is therefore very concerned over the prospect of losing any one of these facilities and supports the continuation and enhancement of all community assets, especially in the case of the St John Ambulance Hall."

10.0 Representations

10.1 80 representations objecting to the proposal were received and 25 representations in support of the proposal. A letter from the local MP, Bernard Jenkin, enclosed 34 comments of objection, and asked that the Committee take their comments into account in their consideration of the application.

10.2 The following issues were raised by the objectors:

1. Loss of a community asset. There is a desperate shortage of community buildings in Wivenhoe. The building is structurally sound. There are funds available to bring it back into appropriate and viable community use.
2. The Hall is a simple nineteenth-century building which makes a contribution to the character and appearance of the Conservation Area. The building has religious and social significance in Wivenhoe's history and is on the draft Local List.
3. Insufficient garden space and parking in accordance with the Council's standards for the occupants of the proposed building.

4. Overbearing impact on adjacent properties (particularly Clifton House and 2 Clifton Terrace). Loss of sunlight and ambient daylight to house and gardens of neighbours. Increased height of building compared with existing.
5. Overlooking of Clifton Terrace properties.
6. 2 kilns in close proximity to neighbouring residential properties likely to result in noxious fumes.
7. Flat roof design and general appearance out of keeping with sloping roof designs of new and old surrounding buildings.
8. Use of dark zinc cladding on the side out of keeping and oppressive
9. Mature sycamore will suffer damage.
10. Overhanging upper storey could be dangerous to high-sided vehicles.

10.3 The following points were made by supporters of the proposal:

- A. The existing building has no merit and is gradually falling into greater dereliction.
- B. The proposed building is of good modern design and will be a refreshing change to the street scene.
- C. The proposed use will cause less noise and disturbance than an alternative community facility.
- D. The building is not viable as a community facility. The building has been on the market since 2007 and only the Wivenhoe Cinema Project has taken a serious interest until this application. The cinema project would have required a virtual rebuild at an unacceptably high cost.
- E. The applicant is an artist of international stature and the proposal will enhance Wivenhoe's reputation.

11.0 Parking Provision

11.1 The proposal makes provision for 1 car parking space. This is below the standard recommended by the adopted Parking Standards SPD (spaces for a 2-bedroom dwelling and 1 space per 30 square metres for a Class B1 commercial proposal). However, the existing site makes no provision for off-street parking.

12.0 Open Space Provisions

12.1 The proposal does not generate a requirement to provide on-site public open space. However, a Unilateral Undertaking has been submitted to provide a contribution towards public open space, sports and recreation facilities (and community facilities) in accordance with the Council's adopted standards. There is also a requirement for private amenity space – this is discussed within the main body of the report.

13.0 Air Quality

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

14.0 Report

Additional Information Received

- 14.1 After the previous report to Committee had been prepared, a letter was received from Solicitors on behalf of the Wivenhoe Community Trust (WCT) with regard to the degree of community use of the hall and stating the WCT has made an unconditional cash offer for the Hall at the asking price. This letter included a copy of a letter from the SJA National HQ, and from the Chair to the Wivenhoe Gilbert and Sullivan Society (WGSS).
- 14.2 The letter from SJA HQ indicates that the property has been on the market since April 2006. It details 3 offers from community groups before 2011, but none had the cash to proceed. A firm offer was received from Pru Green in April 2011, on a subject to planning basis terms were agreed and a conditional contract entered into. An offer dated 19th January 2012 was received from the WCT. The SJA state they “have a moral as well as legal obligation to give the current purchaser a full opportunity to obtain planning consent for the proposed redevelopment of the property. If and when it becomes clear that planning consent will not be granted, we will be in a position to take this offer forward.” The correspondence also indicates that in the years prior to closure, the hall was available to and used by community groups when not required for its primary role as an SJA training centre and base for the local group. In the years after closure, the SJA has not exercised strict control over access arrangements and cannot conclusively determine the exact level of usage. The position is summarised as follows:
- Informal agreement to allow the Gilbert and Sullivan Society to continue to store and paint their scenery for their productions at the property – this was a longstanding arrangement which was agreed could continue until the future of the hall was determined. No payment was requested
 - They are told the hall has been in weekly use by a singing group called In Accord. No permission has been given for this use nor payment received to reflect usage
 - Their agent received a phoned request to fix a roof leak, which was causing damage to the scenery. This was agreed informally.
- 14.3 The letter from the WGSS states the society has put on a performance in Wivenhoe every year for the past 32 years. Between 1993 and 2006, the SJA Hall was hired for the purpose of designing, some construction and painting the scenery for their shows. A key was provided and a total of £998 paid in fees for hall use. Since 2006, the WGSS has continued to use the hall for scenery construction and painting – this process takes 4 to 5 months each year from October through to February and involves a number of people. The In Accord singing group has used the hall from 2001 to present day for their weekly rehearsals. The WGSS paid out £207 for the roof repair works.
- 14.4 This new correspondence was put before the Council Solicitor and Planning Policy. The former is of the view that the D1 community use has not been abandoned. The latter is of the view that Policy DP4 does now need to be taken into account and that the proposal is compliant with this policy.

Principle of Redevelopment for Non-Community Use

- 14.5 The new National Planning Policy Framework was published on 27th March 2012. This reaffirms the statutory status of the development plan as the starting point for making decisions (paragraph 12). It encourages making it easier for jobs to be created in towns and villages (paragraph 9). However, it also states that planning policies should guard against the unnecessary loss of valued facilities and services particularly where this would reduce the community's ability to meet its day to day needs (paragraph 70).
- 14.6 Policy DP4 supports the retention and enhancement of existing community facilities, where these positively contribute to the quality of local community life. Any proposal that would result in the loss of such a facility will only be supported if the Council is satisfied that (i) an alternative community facility to meet local needs is to be provided; or (ii) it has been proven that it would not be economically viable to retain the site/building for community use, and (iii) the community facility could not be provided by an alternative occupier and it has been marketed to the satisfaction of the LPA to confirm there is no interest or the building is genuinely redundant; and (iv) a satisfactory assessment has taken place that proves there is an excess of such provision and the building is not needed for any other community facility or use.
- 14.7 From the representations received, it would appear that the building was originally constructed in 1871 as a Wesleyan Chapel and sold around 1901 to St Mary's Church as a church hall. During WWII, it was used as an overspill school for evacuees. In 1948 its use changed to a furniture/antique showroom, until 1958 when it was sold to a Wivenhoe builder. From around 1960 the building was used by St John Ambulance (SJA) as a Training Centre. It has also been suggested that during this period it was used for safety training for Sailing Club cadets and various local activities, including occasional weddings and family occasions, and the Gilbert and Sullivan Society for designing and painting their scenery and rehearsals in connection with their annual production. The use of the building after it was put onto the market in 2006 was set out in paragraphs 14.2 and 14.3.
- 14.8 The building is in private rather than public ownership. Nonetheless, DP4 makes clear that community buildings extend well beyond public owned community buildings and a D1 use would normally be considered as a community building for the purposes of this policy. The SJA hall appears to have functioned as a D1 use before it was put on the market and it is the planning officer's view that the previous use by the SJA has not been abandoned. There is an extant planning permission for the use, the building remains, and there is compelling evidence that the building has been used at least on an informal basis for community purposes after it was put on the market.
- 14.9 The Agent has accepted it is fair to perhaps consider the St John Ambulance use of the hall as a D1 use, as it used the hall for training its members, but seeks to argue the former use of the building has been abandoned and that the existing building does not contribute to the quality of local community life. It is further stated that an alternative community use is to be provided. In this respect, there will be a small public gallery on the site and a studio where pottery skills can be undertaken, but these form only a small part of the overall use of the site and it has to be questioned if the "community use" is the main use of the site or simply an ancillary one. The potential community benefit from this proposal certainly appears more limited than the use of the building as it has been used in the past (subject to any necessary refurbishment to make it fit for purpose).

- 14.10 Notwithstanding the additional information submitted, the revised comments of the Planning Policy Team (see paragraph 8.4 of this report) are unambiguous that Policy DP4 has been complied with. The most pertinent comments from paragraph 8.4 are reproduced below:

“Policy DP4 seeks to retain existing community facilities where these positively contribute to the quality of local community life and the maintenance of sustainable communities. Any proposal that would result in the loss of a building currently or last used for the provision of facilities, services, leisure or cultural activities for the community will only be supported if there is an alternative facility within 800m or it has been proven that it would not be viable to retain the building for economic use.

The extensive marketing that has been undertaken and the description of the building condition suggest that it is not economically viable to retain the building in community use. It is also within 800m of the William Loveless Hall which provides various community uses. The most recent uses by the Wivenhoe Gilbert and Sullivan Society and In Accord do not seem to be dependent on the building being there. The Society actually practice in the Congregational Church and perform in the William Loveless Hall and no details are available of In Accord who have been using the building without the permission of the owners. The building therefore has made little contribution to the quality of community life in Wivenhoe since at least 2006.

If this requirement is satisfied it still needs to be demonstrated that the community facility could not be operated by anyone else and that it has been marketed to the satisfaction of the Council. Finally it needs to demonstrated that there is an excess of provision or that the building is not required for any other community facility.

The marketing has been undertaken to the satisfaction of the Council which demonstrates that the building could not be operated by anyone else unless substantial refurbishment work was undertaken. The local community have been aware of the intention to dispose of the facility and it is unfortunate that in the 5 or 6 years of marketing no one found this to be a viable proposition until the Wivenhoe Community Trust submitted an offer in January this year. The Wivenhoe Town Plan demonstrates that the town is well served in terms of leisure, social and community activities. Although it acknowledges there is always scope for more this need can be met by the recently acquired former police houses. The facilities most in demand by residents are a swimming pool and sports centre neither of which could be provided for in the St John Ambulance Hall.”

Impact on Character of Area

- 14.11 Policy UR2 in the Core Strategy and DP14 in the Development Policies promote high quality design, particularly where it would impact on heritage assets such as Conservation Areas. There is a clear difference of opinion from the representations received as to whether or not the proposal is harmful or beneficial to the character of the surrounding area, which is in fact part of the Wivenhoe Conservation Area. The proposal will result in the loss of an existing building dating to the Victorian period (and a small dilapidated corrugated metal garage/shed). The proposed replacement structure is of modern design and differs in terms of the form of the building and the palette of materials proposed; in particular, the proposed flat roof form contrasts with the pitched roof forms of buildings within the surrounding area.

- 14.12 The Council's DHU recommends approval of the application in design terms. This response suggests the original appearance of the existing building has now much changed, to the detriment of the building and its contribution to the overall appearance of the sensitive Conservation Area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality. The contemporary architectural approach, although in contrast to the traditional forms in the Conservation Area, is refreshingly different and contemporary, while the massing, scale and proportion achieves a domestic feel sympathetic to the surrounding area. The building demonstrates good proportions and balanced openings, and provides visual interest from all sides. The use of two contrasting materials is successful, reflecting the contemporary form of the building, while attention to detail will provide aesthetic quality. The palette adds to the variety of forms and finishes already present in the Conservation Area.
- 14.13 The SJA building had been included on the draft Wivenhoe Local List on the basis of its historic value to the community. It was built in 1871 and was first used as a Wesleyan Methodist Chapel. Around 1900 the chapel came into use as a Church Hall for St Marys Church. It was sold to a Wivenhoe builder in 1958 before passing into the ownership of the St Johns Ambulance Brigade in the 1960's. Policy DP14 seeks to protect heritage assets, which normally refers to Conservation Areas and Listed Buildings. Paragraph 6.4 states the Council will prepare a Local List of buildings which are considered to be of particular historic or architectural merit; this will be used to ensure that when assessing applications for planning permission their particular character is considered. These buildings do not have a statutory basis for protection, but are generally considered to have a distinctive historical or architectural character that it is considered desirable to keep. Inclusion on the list requires that the Council fully consider the implications for the loss of the building. The LDF Committee removed the SJA building from the list (before agreeing the remainder), in order not to affect the decision of the Planning Committee with regard to this planning application.
- 14.14 The building is not on the Local List; however, the Council still has a duty to consider its loss because it is within the conservation area. It is clear that significant investment is required to improve the internal facilities offered. The DHU has stated the original building has now much changed, to the detriment of its appearance and the overall appearance of the Conservation Area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality. The Wivenhoe Conservation Area Appraisal was published in July 2008, although it has not been adopted by the Council. It includes a townscape analysis and shows Listed Buildings as well as buildings assessed to have townscape value. The SJA building is not shown on this appraisal as a building of townscape value. Paragraph 7.24.1 has a brief description on Chapel Road and in respect of this building states: "The St John Ambulance Brigade building is less positive in its current rather neglected state".
- 14.15 There is a clear difference of opinion between those that value the building particularly for its historic associations and those who consider it to have an adverse impact on the character and appearance of the Conservation Area. The response from the Council's DHU Team has supported the proposal and consider the new building will be appropriate to the character of the Conservation Area.

Impacts on Neighbouring Properties

- 14.16 The previous application was refused partly on the grounds of loss of neighbour amenity. The new proposal has made some changes to the scheme; in particular, a reduction in the depth of the first floor element by approximately 1 metre and the provision of a privacy screen to the balcony area. It is also noted that 7 Chapel Road have added a small rear extension to the back of their property. The occupants describe this as a back porch with a glass roof, so as not to deprive that side of the house of light – nonetheless for the purpose of the tests in the Council's SPD Document 'Extending Your House', this extension now counts as the rear of the house. The changes are all fairly minor but do require the application to be reconsidered.
- 14.17 Policy DP1 seeks to protect existing residential amenity and adopted SPD ('Backland and Infill Development', Essex Design Guide and 'Extending Your House') provide further guidance on the consideration of issues such as overbearing impacts, overshadowing and overlooking. 'Extending Your House' states that to prevent an extension being unacceptably overbearing it should fulfil the following criteria:
- Two storey projections should not infringe a 45 degree plan line drawn from the nearest corner of the main part of the adjoining dwelling
 - Both two storey and single storey rear projections on the boundary should not exceed three metres beyond the main rear wall of the adjoining property plus one metre for each metre of isolation from the boundary.
- Both the Essex Design Guide and 'Extending Your House' also suggest that obstruction of light and outlook from an existing window is avoided if the extension does not result in the centre of an existing window being within a combined plan and section 45 degree overshadowing zone.
- 14.18 The existing building is of similar overall height to the proposed replacement building; however, whilst the eaves level of the existing building is relatively high at 3.3m, the pitched roof form means it slopes away from the adjacent property. The proposed replacement building has sought to compensate for the 2-storey form by proposing a flat roof and setting the rear part of the first floor structure further in from the nearest neighbour boundary (at 7 Chapel Road).
- 14.19 The revised plans do show that the proposed development will not obstruct a combined plan and section 45 degree angle from the mid-point of the nearest ground floor window of 7 Chapel Road. The sectional drawing submitted by the agent to illustrate this in actual fact shows the situation conservatively as the mid-point of the glazing is further from the new building than depicted. This is an important consideration as the Essex Design Guide suggests that if this is not obstructed interior daylight and loss of outlook is not significant.
- 14.20 Nonetheless, it is still possible for a building that complies with the above rule to have an overbearing impact upon the garden/outdoor space of a neighbouring property. In this case, the tests referred to in paragraph 14.11 are not satisfied because the 2-storey element projects beyond a 45 degree line drawn from the corner of the neighbour's rear extension and because the ground floor projects 5.7m beyond the rear of the neighbour's extension and is only 0.75m from the site boundary at the rear. This is certainly an indication that the application could be refused on grounds of overbearing impact. However, the existing building also has an overbearing impact upon the adjoining residential property. Many properties in this part of Wivenhoe have

small, constrained gardens, but it has to be considered whether or not the additional bulk of the replacement building will have a significantly greater impact. In this respect it is noted that the first floor part of the building projecting beyond a 45 degree line is 1.5m deep and is set 2.77m away from the boundary and the ground floor of the existing building projects a similar distance back as that now proposed. This part of the building lies generally to the north-west of the garden of 7 Chapel Road so will not cause any significant overshadowing. It does fail the overbearing tests referred to in 'Extending Your House', but it is considered on balance this will not be significantly more overbearing than the existing building.

- 14.21 Objections have also been received to the use of zinc cladding on part of the first floor side elevation facing the garden of 7 Chapel Road, which is said to be oppressive. This element is set back about 2m from the boundary and is only a part of the elevation, but could be conditioned to an alternative material if Members were so minded.
- 14.22 The Committee report in respect of the earlier application also referred to potential amenity impact on the property at 2 Clifton Terrace. This has a rear decked amenity area to the north-east of the proposed building. The nearest point of this decked area to the existing building is 5.3m and it will be at least 6.5m from the first floor element to the proposal. It is likely that there will be some overshadowing to this decked amenity area, particularly in the afternoons around the March and September equinoxes. However, this will be for a relatively small percentage of the time over a day and in the year as a whole. It is considered that an objection on grounds of overshadowing impact to this property could not be supported.
- 14.23 Policy DP1 and the associated SPD also seek to protect the amenity of existing residential property from unreasonable overlooking. Although the proposed building generally avoids overlooking from first floor windows, the proposal includes a first floor sitting-out area above the south-west part of the ground floor. This sitting-out area forms the main amenity area for the new studio dwelling. It is positioned approx 6m from the rear garden of 4 Clifton Terrace and just above the level of the boundary wall to this property. The latest proposal indicates an upper section privacy screen is to be placed on the side of the balcony area to prevent direct overlooking to the immediate area behind the dwelling. No objection has been received from the occupants of this property.
- 14.24 Representations have also been received in respect of potential odour and waste water concerns regarding the operation of the kilns. The Environmental Control section advised they have no objection to the proposal on the basis of information previously supplied with the original application.

Amenity Provisions

- 14.25 Policy DP16 requires a minimum of 50 square metres (sqm) of private amenity space for 1 and 2-bedroom houses, or 25 sqm for flats, as a secure and useable space. The proposal includes a balcony/ first-floor sitting out area of approx 10 sqm, but little other useable amenity space. This is clearly well below the Council's adopted minimum standards. However, in mitigation, the site is very close to a large area of parkland and the proposal is within an area of Wivenhoe where many of the dwellings have very small gardens.

Highway Issues

- 14.26 The proposal makes provision for 1 car parking space. This is below the standard recommended by the adopted Parking Standards SPD (spaces for a 2-bedroom dwelling and 1 space per 30 sqm for a Class B1 commercial proposal = requirement for 4 extra spaces). However, the existing site makes no provision for off-street parking and an alternative use of the site for community purposes would also generate a requirement for off-street parking. The Highway Authority has not objected to the proposal on these grounds. The proposed use is in effect a live-work unit, and the provision of 1 space is not considered unacceptable in the circumstances.

Trees

- 14.27 The proposal is in very close proximity to a semi-mature tree, with its trunk just north of the application site and a crown spread overhangs the existing building. The Council's Tree Officer agreed it was possible to build the proposed structure if the sycamore tree is sufficiently protected. However, the tree is semi mature and is going to get much, much bigger and whilst it may be possible to carry out pruning operations every year, once this tree actually gets to a full grown size it will dwarf the building, which will then mean that the owners of the building will want the owners of the tree to remove it.
- 14.28 However, the comments by the applicant are entirely accurate in that subject to a Conservation Area Notice being submitted they would be able to reduce this tree back to the property boundary as this tree is not one that would merit protection by a tree preservation order. In conclusion the Tree Officer concludes that while granting permission may result in dispute between neighbours in the long run this should not be used as a reason to refuse the planning permission given the status under the CA/TPO legislation and common law principles.

15.0 Conclusion

- 15.1 The previous application was recommended for refusal on the basis of:
- (a) the objection from the Planning Policy Team to the potential loss of a community facility, contrary to Policy DP4;
 - (b) adverse amenity impacts, particularly an overbearing impact upon 7 Chapel Road and overlooking to 4 Clifton Terrace; and
 - (c) lack of a Tree Survey.
- 15.2 On the first of these issues, the Planning Policy Team has confirmed that in their opinion the proposal is compliant with Policy DP4. On the second issue, minor adjustments have been made to the proposal. It is accepted that the proposal does not satisfy the overbearing tests in the 'Extending Your House' SPD; however, neither does the existing building and the additional impact caused is not considered so significant as to warrant refusal. On the third issue, a Tree Survey has been submitted which demonstrates the proposal can be constructed without loss of the tree, although it will require regular pruning. The tree is not worthy of a TPO and the advice of the Arboricultural Officer is that this should not form the basis for a refusal. A further principal issue has been raised between those in the community who value the building for its historic significance and those in support of the proposal to demolish the building and provide with a modern replacement. The advice of the DHU Team in

this regard is that the existing building detracts from the appearance of the Conservation Area and the proposed new building is an acceptable replacement.

- 15.3 This is clearly a controversial application, which has raised issues regarding the potential loss of a valued community building, as well as issues regarding the impact of the proposal on the immediate neighbours. It remains a finely balanced application. Nonetheless, the specialist advice received supports the principle for the proposal. It is recognised that the proposal does not satisfy the overbearing tests in the 'Extending Your House' SPD. However, the existing building does not satisfy these tests either and it has to be considered if the additional impact caused is so significant as to warrant refusal of the application. In this regard the opinion of the planning officer is that on balance the proposed replacement building will not be significantly more overbearing than the existing building. Having regard to all the matters raised, the officer recommendation is for approval.

16.0 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 development hereby permitted shall be constructed strictly in accordance with the approved drawings, unless otherwise agreed in writing by the Local Planning Authority. The approved drawings include 163-01A (dated Oct 2011), 163-02A (dated Sep 2011), 163-03D (dated 21.12.11), 163-04A (dated December 2011), 163-05B (dated 19.9.11), 163-07B (dated December 2011), 163-08C (dated 7/10/11) and 163-30B (dated 29.10.11).

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

3 - C3.3 Samples to be Submitted

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 development preserves and enhances the character and appearance of the Conservation Area.

4 - Non-Standard Condition

The use hereby permitted is for a first floor residential flat and a ground floor potters studio and gallery only and no alternative use of either floor shall be made without the prior approval in writing of the Local Planning Authority.

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

5 - Non-Standard Condition

Prior to the first occupation of the development hereby permitted, the proposed opening and closing times of the ground floor gallery (shown on drawing 163002A) shall have been submitted to and agreed in writing by the Local Planning Authority, and the gallery shall thereafter be kept open to members of the public in accordance with the approved opening hours, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of amenity and because this forms part of the justification for the proposal put forward by the application submission.

6 - Non-Standard Condition

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

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

7 -Non-Standard Condition

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

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

8 - A7.11 No New Windows

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 windows other than those expressly authorised by this permission shall be constructed in the building hereby approved.

Reason: To protect the amenities and privacy of adjoining residents and to ensure the building has an appearance appropriate to the character of the Conservation Area.

9 - Non-Standard Condition

Prior to the commencement of the development hereby permitted full details of the proposed glazing screen (shown in principle on drawing 160-30B), including the depth of the upper privacy section shall be submitted to and agreed in writing by the Local Planning Authority. The upper privacy section should give an obscuration level equivalent to scale 4 or 5 of the Pilkington texture Glass scale of obscuration, unless otherwise agreed in writing by the Local Planning Authority. The details as approved shall be installed prior to the first occupation of the flat and thereafter retained at all times.

Reason: In the interests of residential amenity and to secure the privacy of adjoining occupiers.

10 - Non-Standard Condition

The kiln shall be operated in accordance with the Ventilation /Extraction Statement by Libra Services dated 22 September 2011, with the ventilation being discharged at first floor roof level as shown on drawing no. 163-04A, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of local amenity.

11 - Non-Standard Condition

Prior to the commencement of the development hereby permitted full details of the proposed site boundary treatment to the application site shall be submitted to and agreed in writing by the Local Planning Authority. The details as approved shall be implemented prior to the first use of the development, and shall thereafter be retained and maintained strictly in accordance with these approved details, unless otherwise agreed in writing by the Local Planning Authority.

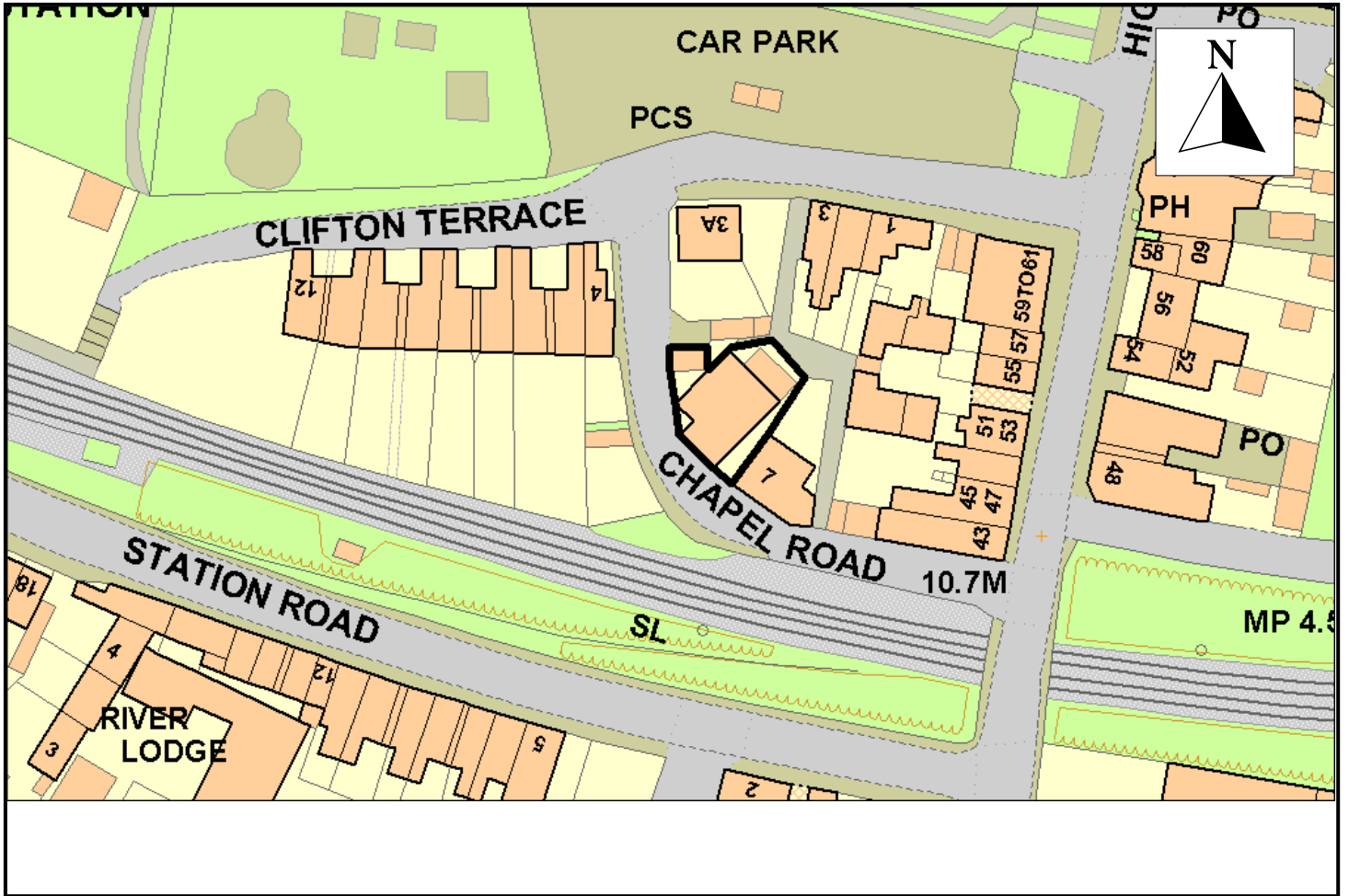
Reason: To ensure that the development preserves and enhances the character and appearance of the Conservation Area.

Informatives

(1) The developer is advised to contact Network Rails asset protection team 6 weeks prior to the commencement of development due to the close proximity of the proposal to the embankment and Network Rail infrastructure. The team can be contacted on AssetProtectionEastAnglia&Wessex@networkrail.co.uk

(2) 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 demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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



Application No: 120013

Location: Chapel Road, Wivenhoe, Colchester CO7 9DX

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2012

MINOR

Case Officer: Simon Osborn

Site: Chapel Road, Wivenhoe, Colchester CO7 9DX

Application No: 120013

Date Received: 19 January 2012

Agent: Mr Robert Pomery

Applicant: Mrs Pru Green

Development: Demolition of the superstructure of existing St Johns Ambulance building and erection of two storey building of mixed use C3 Residential and D1 Gallery/Studio (resubmission of 110609)

Ward: Wivenhoe Quay

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 This application was deferred from the meeting of 30th March 2012 by the Head of Services to allow full consideration of further information submitted after the original committee report had been prepared. The application had originally been called-in by Cllr. Stephen Ford if the recommendation was approval on the grounds of loss of a community facility, adverse impact on residential amenity, the loss of an historic building and the impact on the tree. The original report to Committee had recommended approval, but recognised this to be a finely balanced application. This additional information is considered in the first section of the main report.

2.0 Synopsis

2.1 The previous report in respect of the planning application considered the planning issues surrounding the proposed replacement building. On the basis of the proposed planning application being acceptable there is no objection to the demolition of the existing.

3.0 Site Description and Context

3.1 The application site is an irregular shaped parcel of land, fronting onto an unadopted road, in close juxtaposition to a number of residential properties and within the Wivenhoe Conservation Area. The property is close to the heart of the town and although within a predominantly residential area, is also to commercial outlets along the High Street, which form part of the Rural District Centre designation.

3.2 The application site is largely occupied by a rectangular-shaped hall of utilitarian form and appearance. A small corrugated-metal garage is located within the NW part of the site. Part of the site is overhung by a mature tree, the trunk of which is positioned immediately to the north of the application site.

4.0 Description of the Proposal

4.1 The Conservation Area consent application looks to remove the existing buildings on the site.

5.0 Land Use Allocation

5.1 Conservation Area
Predominantly Residential Area

6.0 Relevant Planning History

6.1 WIV/10/48 – change of use of church hall to furniture store and showroom, approved 1948;

6.2 WIV/3/57 – change of use from furniture showroom to builders yard, approved 1957;

6.3 WIV/14/60 – change of use from builders workshop to St Johns Ambulance HQ and store, approved 1960;

6.4 WIV/26/60 – additions to provide storage, kitchen and toilet accommodation, approved 1960;

6.5 110608 – proposed demolition of the superstructure of the existing St John Ambulance hall, and erection of a two-storey, flat-roofed building comprising an artist's studio on the ground floor and 2-bedroom dwelling on the first floor, refused.

6.6 110609– proposed demolition of the superstructure of the existing St John Ambulance Hall. This application was refused on 11th October 2011 for the following reason:

“In the absence of planning permission for a suitable replacement building, the Council cannot support the demolition of an existing Victorian building, as this would punch a hole within the existing urban fabric and have a detrimental impact upon the character and appearance of the Conservation Area. As such the proposal is contrary to Policy UR2 in the LDF Core Strategy adopted December 2008 and Policy DP14 in the LDF Development Policies Document adopted October 2010.”

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
National Planning Policy Framework

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 Network Rail stated:

“No objection against the principal of the application however due to the close proximity of the proposal it is useful to inform railway personal of development occurring adjacent to the railway therefore Network Rail would like the following informative to be inserted into the decision notice: *Prior to the commencement of any works on site, developers must contact Network Rail to inform them of their intention to commence works. This must be undertaken a minimum of 6 weeks prior to the proposed date of commencement*”.

- 8.2 The Design and Heritage Unit commented:

“The building is situated in the Conservation Area of Wivenhoe, with a number of listed buildings and buildings of townscape value in the immediate vicinity. The building itself was a timber framed late 19th Century parish hall, but its original appearance has now much changed, to the detriment of its appearance and the overall appearance of the sensitive Conservation Area. Original detailing on the gable end and main entrance, the symmetry of openings has been lost, and unsympathetic extensions visible from Chapel Road further detract from townscape quality”.

- 8.3 Environmental Control recommended the Demolition and Construction Informative.

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

9.0 Town Council Response

- 9.1 Wivenhoe Town Council stated:

“Wivenhoe Town Council has not changed with regard to this application. The Town Council would support the design scheme in a different location. However, with reference to DP4, *that seeks to protect community buildings from inappropriate use*, the demolition of this building will result in a loss of a community building. In the applicants ‘Planning Statement’ section 4.32 there is a claim that the site has been abandoned. Wivenhoe Town Council does not believe this to be the case, and knows of at least two community groups that use the hall on a regular basis. The current poor state of the internal facilities and out of date electrics are the reason for low usage. However, there is evidence that a community group, with funding, can address these issues if they have an opportunity to buy the property.

The demand for public use of such a facility has been researched and proven. Our community has only one other openly community building in the WLH, which is much bigger but with poor acoustics and is often unavailable for hire because it is already booked.

In the Planning Statement provided by the applicant it states: 'The marketing attracted few potential purchasers, the majority of which enquired with the aim of demolishing the building and replacing it with a dwelling.' For information Wivenhoe Town Council and Wivenhoe Cinema Group made formal offers and both had surveys done with a view to restoring it for community use. Wivenhoe Town Council's offer was refused.

The suggestion that the Gallery would replace this community use was inapplicable because unless the gallery had commercial classification it would only be able to open for a limited number of days a year, and then with a reduced area, and only for a specific interest group.

This building was built and used before class classification was implemented, however having been used in the capacity of D2 our understanding is that a change of use to D1 is necessary. It is the belief of Wivenhoe Town Council that this is unworkable on this site particularly with the consideration of future occupants. For example a day nursery would need a facility for safe and concentrated drop offs for a number of small children where no immediate parking is available on an unmade up road. The ground floor of the proposal is more close to a B1 or B2 classification, which has not been applied for.

Wivenhoe Town Council also have grave concerns with regard to noise and toxic omission, due to the nature of the proposal.

Regarding overshadowing and overlooking issues, Wivenhoe Town Council would like clarification from Colchester Borough Council that they are satisfied these issues have been fully addressed.

With regard to the tree survey we understand that the tree will need constant pruning and reshaping by the neighbour on whose land it is situated on."

9.2 Further comments received on 21st March 2012 state:

"Wivenhoe Town Council is aware of intense competition in the town for community hall facilities. The general demand for these facilities often results in disappointment and frustration for a proportion of the many clubs, societies and community groups based in the town. The Council is therefore very concerned over the prospect of losing any one of these facilities and supports the continuation and enhancement of all community assets, especially in the case of the St John Ambulance Hall."

10.0 Representations

10.1 Most of the representations received in respect of this proposal relate more specifically to the application for planning permission 120012 for this site. The following comments related more specifically to this application:

1. Loss of a community asset. There is a desperate shortage of community buildings in Wivenhoe. The building is structurally sound. There are funds available to bring it back into appropriate and viable community use.
2. The Hall is a simple nineteenth-century building which makes a contribution to the character and appearance of the Conservation Area. The building has religious and social significance in Wivenhoe's history. The building is on the draft Local List
3. The existing building has no merit and is gradually falling into greater dereliction.

11.0 Parking Provision

11.1 The proposal to demolish the existing buildings raises no parking issues.

12.0 Open Space Provisions

12.1 The proposal to demolish the existing buildings raises no open space provision issues.

13.0 Air Quality

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

14.0 Report

14.1 The previous report considered the impact of the loss of the existing building and its replacement with the new one proposed. This report accepted that on balance, the proposed planning application for a replacement building was acceptable. On the basis of that report being accepted, it is considered that there will be an acceptable replacement building and there is therefore no objection to the demolition of the existing building.

15.0 Conclusion

15.1 There is no objection to the demolition of the building subject to its replacement with the building subject of planning application 120013.

16.0 Recommendation – Conditional Approval

Conditions

1 - A1.6 LBs & Con Area Consents-time lim for comm 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 - Non-Standard Condition

No part of the building shall be altered by way of demolition until:

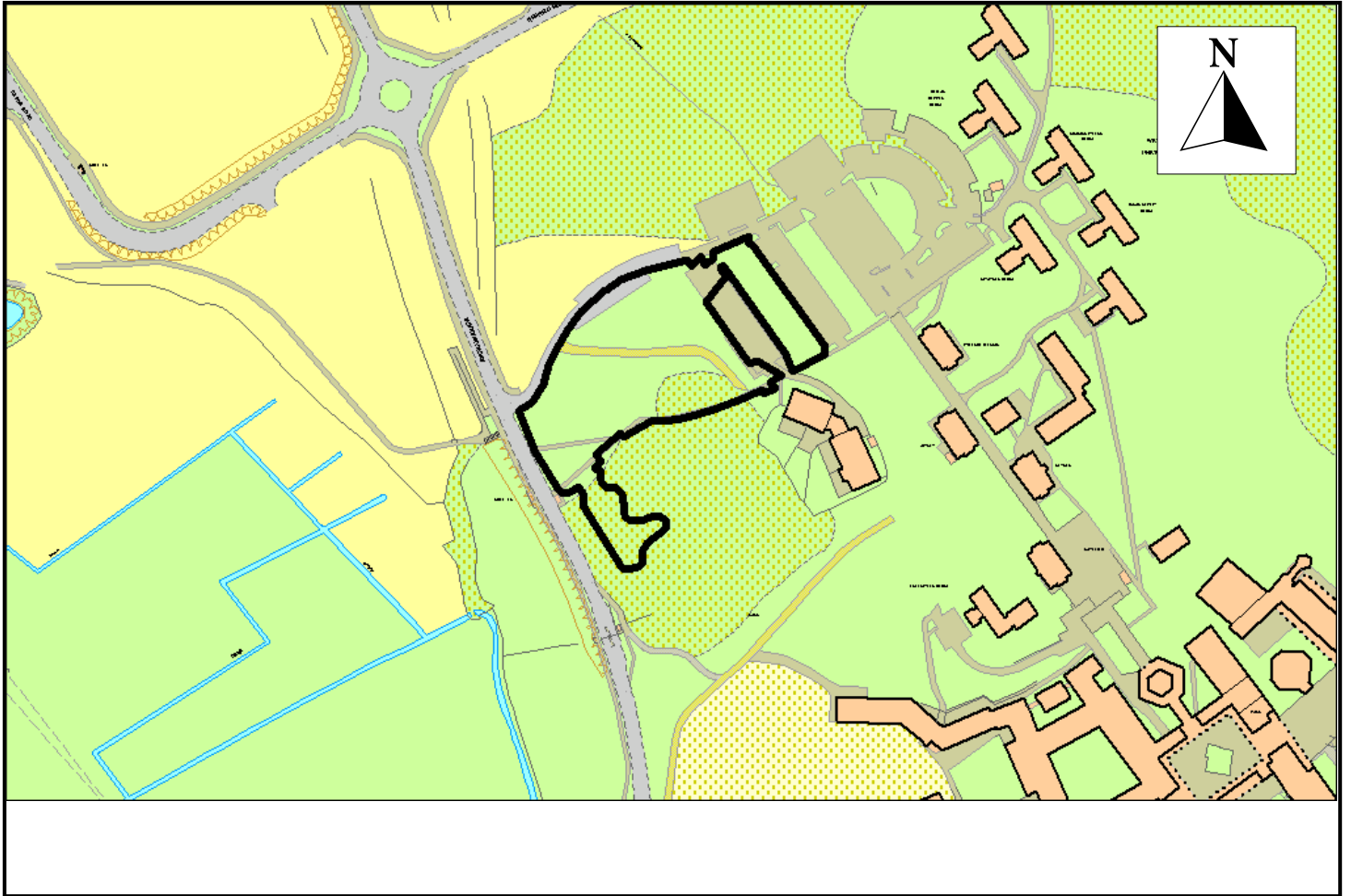
- (i) a binding contract for the full implementation of the scheme of redevelopment granted planning permission under reference number 120012 has been entered into; and
- (ii) all necessary permissions and consents have been obtained; and
- (iii) evidence thereof shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: In order to ensure that the demolition is necessary as the works would not be acceptable on their own, without a replacement scheme.

Informatives

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

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



Application No: 120109

Location: Land East of Boundary Road, Colchester, Essex CO4 3SQ

Scale (approx): 1:2500

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2012

7.3 Case Officer: Bradly Heffer

MAJOR

Site: Land East of Boundary Road, Colchester, Essex CO4 3SQ

Application No: 120109

Date Received: 20 January 2012

Agent: Mr Keith Watson

Applicant: Mr Andrew Nightingale

Development: Erection of a new higher education research and training facility comprising 5,550 square metres of D1 floorspace including ancillary facilities with associated car parking and landscaping.

Ward: Wivenhoe Cross

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This matter is referred to the Planning Committee because Councillor Manning called-in the application on the following grounds:

'I would like to call this in on the grounds of design, parking and the knock on impact upon residential amenity.'

2.0 Synopsis

2.1 The report will consider the application submission and also the consultation responses received from consultees and third parties. The submitted application will be recommended for approval, subject to the imposition of appropriate conditions on a grant of planning permission.

3.0 Site Description and Context

3.1 The site for this proposal currently forms part of the overall land identified as the University of Essex campus. It is an irregularly-shaped piece of land that is currently mainly laid to mown grass, but with areas of established planting. The site is also bounded to the west by a vehicular access way to the North Tower Car Park. A footpath, forming part of the overall footway network, also traverses the site. Immediately to the south of the site is Boundary Road, this stretch of which is accessible only by University vehicles and public buses. Topographically, there is a significant fall to the site from north to south of approximately 9 metres.

3.2 The land to the south on the opposite side of Boundary Road is allocated as part of the overall University Knowledge Gateway site – although this particular site does not form part of that established land allocation. Members will be aware that the main infrastructure is in place to serve individual parcels of land on the Knowledge Gateway site – in accordance with the overall masterplan approved at outline planning stage.

4.0 Description of the Proposal

4.1 Under this planning application, permission is sought for the erection of a new building to house the University's Essex Business School. Information submitted with the application advises that the School, which is the largest faculty on the campus, has outgrown its current premises and needs a new location – hence the submitted proposal.

4.2 The scheme submitted for determination proposes the erection of a new modern three-storey structure (stepping down to two storeys at the entrance) that would take a crescent-type shape, together with some ancillary lecture theatre accommodation, contained within 'roundels', positioned to the front of the building. The bulk of the academic facilities would be contained within the main building and another key feature within this building would be the provision of a Winter Garden – a soft and hard landscaped area under a curved clear roof.

4.3 The design of the building has evolved to reflect the characteristics of the site and, particularly, the sloping topography. The following extracts are taken from the Design and Access statement accompanying the application, and are included in this report in order that Members understand the design approach:

"The architectural character of the new Essex Business School aims to create an exemplar of a zero carbon approach. The form of the 'sundial' crescent shape has been determined by the microclimatic character of the setting. In this respect each point or orientation receives a treatment appropriate to its individual orientation and climate.

The north side of the 'crescent sundial' shape forms the main side for teaching spaces and offices giving good north light for teaching and researchers. Researchers and staff offices are set at the top level of the north site, with individual hole in wall elevations reflecting their function. Teaching spaces and open plan research spaces are set on the one and a half levels below these. These areas are reflected in the more linear horizontal fenestration to the more continuous rooms. To give tempo to this curved elevation, bay windowed meeting areas project from the upper level, also identifying the end of circulation routes to the offices. Further punctuation is added at the teaching levels with big picture windows to the large teaching and research open plan areas.

The north elevation is wrapped in horizontal battened sawn cedarwood boarding, creating a textured, horizontal grain to the curved face. The use of cedarwood on the north side (without sunlight) will ensure even weathering of the material mellowing from red to silver very gently.

The south elevation is counterpoint to the linear emphasis of the north. The concave 'winter garden' form a curved barrel in section, running the length of the south (sunny) side of the building, tempering the internal activities within the working business school. The vaulted space is created by a 'dog tooth' laminated timber structure expressed as it meets the sloping site. The dog tooth pattern is clad in alternative

translucent and opaque triangular sections, the translucent sections are formed by EFTE cushions giving significant levels of sunlight/daylight without heat gain to the garden space within the winter garden. The alternative triangular sections are clad in standing seam stainless steel, creating an external barrel shape that is animated by play of daylight/sunlight, cloud movement and dappled light from trees.

Set within the concave south side are two roundel features, the lecture theatre at the east end and the two level MBA Harvard lecture theatres to the west. These two forms are made of laminated timber structures clad in clay tiles giving a textured and coloured emphasis to these two important teaching elements.

Each roundel is roofed with a green roof to integrate further with the parkland setting, adding to biodiversity and creating a natural cooling effect to the lecture spaces.

The east and west gables share a commonality of treatment, given their orientation to low sun angles early and late in the day. The gable elevations to the winter garden are glazed to each façade creating shafts of low angled sunlight to the winter garden itself. The business school gables wrap into the winter garden and at each end house social functions, café at the east end, and staff and post graduate social spaces at the west end. The east and west gables are clad in vertical wooden battened board, treated to retain the natural colour of the wood. Both east and west end gables have a mixture of hole in the wall windows to office spaces and larger windows to social spaces with access to ground level terraces and upper balconies. The treatment of the different facades to each point of the compass gives interest and identity to the building as it is appreciated from different orientations in the parkland.”

- 4.4 The following information is taken from the Economic Statement that accompanies the application:

‘The Business School is the largest department in the University and, over the course of the last five years, it has experienced a 50% rise in the number of students. The Faculty is scattered across six separate buildings, with the existing accommodation having reached full capacity. The University needs to bring it under one roof, with sufficient floorspace to allow it to develop into one of the premier business schools in Europe...The Business School has recently re-launched its ‘Masters’ programme and the key to being able to increase its post-graduate and PhD students numbers is the reputation of the School’s academic staff and the ability to offer distinctive courses and a unique learning environment.... These facilities will not only allow the Business School to expand, but they will also be available to other faculties within the University. They will generate new income streams, with the building providing a first class conference venue for the region (which will be available outside of term time). It will also attract businesses and other organisations into the Business School to engage with the students and staff members’.

5.0 Land Use Allocation

- 5.1 The site for this proposal is located in an area allocated for University purposes in the Local Development Framework. Part of the site is also included in a Colchester Local Wildlife site and a Local Nature Reserve.

6.0 Relevant Planning History

- 6.1 As will be appreciated there has been a substantial amount of planning applications submitted across the University campus over time. However, there is no previous planning history that relates to the specific site to which this development proposal relates.

7.0 Principal Policies

- 7.1 The National Planning Policy Framework has now been adopted by Central Government and this document supersedes the majority of previously-adopted Planning Policy Guidance and Statements. The following PPS is still extant and relevant:

Planning Policy Statement 10: Planning for Sustainable Waste Management

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

SD1 - Sustainable Development Locations
CE2a - Town Centre
CE3 - Employment Zones
UR1 - Regeneration Areas
UR2 - Built Design and Character
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP19 Parking Standards
DP21 Nature Conservation and Protected Lanes
DP25 Renewable Energy

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

SA EC2 Development in East Colchester
SA EC7 University of Essex Expansion

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

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

8.0 Consultations

- 8.1 The Highway Authority has no objection to the proposal subject to the imposition of a planning condition and informatives.
- 8.2 Environmental Control would require the imposition of the Council's demolition and construction informative on a grant of planning permission.
- 8.3 The Design and Heritage Officer has commented on the proposals as follows:

"This appears to be a well considered piece of architecture which has very high sustainability credentials. As such I am happy to support the design if the following aspects can be addressed.

The overspill parking area would be visually detrimental to first view that people arriving have of the building. This is not an appropriate location for parking of any form. Given that the university has an application for additional car parking in a much more appropriate location this element of Essex Business School should be removed from the application and a more sympathetic landscape scheme should be considered. The tile hanging on the circular forms is not native to Essex and is a fragile surfacing to have at ground level where interaction can disturb the hanging. I would recommend that these elements would appear more natural and in keeping with a natural flint wall as used on the biological science extension. The texture and material would benefit the design more than the tile hanging."

- 8.4 Members should note that the scheme has been considered by the Council's Development Team and it resolved that s106 contributions to mitigate the impact of the development are not required.
- 8.5 The Landscape Officer required revision to the initially submitted scheme including the repositioning of proposed trees, provision of hedge planting to mitigate the impact of parking provision and re-consideration of a footpath location in relation to a nearby tree. Members are advised that suitable amendments have been secured. The Tree Officer has also confirmed that he has no objection to the submitted proposal.
- 8.6 Natural England comments as follows:

'This proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development. It appears that Natural England has been consulted on this proposal to offer advice on the impact on a protected species.'

Reference is also made to the standing advice matrix produced by Natural England that enables Planning Authorities to judge impacts for themselves. Having completed the matrix process Natural England advises that the impact of the development on the local bat population is not likely to be deleterious.

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

9.0 Town Council Response

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

‘Although an exciting and innovative proposal the Town Council considers that the parking provision for this facility is inadequate and expressed concern that this building was being built on a current car park, thereby presenting the reason for the multi-storey car park.’

Officer comment: The application site is not currently utilised as a dedicated car park although parts of it are used for overspill purposes.

10.0 Representations

10.1 The following comment has been made by the Wivenhoe Society:

‘It would appear that the site for the new business school is on land currently used for overflow parking. It seems unfortunate that the University has not integrated its Business School and its parking proposals. The sloping nature of the site would seem well suited to a design combining parking and a building. It would also be accessed from the new junction on the A133.’

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

11.0 Parking Provision

11.1 The Council has adopted the Essex Planning Officers Association / Essex County Council document entitled ‘Parking Standards – Design and Good Practice’. The (maximum) standard applicable to this form of development is 1 space per 15 students for staff and 1 space per 15 students for student parking. This is on the basis that the building does not provide residential accommodation in itself and therefore falls within a D1 use class, and the project is based on rationalising the Business School faculty within one building on the campus.

11.2 From information provided with the application it is calculated that the building would provide facilities for 1672 students – this number projected to increase to 1905 by 2019/2020. The given number of staff is 93 with a projected increase to 121. Clearly the application of the standard on a ‘stand alone’ development would be substantial – calculated to be 119 spaces. However, it is pertinent to the consideration of this application that the Business School faculty already exists on the campus and the staff and students already attending the school would relocate into this building. Certainly, the development would enable an expansion of the faculty and the projected increase in student and staff numbers (261 in total) would create a need for a further 35 spaces. The submitted plans include the provision of 44 spaces within greensward areas in the North Towers car park.

The following extract is taken from the Design and Access Statement that accompanies the application:

'The parking strategy creates 44 new spaces in between existing parking bays to keep the North Car Park zone separate from the surrounding parkland. General campus parking from the bay immediately to the east of the site will be relocated in the new space to free up parking for the Essex Business School close to the entrance (dedicated parking spaces for the neighbouring nursery will be retained and located closest to the nursery entrance). Disabled parking, taxi drop-off and delivery spaces for the Business School are located close to the main entrance with level access traversing the natural slope of the site. Existing car park spaces to the north of the site off the access road will be retained with controlled access only when the main car park becomes full. These bays will use a reinforced grass to integrate with the landscape mounding up to the building's edge. Occasional access for service vehicles to the plant room will also be in this location, and use a similar reinforced grass to integrate with the landscape.'

12.0 Open Space Provisions

- 12.1 The nature of the proposal, being non-residential, means that there is no specific policy requirement for open space provision for this development. That said, the application site is located within the established University campus which is characterised by extensive landscaped areas.

13.0 Air Quality

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

14.0 Report

- 14.1 As mentioned previously in this report, the proposed building is intended to provide a single location for the existing Essex Business School faculty of Essex University. As the Local Development Framework recognises that the University will expand over time it is considered that as a principle at least, the provision of this building, required for an established University purpose, is not objectionable.
- 14.2 It therefore is to be determined whether the scheme submitted for Members' consideration is an acceptable development within the campus. In terms of the overall design and architectural standard it is considered that the proposed scheme represents an innovative and, importantly, sustainable approach that is considered to be wholly appropriate within this context. Members will be aware that there are a number of architectural styles displayed within the overall built campus. Also, individual buildings have become well-known locally – for example the Ivor Crewe building and also the established student accommodation towers, the latter being iconic buildings in the Colchester landscape. It is considered that the proposed building would add considerably to the overall innovative architectural standard achieved within the University campus and could become another key building on this site, in its own right. The layout of the development is considered to use the application site sensitively – bearing in mind the constraints of topography, landscaping etc. The scale of the development is appropriate to this parkland setting

and a 2 and 3 storey height for the building would not appear over-dominant in this location. It is noted that although the nearest building to the application site (the children's nursery) is single storey height – other buildings in the vicinity (such as the accommodation towers) are significantly higher. In terms of the overall impact of the building in the landscape and on the surrounding area it is your officer's opinion that the proposal put forward for consideration would be well-considered and appropriate.

- 14.3 Members will note the comments made by the Design and Heritage Officer in the consultation response. The applicant's architect has agreed to omit the parking strip proposed to the front of the building as suggested. With regard to the use of tile hanging as a material on the roundel features this issue is still to be resolved satisfactorily. However, it is recommended that a suitably-worded condition can be imposed to enable the Council to control the final material choice with regard to this part of the building.
- 14.4 The proposed location of the development in relation to the nearest residential development – estimated to be between 450 metres in the case of the University Quays and 580 metres to the rear gardens of dwellings in Mascot Square and Triumph Close to the north-west – means that it would not adversely impact on the privacy or amenity of the occupiers of these developments.
- 14.5 Members will be well-aware that the issue of parking provision at the University has been considered in relation to a recent application for student residential accommodation on the adjacent Knowledge Gateway site, known as The Meadows. In this current case it is noted that the proposal is not seeking to provide residential accommodation within the campus. Additionally, the Faculty that the building would house already exists on site, and existing parking facilities on the University campus would still be available for the users of this new building. Parts of the site on which the proposed development would be located are currently utilised as overspill car parking space. That said, the proposal does include an additional 44 no. parking spaces within the existing North Tower car park in recognition that the new building would enable the Faculty to expand over time. This amount of spaces exceeds the policy requirement of a maximum of 35 no. spaces. The additional parking provision also recognises that the Essex Business School would act as a conference facility outside of term times. The North Tower car park, as proposed to be enlarged, would be available for conference attendees.

15.0 Conclusion

- 15.1 It is considered that a planning permission for the proposed development may be granted in this case, subject to the imposition of conditions.

16.0 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 development hereby approved shall be carried out in accordance with the plans (drawing no.s PL-(00)AT04-1; PL-(00)AE042, PL-(00)AE043, PL-(00)AE044, PL-(00)AP00-1A, PL-(00)AP000A, PL-(00)AP001B, PL-(00)AP002A, PL(00)A5021, PL-(00)A5022, PL(00)A5023, PL-(00)A5024 and supporting information submitted with the application unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of the permission hereby granted and in order to ensure a satisfactory form of development in the interests of visual amenity.

3 - Non-Standard Condition

Notwithstanding the terms of condition 02, 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 and enhances the appearance of the locality. Additionally the Council as Local Planning Authority would wish to reconsider the proposed use of tile hanging as a material feature and its appropriateness in the context of the overall University campus.

4 - Non-Standard Condition

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 and enhances the appearance of the locality.

5 - 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.

6 - 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.

7 -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.

8 - Non-Standard Condition

No occupation of the development shall take place until such time as a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed Travel Plan.

Reason: To encourage modal shift away from the private car towards more sustainable modes of transport such as public transport, cycling and walking, in accordance with policy DM10 of the Highway Authority's Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

9 - C10.15 Tree & Natural Feature Protection: Protected

No work shall commence on site until all trees, shrubs and other natural features shown to be retained on the approved plans, (including those referred to in condition 2) 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.

10 - 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.

11 - C10.18 Tree and Hedgerow Protection: General

All trees and hedgerows on and immediately adjoining the site shown on the approved plans to be retained (including those referred to in condition 2 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 to be retained shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that these 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.

12 - Non-Standard Condition

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.

13 - Non-Standard Condition

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.

14 – B9.1 (Refuse Bins)

Prior to the development hereby approved being brought into use, refuse storage facilities shall be provided in a visually satisfactory manner and in accordance with a scheme which shall have previously been submitted to and approved in writing by the Local Planning Authority. Such facilities shall thereafter be retained to serve the development.

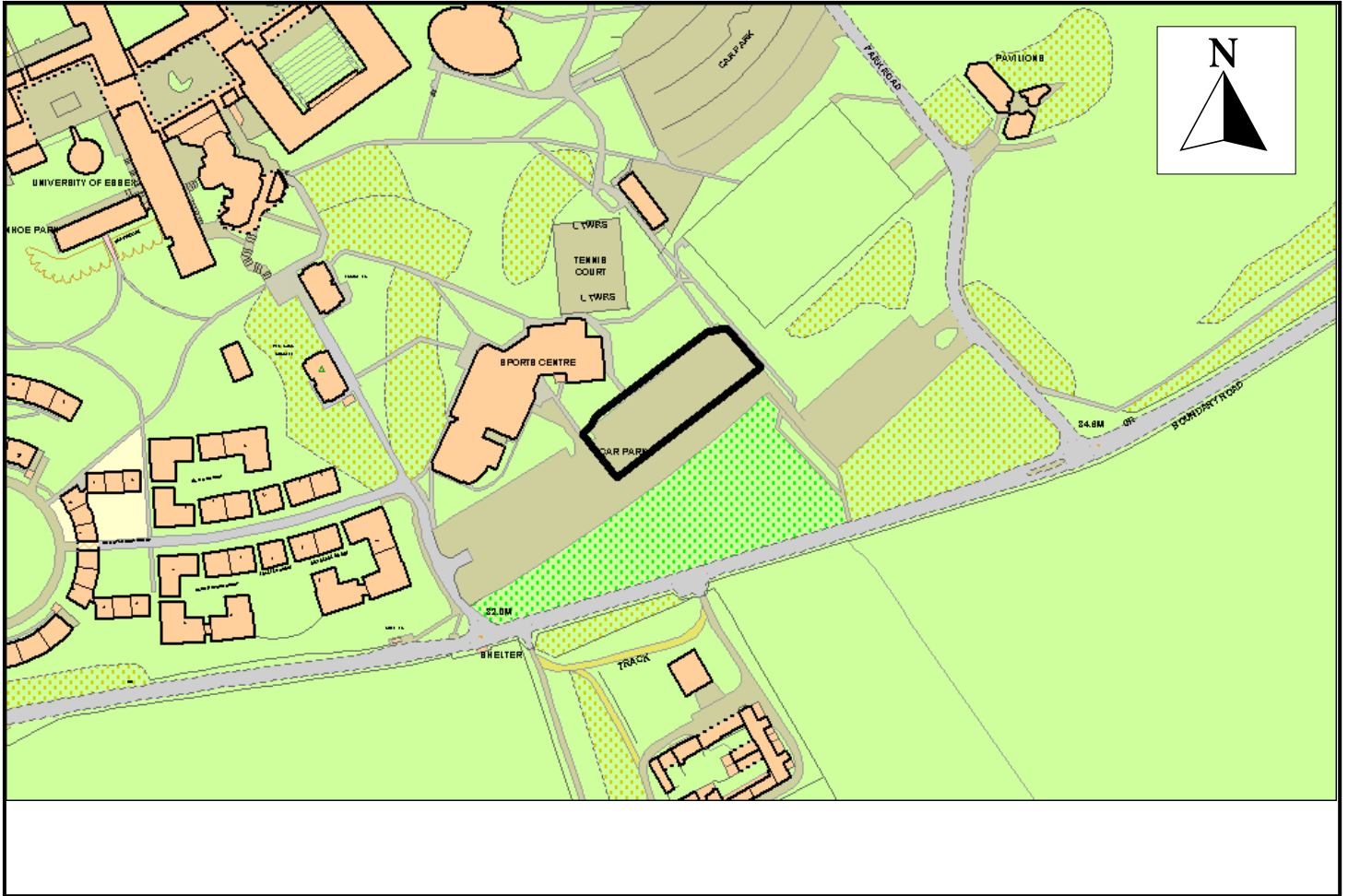
Reason: To ensure that adequate facilities are provided for refuse storage and collection.

Informatives

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

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

(3) Condition 08 is required to ensure the proposal complies with Essex County Council Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011. The existing University of Essex Travel Plan should be reviewed and if necessary amended to ensure it includes this proposal. All highway-related details should be agreed with the Highway Authority. The number of spaces and how these are laid out should be in accordance with the Parking Standards Design and Good Practice Supplementary Planning Document dated September 2009. This applies to all vehicular parking spaces including disabled as well as cycle and motorcycle parking.



Application No: 120151

Location: Multi-Storey Car Park (Proposed), University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ

Scale (approx): 1:2500

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority.

Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

Crown Copyright 100023706 2012

7.4 Case Officer: Bradly Heffer

MAJOR

Site: University Of Essex, Wivenhoe Park, Colchester, CO4 3SQ

Application No: 120151

Date Received: 24 January 2012

Agent: Mr Nick Davey

Applicant: University Of Essex

Development: Construction of multi-deck car park above existing surface level car park; creation of new access to car park from Boundary Road to include taxi drop-off/pick-up area and relocation of existing compactor.

Ward: Wivenhoe Cross

Summary of Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee following a call-in request submitted by Ward Councillor Manning. The reasons for the request are as follows:

- This application should be considered in relation to the other University application for the relocation of the Essex Business School
- Location of the car park is vital
- It is important that the Multi-storey car park is provided before other development takes place.

2.0 Synopsis

2.1 The report will explain the terms of the submitted application, together with a resume of consultation responses and representations received. The report to Members concludes that although the principle of this car park proposal is considered acceptable by officers, the design of the proposed building fails to achieve a satisfactory standard. Additionally, the identified mitigation (sought by s106 agreement) cannot be secured as the applicant has declined to enter into such an agreement. On this basis the recommendation to Members is one of refusal.

3.0 Site Description and Context

- 3.1 The proposed site for the multi-storey car park building currently forms part of a surface car park, located on the periphery of the Essex University campus. This car park is immediately adjacent to the campus sports complex. A wide landscaped area of land defines the southern boundary of the car park and runs adjacent to Boundary Road, which runs along the southern and western boundaries of the campus, linking Elmstead Road and Colchester Road.
- 3.2 The site is mainly level and given over to hard surfacing. A smaller portion of the site is a grassed, bunded area of land immediately adjacent to the sports centre building. To the east of the application site are other car-parking areas punctuated by greensward and established tree planting. There are also enclosed sports pitches and playing fields. To the north and west of the site are established campus buildings such as the sports centre and halls of residence. To the south, on the opposite side of Boundary Road, is an extensive area of open agricultural land that is outside of the defined University campus.

4.0 Description of the Proposal

- 4.1 The development proposed under this application submission is the erection of a multi-storey car park building. Members should note that it is intended that the building would incorporate a roof and therefore cars would not park at this level. The building would be erected on part of the existing car park identified as car park B on the campus. The building itself would contain 382 spaces on three levels each of 5m x 2.5m dimension and would be 90 metres length and 32 metres width. The overall height of the structure would be approximately 12 metres above site ground level. Car park B would also be reconfigured as a result of the proposed development, with a revised point of access directly from Boundary Road, as opposed to the current situation where access is provided to the east, through car park A. The plan also shows the provision of a taxi drop-off area.
- 4.2 In terms of external appearance the building design would incorporate a combination of red cedar louvres and 'living walls' – planted green elements within the facades of the building. The 'living wall' elements of the building project beyond the plane of the timber elements. This treatment would not continue to ground floor level and the structure at this point would be expressed by columns. The north-west elevation of the building would be the 'service' side of the building, where access and ramps to each floor of the car park would be provided. The roof area of the building would be enclosed by a guard rail and this space would contain a series of solar panels. The following extract is taken from the Design and Access Statement accompanying the application, by way of explaining the proposed design in more detail:

'The approach to the design has been to create an iconic design through simplicity rather than complexity and the Colchester BC officers' desire to see a building which exhibits a high degree of architectural integrity and logic has been taken on board. The vehicle ramps are expressed as a sculptural three-dimensional feature on the north western side of the building. The other elevations use a combination of timber louvres (to provide subtle screening and mitigate light spillage) and areas of living wall (to reflect the soft landscape in this part of the campus and to create an additional ecological habitat). The

proposed character and appearance of the MSCP is therefore intended to sit comfortably within its surroundings and comprises a range of materials including:

- areas of 'Living Wall' to the most visible elevations.
- natural western red cedar louvres to other areas to achieve subtle screening whilst maintaining ventilation and good levels of daylight.
- expression of the vehicle ramps as a three dimensional feature.
- flat roof and metal fascia (robust and low maintenance).
- photovoltaic panels to roof, as well as the safety balustrade, are set back from the roof edge so as not to be so visible from ground level

4.3 The design development has involved considering a variety of combinations of 'Living Wall' and timber louvres, ranging from a highly formalised arrangement to a more random distribution. The submitted proposal seeks to balance the local planning authority's desire for architectural logic and integrity with breaking up the formality of the elevations in an 'organic' way which reflects the tree belt to the south. The opportunity has been taken to 'strengthen' the corners on the tree belt side by having a greater density of 'Living Wall' at these points, and then reducing the density along the south eastern elevation (which will never be viewed as a full elevation due to the presence of the trees). The net effect is that the informal pattern of 'Living Wall' areas help to break up the lines of the structure, both vertically and horizontally.'

The full text of the design and access statement, submitted as part of the overall application submission, may be viewed on the Council's website.

5.0 Land Use Allocation

5.1 Within the Council's adopted Local Development Framework adopted Proposals Map document (October 2010) the site for this proposal is within land allocated for University purposes.

6.0 Relevant Planning History

6.1 The overall University campus has been the subject of an extensive number of development proposals. However, there are no previous applications that are of specific relevance to this proposal.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

The National Planning Policy Framework (NPPF)

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

SD1 - Sustainable Development Locations

UR2 - Built Design and Character

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment

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

DP1 Design and Amenity
DP17 Accessibility and Access
DP19 Parking Standards

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

SA EC7 University of Essex Expansion

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

Vehicle Parking Standards
Sustainable Construction
External Materials in New Developments

8.0 Consultations

8.1 The Highway Authority originally advised that it had no objection to the proposal, subject to various requirements – one of which was a £250 000 contribution to be secured that would be used to help fund highway & transport improvements in the vicinity of the proposal site; improvements to include but shall not be limited to the proposed University of Essex to Wivenhoe cycling and walking route. This request was raised with the University's agent and as a result the following comment was received:

'...The University is not prepared to make any contribution towards sustainable transport measures as part of the car park proposal. There is, however, a mechanism, by which the sum requested, could be secured (under the existing Section 106 Agreement relating to the Knowledge Gateway Development)...'

The further views of the Highway Authority were sought and it has confirmed that in the light of this mitigation element not being achievable, it recommends a refusal of the scheme.

8.2 The Council's Development Team advises:

Application noted and approved, subject to the provision of a S106 contribution towards the construction of a cycle link between Wivenhoe and the University (amount to be confirmed).

8.3 Environmental Control requires the imposition of the demolition and construction informative on a grant of planning permission.

- 8.4 The Landscape Officer requires some variations to the proposal including additional planting in the landscape belt adjacent to the road, alteration to the arrangement of the green walling, and use of green walling in lieu of the proposed safety rail. Conditions are also suggested.
- 8.5 Natural England identifies that this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils, nor is the proposal EIA development.
- 8.6 The Design and Heritage Officer comments as follows:

‘Having considered the latest elevations for this proposal I do not consider that the quality of the design outweighs the negative impacts that the scale, mass and positioning of the building has upon the existing campus. Its relationship to the sports hall is visually overbearing with inadequate space between the two buildings. The loss of green areas is detrimental to the setting of the campus and the enclosure created by the cramming does not reflect the predominately well considered composition of spaces and buildings on the campus.

The design of the green walls fails to mitigate the mass of the building. This is largely because the green areas float above the ground and appear as decorative wall elements rather than structural landscape features that such a large structure requires to be broken down in an appropriate visual manner. The monotonous method of cladding emphasises the disproportionate scale and mass of the building.’

- 8.7 The Council’s Transportation Policy officer requested additional information following the initial submission of this application. Following receipt of this, the following comments have been made:

‘The University case is rather “predict and provide” – we have this number of students staff and visitors parking, therefore we must provide for them.

The University of Essex has a transport strategy dated 2006 which has the following aims :

Aims and Benefits of the Strategy

2.1 Aims

The University of Essex Transport Strategy aims to :

(a) Significantly decrease car parking demand on campus and reduce the impact of University generated traffic on the local environment, particularly in terms of congestion and carbon emission levels. This will be achieved by increasing the opportunities for staff, students and other campus users to travel by alternative means of transport and a long term commitment to changing travel patterns related to work, thereby reducing the need for single occupancy car journeys.

(b) Promote a sustainable, integrated approach to transport both on and off campus.

2.2 These aims are supported by a number of short, medium and long term objectives focusing on particular areas, details of which can be found in Section 4 of this document.

The Transport strategy suggests that there are some 1,600 permanent car parking spaces on site. Survey work undertaken in the Universities Application Statement January 2012 suggest that there are 1,500 permanent spaces, plus some 250 to 300 vehicles which could be accommodated in overspill areas.

The University has a car parking review group. Information here http://www.essex.ac.uk/staff/car_parking_review/ suggests 1,400 spaces plus additional overflow car parking. In 2008/9 the University issued some 2,800 car parking permits, which is double the number of spaces and issued 3,500 permits in 20011/12 (Application Statement Jan 2012).

If we were to apply the 2009 adopted car park standard D1 (1 space for every 15 students for students + 1 space for every 15 students for staff) then the total number of spaces would be :

- 10,000 students = 667 spaces for staff
- 10,000 students = 667 spaces for students

Total spaces = 1,334 spaces (note the University has miscalculated the standard).

This would seem to suggest that the University already has sufficient permanent spaces on site compared with the standard. There seems to be little evidence in the University's case for increased level of car parking, except to meet the existing demand :

- The case is built around the 1969 Traffic Study – transport policy has moved on significantly since then.
- They discuss growth over the next two decades but do not substantiate this growth
- Car park supply has crept up over a number of years
- The University has issued too many permits and now cannot effectively control the demand
- The benefits and need of the travel plan to the University and the staff and students needs to be promoted

It is accepted that in building the Business School that they will lose the overspill parking next to North Towers car park but it is not clear what the capacity of this space is. Recent surveys (February 2012) only suggest 58 vehicles were using this area. Even allowing for this the supply is still greater than the adopted standards.

I have looked at other campus Universities which are located away from the nearest main town e.g. UEA at Norwich, Lancaster, and Sussex at Brighton. The latter two are similar to Essex in size and campus.

All of them have a travel plan and their car parking charges which are similar to those at Essex:

- UEA charge between 72p to £2.30 per day dependant on the student/staff and salary
- Lancaster - £115 per annum for students, £150 per annum for staff
- Sussex - £165 for students, £300 per annum for staff
- Essex – 40p per day for those eligible for a permit with a £20 or % of salary registration fee. There are certain car parks which are barrier controlled and the charge is £324 per annum

All have travel plans and offer incentives for other modes, use restrictions and enforcement, allow exceptions car parking. Essex is not unique in its Travel Plan and parking issues and could learn from other Universities on incentives.'

Officer note: The parking standard referred to in the above consultation response is not correct as that standard refers to a new building to be used for D1 purposes i.e. a new academic building. This proposal is for a new car and the adopted standards advise that such proposals are to be considered on their own merits.

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

9.0 Town Council Response

9.1 The following comments have been made by Wivenhoe Town Council:-

'Proposal fails to comply with the requirements as set out in the CBC LDF. It does not comply with the transport statement. It will affect an overload on traffic routes, produce congestion on roads and have the effect of a reduction in the University's support of the use of buses, which in term may cause a very good public transport system to be reduced, or even lost.

The proposal is placed in an ancient park, damaging the amenity value of historic parkland depicted in John Constable's painting, contrary to policy DP1 which states that *'developments should respect or enhance the landscape and other assets that contribute positively to the site and surrounding area'* The visual impact of this proposal will be overbearing and present a monstrosity in a once beautiful place.

Policy DP2 states that *'all development should be designed to help promote healthy lifestyles and avoid causing adverse impacts on public health'*

The proposal encourages car use. The University should instead be promoting cycling, as per their 1995 strategy in which their future plans were to reduce dependency on car usage by promoting cycling and installing a railway halt.

Policy DE17's key requirements is that *'all developments should seek to enhance accessibility for sustainable modes of transport by giving priority to pedestrian, cycling and public transport access'*

The proposal does not explain how the building of the car park will enhance sustainable transport.

The transport statement does not provide substantial evidence and is inadequate.

There is nothing to demonstrate what pressure would be put on the roads in and out of Wivenhoe. Nothing has been done to encourage cyclists – such as a dedicated cycle lane.

The economic statement fails to address how it would benefit the surrounding area, i.e. Wivenhoe. There is no evidence that the new car park will provide an extra benefit to the local economy over and above what is already provided. Wivenhoe has reached saturation point with car usage. Its roads are gridlocked and car parking spaces are extremely limited. This car park will encourage yet more car use. The CBC LDF requires sustainability to be enhanced. This has not been demonstrated as there are no new measures proposed for neither cyclists, public transport nor pedestrians.'

10.0 Representations

10.1 As a result of local notification, the Council has received 18 letters of objection (including a petition containing 67 signatures). Objections have also been received from Colchester Cycling Campaign, C-Bus and the Wivenhoe Society. The Council has also received 15 expressions of support for the proposed scheme. The main points raised in objection to the scheme are summarised as follows:

1. The proposed development would be damaging to historic parkland in the vicinity.
2. The proposal would increase traffic on the local road network, promotes car travel and does not improve access for alternative transportation modes. The proposal will lead to an increase in pollution and is a waste of money.
3. The development undermines sustainable transport principles that are promoted by Council policies and central government. The University should manage its existing parking facilities more effectively.
4. The supporting documentation fails to give sufficient information to consider the proposal.
5. Car sharing would negate the need for more parking at the University.
6. The University should be leading the way with sustainable transportation proposals as opposed to simply providing more car parking spaces.

10.2 Comments made in support of the scheme are summarised as follows:

1. The design of the car park is sympathetic.
2. There is an urgent need for more parking spaces at the University.
3. Areas currently used for 'overflow' parking are being damaged.
4. There has been significant growth in the number of students and more students now drive to the campus.
5. People drive to the University campus already and need somewhere to park; demand outstrips supply.

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

11.0 Parking Provision

11.1 The Council's adopted parking standards identify that planning applications for new car parks should be treated on their individual merit (Page 69).

12.0 Open Space Provisions

12.1 The proposal, being for a new car park facility, does not generate a need for open space per se.

13.0 Air Quality

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

14.0 Report

14.1 The proposal for a new car park at the University campus has resulted from the University's perceived need for additional car parking spaces to meet demand. The information that accompanies the proposal recognises that the University has expanded substantially with circa 10 000 students studying at the main Colchester campus. Of these, approximately 6000 students living off campus and travel to the site. Additionally, 2 250 staff members as well as visitors to the campus generate more trips. Obviously, not all these journeys are undertaken by car but it is a fact that there is significant car parking demand at the campus. The University currently has four main surface level car parks which contain approximately 1 500 spaces in total. Other areas of land are used as 'official' overspill car parks that can accommodate another 250-300 cars. Nevertheless, car parking also takes place on unallocated verge/green areas within the campus to meet demand.

14.2 In 1996 the Council refused permission for a 300 space car park on grazing marsh land at the end of Valley Road, primarily on environmental grounds. Following on from this refusal the University created a sustainable transportation strategy that, in combination with creation of official 'overspill' and unofficial verge car parking areas, has enabled travel and parking demand to be managed. Sustainable transport measures include:

- The closure of Boundary Road to through traffic – being bus only
- Pay and display parking across the campus
- Students living on campus being actively discouraged from bringing cars to campus
- Disabled parking being provided in the most accessible locations
- Student car parking registration scheme
- Wheel-clamping and parking ticket enforcement
- Introduction and active promotion of a car sharing scheme (open to both staff and students)
- Provision of taxi drop-off and pick up points
- Provision of new and upgrading of existing cycle and footpaths through the campus
- Promotion of the National Walk to Work week each May
- The provision of shower and locker facilities, subsidised cycle purchase scheme, free cycle checks and a cycle tagging scheme
- Business mileage scheme for staff who use cycles on University business
- Upgrading of cycle parking stands (estimated to number some 1 800) and provision of a number of cycle lockers
- Improve bus shelters and facilities across the campus
- Introduction of two new bus routes linking the Colchester campus to Greenstead and Maldon.
- Introduction of discounted annual season tickets for bus travel (the Unicard) available to students and staff. Discounted tickets on TGM Network Colchester buses for those living within 3 km of the University.
- Public transport salary advance scheme available to all permanent staff members.
- Promotion of sustainable travel information through the University's website and publications

- 14.3 Notwithstanding the range of elements identified above the University considers that the existing parking arrangements on campus are insufficient to meet demand. Not least as the campus facilities have expanded substantially in the last 20 years and the amount of car parking on site has not increased significantly to reflect this expansion. It is estimated by the University that there is a need to provide an additional 300 – 400 spaces on the campus.
- 14.4 Members will be aware that the issue of parking at the University has been an ongoing concern with complaints of University-generated car parking taking place on roads within Wards adjacent to the campus and also in Wivenhoe, and bearing the above in mind, it is acknowledged that the existing demand for car parking spaces may not met adequately on campus. Furthermore, in terms of location, it would appropriate, in principle, to locate additional car parking facilities within an established car park area. That said, the visual impact of the development is obviously an important consideration.
- 14.5 To this end it is noted that the design of the proposed building has given rise to concerns from the Design and Heritage Officer (DHU). These concerns relate to the overall impact that proposed building would have in this setting. The proposed location of the car park is on the periphery of the University campus. While the existing established planting to the south of the proposed site would assist in filtering views of the building, it would not be ‘lost’ in the landscape completely. Additionally, clear views would be available from the west, adjacent to the nearest accommodation blocks, and also to the east across open parkland and playing fields. The DHU comment identifies that the proposed building is in uncomfortable proximity to the adjacent sports centre building and this proximity contradicts the general character and arrangement of the development on the periphery of the campus, which is characterised by buildings set within extensive landscaped areas. On this basis, it is considered that the building would appear cramped within this setting.
- 14.6 Following on from this it is noted that the design of the building does not achieve an appropriate standard. The functional nature of the development is fully appreciated, and it is acknowledged by officers that attempts have been made to address the impact of the structure and minimise its impact in the landscape by use of elements such as green walling. Additionally, efforts have been made to overcome officers’ initial concerns regarding the appearance of the building – primarily by the rearrangement of the green wall elements of the structure. Nevertheless, officers remain concerned that the scheme fails to achieve a sufficiently-high standard of design commensurate with this peripheral location. It is your officers’ view that a new building in this location, albeit a primarily functional one such as a multi-level car park, should demonstrate a similar exemplary architectural approach, to other newer buildings on campus such as the proposed Essex Business School building (also on this Committee agenda for consideration).
- 14.7 Members will note that the proposed development has given rise to a substantial number of representations in objection to and support of the submitted scheme. Generally the points of objection relate to the need to provide additional parking spaces at the University campus, bearing in mind issues of sustainable travel, encouragement of alternative modes, impact on the environment etc. The representations in support advise that the existing car parking provision at the campus is inadequate to cater for demand. As is identified above the University does employ a

range of measures to encourage sustainable modes of travel to the campus and to discourage students from bringing cars. However, the fact that overspill parking facilities are necessary and also that further 'unofficial' parking takes place on verges etc. suggests that inadequate official spaces exist. As a principle, therefore, it is felt that a need for additional car parking can be substantiated.

- 14.8 That said, it is considered that as part of a holistic approach to the issue of sustainable transportation the provision of this type of facility on campus should be off-set by additional elements to encourage alternative travel modes parking on the campus. The consultation recommendation received from the Highway Authority identifies that improvements to the local highway infrastructure should be secured as part of the proposed development. Members should note that this request has been endorsed by the Council's Development Team. Specifically, improvements to cycle/pedestrian links between the campus and Wivenhoe are identified as desirable as a way of encouraging walking and cycling between these nodes, and the approval of this development should include a commitment to a contribution from the University to secure these improvements. In response, the University's representative has advised that the submitted scheme is not able to fund the identified improvements. As an alternative, it is suggested that monies secured under the s106 agreement attached to the outline planning permission for the University's Knowledge Gateway site could be used to contribute towards the improvements requested by the Highway Authority. Members will note that the Highway Authority has rejected this suggestion on the basis that the Knowledge Gateway s106 funds are already earmarked for improvements to the Greenstead Road roundabout and this current proposal generates a requirement for mitigation in its own right. A recommendation of refusal is made by the Highway Authority on this basis, and this recommendation is endorsed by officers.

15.0 Conclusion

- 15.1 In conclusion, the additional car parking provision proposed under this planning application is not objected to in principle. However, the scheme as put forward for Members determination does not achieve a standard of design that is considered necessary for this location. Furthermore, it is considered that the building would appear cramped in this setting due to its proximity to the existing sports hall building. Lastly, the financial contribution considered necessary to mitigate this particular development (as identified by the Highway Authority and endorsed by the Council's Development Team) is not secured. On the basis of the above a recommendation of refusal is made to Planning Committee.

16.0 Recommendation - Refusal

Reasons for refusal

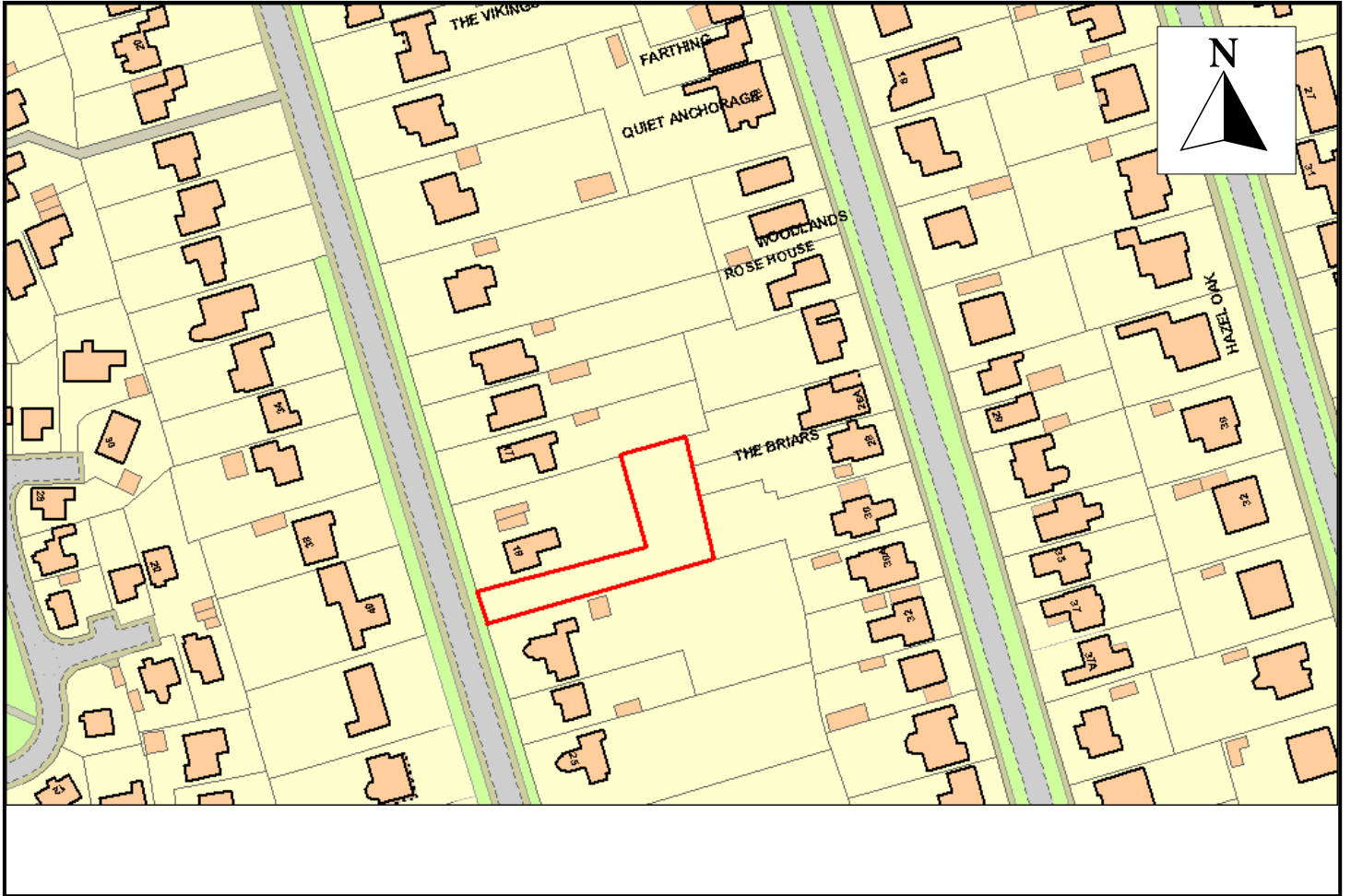
1 - Non-Standard Refusal Reason

Within the National Planning Policy Framework (published March 2012) it is a fundamental requirement of central government that good design is achieved in development proposals. Specifically, the Framework states '...The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, indivisible from good planning, and should contribute positively to making places better for people...In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions...' Leading on from this, policies SD1 and UR2 of the Council's Local Development Framework Core Strategy (2008) state the Council's intention to promote a high standard of design that enhances the built character and public realm of the area in which they are located. Furthermore, policy DP1 of the Development Policies (2010) document requires inter alia that development proposals '...respect and enhance the character of the site, its context and surroundings...' and '...respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area...' The Council considers that the proposed development fails to accord with the above central and local policies due to the negative impacts that the scale, mass and positioning of the building has upon the existing campus. Its relationship to the sports hall is visually overbearing with inadequate space between the two buildings. The loss of green areas is detrimental to the setting of the campus and the enclosure created by the cramming does not reflect the predominately well considered composition of spaces and buildings on the campus. Additionally, the design of the green walls fails to mitigate the mass of the building. This is largely because the green areas float above the ground and appear as decorative wall elements rather than structural landscape features that such a large structure requires in order to be broken down in an appropriate visual manner. The monotonous method of cladding emphasises the disproportionate scale and mass of the building, to the further detriment of the setting in which it would be located.

2 – Non Standard Refusal Reason

Within the National Planning Policy Framework (NPPF) (published March 2012) it is stated that '...Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of planning obligations...' The NPPF describes the tests that must be met when obligations are sought. At the local level, the Local Development Framework Adopted Core Strategy Policy SD1 requires inter alia that '...New development will be required to provide the necessary ...transport infrastructure...to meet the community needs arising from the proposal...' Development Policy DP3 also recognises the role that S106 agreements have in the development control process.

The proposal fails to include a mechanism to secure the identified contribution to provision of highway and transport improvement in the vicinity of the appeal site that are deemed necessary to balance the provision of additional car parking spaces with measures to promote sustainable modes of transport. The proposal therefore conflicts with the aims of the above identified policies and Policies DM9 and DM10 of Essex County Council's Highway Authority's Development Management Policies (February 2011).



Application No: 100927

Location: Land to the rear of 19 & 21 Empress Avenue, West Mersea, Colchester

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2012

7.5 Case Officer: Nick McKeever

MINOR

Site: Land to the rear of 19 & 21 Empress Avenue, West Mersea, Colchester

Application No: 100927

Date Received: 29 July 2010

Agent: Mr Lewis Cook

Applicant: Mr J Wagstaff

Development: Extension of time for the implementation of outline planning permission O/COL/05/1024 for proposed new bungalow with detached garage on plot 1

Ward: West Mersea

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Reason for Referral to the Planning Committee

1.1 This application was withdrawn from the agenda of the Committee Meeting of 29 March 2012 following receipt of a late objection from the occupier of 19 Empress Avenue. This revised report incorporates amendments to address the matters raised in this objection. This application was originally referred to the Planning Committee because there is an objection from a local resident and an objection by West Mersea Town Council. The application was submitted prior to the adoption of the current Scheme of Delegation to Officers. Unlike the current scheme of delegation, an application of this type had to be referred to the Committee where there were any objections.

2.0 Synopsis

2.1 The site specific circumstances have not changed since the original outline permission was granted. It is in this context that the recommendation is for permission.

3.0 Site Description and Context

3.1 The site lies to the rear of Nos 19 – 21 Empress Avenue. These two existing properties are relatively large, two storey houses set within substantial plots. The west side of Empress Avenue is characterised by similar house types. Fairhaven Avenue to the east of the site is largely characterised by bungalows and one-and-half storey dwellings. The site is bounded on the north, south and east by residential properties. The northern boundary has substantial planting and mature trees, as is the boundary to the south.

4.0 Description of the Proposal

- 4.1 Outline planning permission for the erection of two detached bungalows was granted under reference O/COL/05/1024. The approved plans showed one bungalow located to the rear of number 19 (Plot 1) and the other to the rear of number 21 Empress Avenue (plot 2). These properties were accessed via a 3.7 metre wide private drive, which is located in an area of land between the south facing elevation of No.19 and the trees/landscaped area adjacent to the boundary with No.21 Empress Avenue.
- 4.2 On the 7th September 2007 a reserved matters application (Scale. External Appearance and Landscaping) was approved in respect of Plot 1 (reference 07197).
- 4.3 The current application was registered by the Council on the 29th July 2010 and sought permission to extend the life of the original outline permission, in as far as this relates to Plot 1, which was approved on the 2nd August 2005 and was due to expire on the 2nd August 2010.
- 4.4 This current application seeks to extend the period for the implementation of the 2005 outline permission.

5.0 Land Use Allocation

- 5.1 SSSI CONSULTATION ZONE Around Mersea Island & /Abberton Reservoir/Tree Preservation Orders/ Bradwell Safeguarding Zone 2/Residential

6.0 Relevant Planning History

- 6.1 O/COL/05/1024 - Residential development to rear of 19 & 21 Empress Avenue. Approve Conditional - 02/08/2005
- 6.2 O/COL/05/0499 - Residential development to rear of 19 & 21 Empress Avenue. Withdrawn - 10/05/2005
- 6.3 071015 - New bungalow with detached garage. Withdrawn.
- 6.4 071917 - Approval for reserved matters of Plot 1. Approved 07/09/2007.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
National Planning Policy Framework
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character

PR1 - Open Space
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards
DP25 Renewable Energy
- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority has not raised any objections.

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

9.0 Parish Council Response

- 9.1 The Parish Council has stated that the application should be refused as outline planning permission is no longer acceptable.

10.0 Representations

- 10.1 The occupier of 30A Fairhaven Avenue objects due to the change in government guide lines on garden development and the fact that the original permission has expired.

10.2 The occupier of 19 Empress Avenue has raised issues with the ownership of the land, and in particular the access drive, which she states is in her ownership in accordance with Land Registry Title. Whilst the Applicants have been granted legal right of way over her land to access the plot, this is not an exclusive right of way. The access way is already ornamentally planted with long established trees, shrubs and bulbs, and is much admired by passers-by. The planting of it is her ultimate responsibility. The applicants and their successors should be directed to rectify at their expense any accidental damage they might cause in consultation. No extended planning consent should be granted until condition 4 is amended to include her ownership of the access way.

10.3 The report as originally written contained errors, which constitute a further challenge to land in her ownership:-

- The plan on the title page (page 1) shows a site edged in red, which encompasses more land than the Applicant purchased.
Officer Comment: This is not a plan submitted by the Applicant and does not form part of the application. It is an extract from the ordnance sheet reproduced only to identify the location of the site within the context of its surroundings
- The access drive is not 'adjacent' to number 19, which implies that the drive goes along the boundary between number 19 and 21 Empress Avenue. Even if it did there is a large tree in the road which would obstruct the entrance to it.
Officer Comment: The word 'adjacent' has been omitted and this part of the previous report has been re-worded.
- The access is completely in her ownership and not 'partly in her ownership' as stated in the report.
Officer Comment: The report now before members has been amended accordingly.
- The issue of ownership was resolved but not in the way that the report suggested. The Applicant has conceded that he does not own or have control over the access, but only has a right of way over it to access his plot.
Officer Comment: This has been addressed in the current report.

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

11.0 Parking Provision

11.1 The approved plan showing the siting of the dwellings demonstrates that parking can be provided for two vehicles within Plot 1 (a single garage and hardstanding in front of this garage). Whilst the specified size of a garage and parking space has since been increased, there appears to be ample space available to provide a garage and parking space to the current specifications as well as an additional space for visitor parking.

12.0 Open Space Provisions

12.1 Private amenity space can be provided to the required standard i.e. a minimum of 60 sq.m for a three bedroom dwelling.

13.0 Air Quality

13.1 Not applicable

14.0 Report

- 14.1 The original outline planning permission established the principle of the development of this site for two detached dwellings. This consent was only for the siting of the buildings and the means of access. All other matters were reserved (i.e. external appearance and landscaping). A subsequent application for approval of reserved matters relating to Plot 1 (scale, external appearance and landscaping) was granted permission in September 2007 under reference 071917. Whilst this permission has not yet been implemented the site specific context remains as per the 2004 and the 2007 permissions.
- 14.2 In the period since these previous permissions were granted there have been two important changes to policy at the national level and the local level.
- 14.3 The recently published National Planning Policy Framework states that a presumption in favour of sustainable development is at the heart of this Policy Framework. Proposals which are in accord with the development plan should be approved. Under this Policy framework residential garden land is excluded from the definition of "Previously developed land", thereby removing the presumption in favour of the development of gardens ("garden grabbing"). It is important to note however that this does not automatically mean that such development is unacceptable, as seems to be implied within the submitted objections, but that it should be considered upon its own particular merits. In the case of the application site, this development has already been deemed to be acceptable.
- 14.4 At the Local level, the Council has adopted SPD relating to Infill & Backland Development. Notwithstanding this, the basic principles and concepts that underpin this SPD would have been applied during the determination of the reserved matters application, and in so doing it was deemed to be acceptable.
- 14.5 The issue of the ownership of the access, and associated rights over this land, has been resolved, in that the Applicant does not own or control the access, but has a legal right of way over the access to serve the new dwelling. It is in this context that the access is shown coloured blue on the amended plan, and the appropriate Certificate of Ownership (Certificate B) having been submitted instead of the original Certificate A.
- 14.6 The other concern relating to the landscaping is acknowledged. However, the landscaping has previously been agreed and approved as part of the reserved matters application approved in 2007. The land between the access and the boundary with No.21 Empress Avenue is not included within the application site (land edged in red) and is landscaped with trees and other flora.

15.0 Conclusion

15.1 The development of this site was considered to be acceptable in principle and the subsequent reserved matters agreed with the 2005 permission. In terms of the National Planning Policy Framework, this site lies within an established residential area and on this basis meets the test of being a sustainable development. On the basis that there does not appear to have been any change in the site specific circumstances in the intervening period, it is considered that the application to extend the implementation period of the outline permission O/COL/05/1024, where this relates to Plot 1, is acceptable.

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

Conditions

1 - Non-Standard Condition

The permission hereby granted shall relate only to the extension of time for the implementation of the Outline Planning Permission O/COL/05/1024 for the proposed bungalow with detached garage on Plot 1, in accordance with the application as submitted.

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

2 - Non-Standard Condition

The development shall be begun before the 2 August 2013 (i.e. three years from the date of the expiration of three years of the permission O/COL/05/1024).

Reason: In order to comply with Section 91(1) and (2) of the Town and Country Planning Act 1990 as amended by Section 57 of the Planning and Compulsory Purchase Act 2004.

3 - Non-Standard Condition

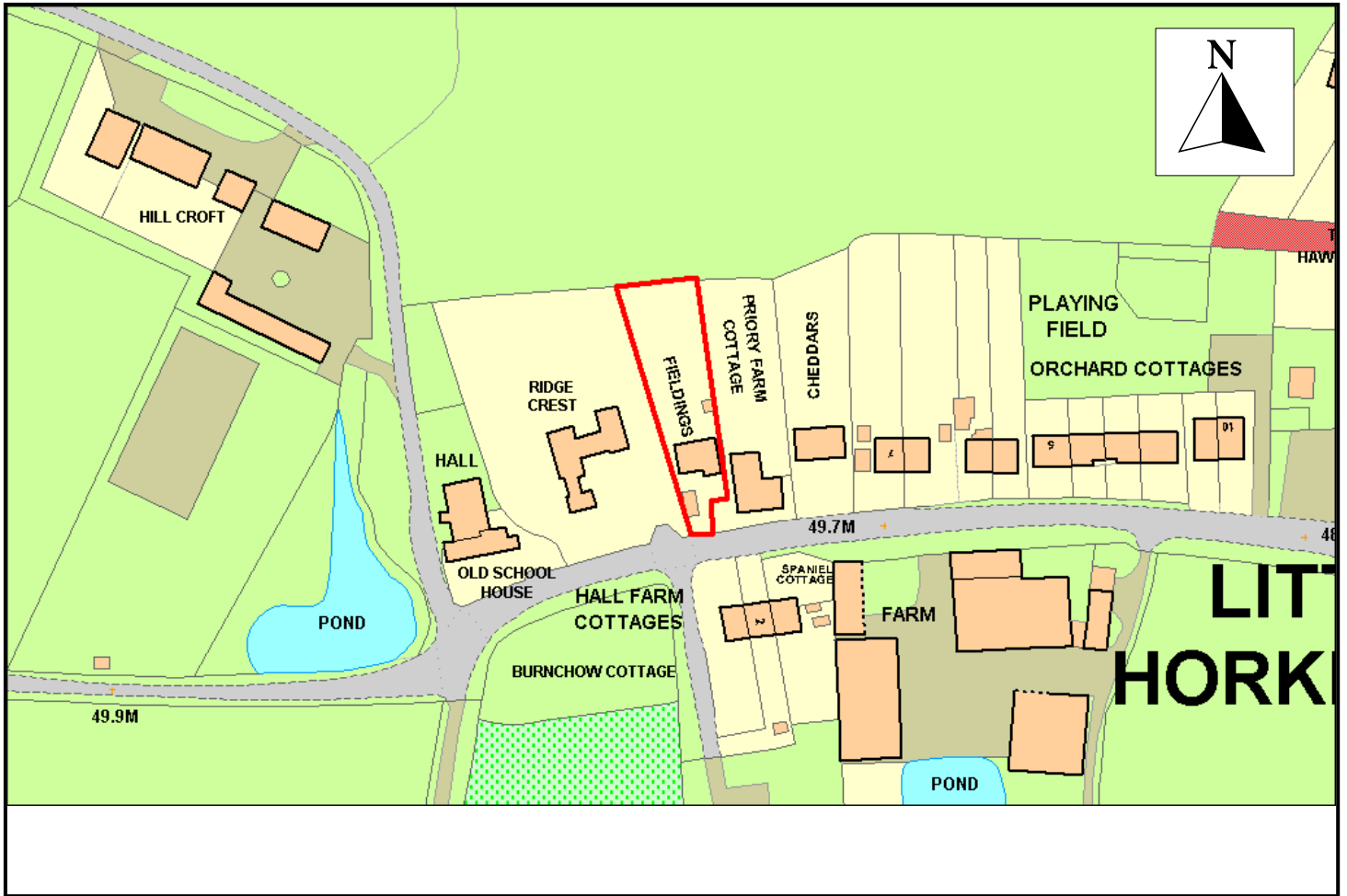
Notwithstanding Condition 6 of the permission O/COL/05/1024, the drawing reference 05014/002b shall be superseded and replaced by drawing number 05014/002d.

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

Informatives

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

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



Application No: 120158

Location: Fieldings, School Road, Little Horkesley, Colchester CO6 4DJ

Scale (approx): 1:1250

The Ordnance Survey map data included within this publication is provided by Colchester Borough Council of PO Box 884, Town Hall, Colchester CO1 1FR under licence from the Ordnance Survey in order to fulfil its public function to act as a planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey map data for their own use.

This map is reproduced from Ordnance Survey Material with the permission of Ordnance Survey on behalf of the Controller Of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Crown Copyright 100023706 2012

7.6 Case Officer: Mark Russell

HOUSEHOLDER

Site: Fieldings, School Road, Little Horkesley, Colchester CO6 4DJ

Application No: 120158

Date Received: 23 January 2012

Agent: Mr Chris Exley

Development: Demolition of double garage and erection of new double garage of larger plan size (same depth and height)

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because of a call-in from Councillor Chapman for the following reasons:

“Impact on the amenity of the adjacent Priory Farm Cottage by restricting light to the window on its west side.

The development is unsympathetic in scale and materials to surrounding properties”.

1.2 Members will recall that the item was deferred on 15th March when the applicant offered to amend the scheme to answer the concerns of a neighbour and of Little Horkesley Parish Council.

2.0 Synopsis

2.1 The application at hand relates to a proposal to rebuild a double garage at the front of a property in Little Horkesley. Objections relating to proposed materials, loss of light, incursion on the boundary and potential highways concerns are detailed and the proposal is considered against these concerns and against national guidance and local policy.

2.2 Details of the amendments and of the second round of consultations are then listed and it is concluded that the proposal is acceptable and approval is recommended.

3.0 Site Description and Context

3.1 Fieldings is a modest property between Ridgecrest and Priory Farm Cottage, located tightly against the latter. It is set back from School Road which is the main road through the small village of Little Horkesley. Diagonally opposite is the Conservation Area and to the rear is the open countryside of the Stour valley. The site is within the Dedham Vale Area of Outstanding Natural Beauty.

3.2 Currently the garage is rendered yellow to match with the host and other nearby buildings. In front of this is a planter which butts up to the Highway boundary. The rest of the front part of the site is given over to hardstanding for the parking/manoeuvring of cars.

4.0 Description of the Proposal

4.1 The proposal is to demolish the existing double garage and to replace it with a new, larger, structure. The proposal is quoted at 5.39 x 6.628 metres, although this does not include the overhung roof. With this added, the size is approximately 5.9 x 6.9 metres.

4.2 The amended drawings show the same dimensions, but the garage has been moved forward slightly to offset issues of loss of light (see below).

5.0 Land Use Allocation

5.1 Residential, Area of Outstanding Natural Beauty.

6.0 Relevant Planning History

6.1 78/0619 – Erection of 2 detached dwellings and garages – Conditional Approval 3 July 1978

6.2 78/0619/A – Detailed plans of single dwelling – Conditional Approval 15 January 1979

6.3 85/0990 – Two storey front extension and single storey rear extension – Approved without conditions 29 August 1985

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 7: Sustainable Development in Rural Areas

7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ENV2 - Rural Communities

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP19 Parking Standards
DP22 Dedham Vale Area of Outstanding Natural Beauty

7.4 Finally, the Little Horkesley Village Design Statement should be considered.
Essex Development Guide
External Materials Guide

8.0 Consultations

- 8.1 The Highway Authority did not make any comments on the initial proposal, and has indicated verbally that it does not object to the amendment.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website. No responses to the reconsultation had been received at the time of writing, any comments received will be reported on the amendment sheet.

9.0 Parish Council Response

- 9.1 Little Horkesley Parish Council originally responded as follows:

'When application for the existing double garage was made, which involved demolishing the then existing single garage on the west of the drive, the then Parish Council objected on the basis that its placement on the east of the drive and immediately adjacent to the neighbouring cottage would diminish the light to that property - this objection failed.

The application seeks to increase the width of the garage by 4 ft from 15.7 ft to 21.7 ft, an increase of 25.5%, and that would undoubtedly further restrict the light to the adjacent property.

The Parish Council believes that this situation is covered by the Local Development Framework Development Policy:

- 1: All development must be designed to a high standard, avoid unacceptable impacts on amenity.
- (iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour). daylight and sunlight."

In the approved Village design statement under future development is the statement that:

"Any development, whether a new building or extensions/alterations to existing buildings, was strongly preferred to be sympathetic in scale, design and materials to adjacent properties."

A garage of this size in this position cannot be described as "sympathetic in scale."

The application would only be acceptable if sited to the west of the drive, in its original position, where it would not impact so seriously adjacent properties.

Additionally the Council would like, in case of approval, to have a condition debarring any commercial activity taking place in the "new" garage beyond the expected activity in a residential garage.'

- 9.2 The Parish Council's comments regarding the amendments are awaited and will be reported on the amendment sheet.

10.0 Representations

- 10.1 One letter of objection, from the neighbouring Priory Farm Cottage, has been received.

10.2 This echoes the concerns raised by Little Horkeley Parish Council, and in addition stated the following:

- The submitted details are not clear;
- The chosen materials are unacceptable;
- Possible line of sight issues from the driveway of Priory Farm Cottage;
- The proposed roof would completely obscure the view from the window of Priory Farm Cottage.

In addition to the details reported above, the full text of all representations is available to view on the Council's website. No responses to the reconsultation had been received at the time of writing, any comments received will be reported on the amendment sheet.

11.0 Parking Provision

11.1 Two spaces are achievable at the front of the property, although neither the existing, nor the proposed 'double garage' complies with the parking standards.

12.0 Open Space Provisions

12.1 n/a

13.0 Air Quality

13.1 n/a

14.0 Report

Design and Layout

14.1 The proposed garage is in roughly the same location as the existing, but is slightly longer. The proposed dimensions are quoted at 5.39 x 6.628 metres, although this does not include the overhung roof; when this is added, the size is approximately 5.9 x 6.9 metres. The above measurements compare with the existing garage which is approximately 5.9 x 5.75 metres. This indicates no increase in width, but an increase of length of over a metre. This increase was originally proposed to be spread evenly between the front and rear. It is now proposed to locate most all of this towards the front (915mm, with 305mm to the rear).

14.2 The proposed height was originally described 'as existing', although the existing is a pyramid roof which comes to a single point. Both the original and amended proposal show a ridge of 1.4 metres running parallel with Priory Farm Cottage.

14.3 The amendment, however, shows the eaves level to be as existing with the new ridge level *lower* than existing garage. This has been achieved by lowering the pitch to be 27.5 degrees.

Impact on the Surrounding Area

- 14.4 The original proposal showed black weatherboarding, and your Officer had asked for clay tiles to accompany this. The applicant is now opting for a render to match with the group of buildings to which it belongs. This is acceptable, and the roof materials should also match those around them. Therefore concrete tiles are acceptable.
- 14.5 The arrangement does appear a little cramped in terms of spaces between buildings, but this is no different to the existing scenario.

Impacts on Neighbouring Properties

- 14.6 A number of concerns were originally raised from the neighbouring property and from the Parish Council. These related primarily to issues of loss of light and outlook from windows.
- 14.7 There were originally windows to the front and side at both ground and first floor level which stood to be affected. It was clear from the original proposal that there would be additional loss of light and outlook. However it was noted that these were generally secondary windows, with the main (south facing) windows to the front being unaffected.
- 14.8 It was acknowledged that there was an effect on the amenity of the neighbouring property, but that the development was not held to be refusable on amenity grounds.
- 14.9 However, the amendments show an improved situation whereby less of the first floor window would be covered by the roof than had originally been proposed. The issue of amenity has, therefore, been resolved.

Highway Matters

- 14.10 The Highway Authority does not object. It is worth noting that the current arrangement of a substandard garage, with sufficient space for two vehicles to be parked off of the Highway, is not changed.

Other Matters

- 14.11 It has been claimed that the proposal may be partly over the boundary of the neighbouring property. The submitted drawings lend some weight to that claim. Any planning permission does not circumvent this, and the applicants will need to be informed of this point on any decision notice.

15.0 Conclusion

- 15.1 In conclusion, the effect on the neighbouring Priory Farm Cottage has been alleviated. The change in materials is also held to be satisfactory. The proposal is, therefore, held to be acceptable with an informative stating that all works must take place within the site only.

16.0 Background Papers

16.1 PPS; Core Strategy; CBDP; SPG; HA; PTC: NLR

17.0 Recommendation

17.1 Approval 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

The development hereby approved shall comply in all respects with the approved Project Number 12002, Drawing Number 03, unless otherwise agreed in writing by the Local Planning Authority.

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

3 – Non Standard Condition

The development shall be finished in smooth render (walls) and concrete tiles as stated within the amended application unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure suitable materials to the surrounding context are used.

Informatives

(1) The applicants are advised that this permission does not allow works (including overhang of eaves, roof tiles or guttering) to take place outside of the applicant's property and they are advised to confirm the property boundary before proceeding.

(2) 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.

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

Planning Committee

26 April 2012

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce ☎ 282452
Title	Briefing note to the Planning Committee advising of the recent formal declaration of Air Quality Management Areas (AQMA's) in specific locations within Colchester		
Wards affected	All wards		

This report describes the locations now subject to Air Quality Management Area (AQMA) status and the implications for future reporting of planning applications to the Planning Committee

1.0 Decision Required

1.1 Members to agree the recommendations

2.0 Summary of Report

2.1 This report briefly describes the location of four new Air Quality Management Areas (AQMA's) and the context within which these have been declared. Arising from the expanded AQMA regime there are a number of immediate implications for the planning process here in Colchester and these are described along with the new procedures being recommended to facilitate the proper consideration of air quality issues as a material planning consideration

3.0 Reasons for Decision

3.1 This report is presented as part of the Service's ongoing commitment to:-

- ensuring there is transparency in decision making, and
- providing comprehensive analysis of all material planning considerations as part of the decision making process, and
- keeping members of the Planning Committee up to date with relevant policies, guidance and new initiatives likely to impact the planning process

4.0 Alternative Options

4.1 Not applicable as the Planning Committee cannot disregard impacts on air quality in AQMA's when determining planning applications as indicated in the extract from Planning Policy Statement 23 below:-

**Planning Policy Statement 23:
Planning & Pollution Control
Annex 1: Pollution Control, Air and Water Quality**

Local Air Quality Management

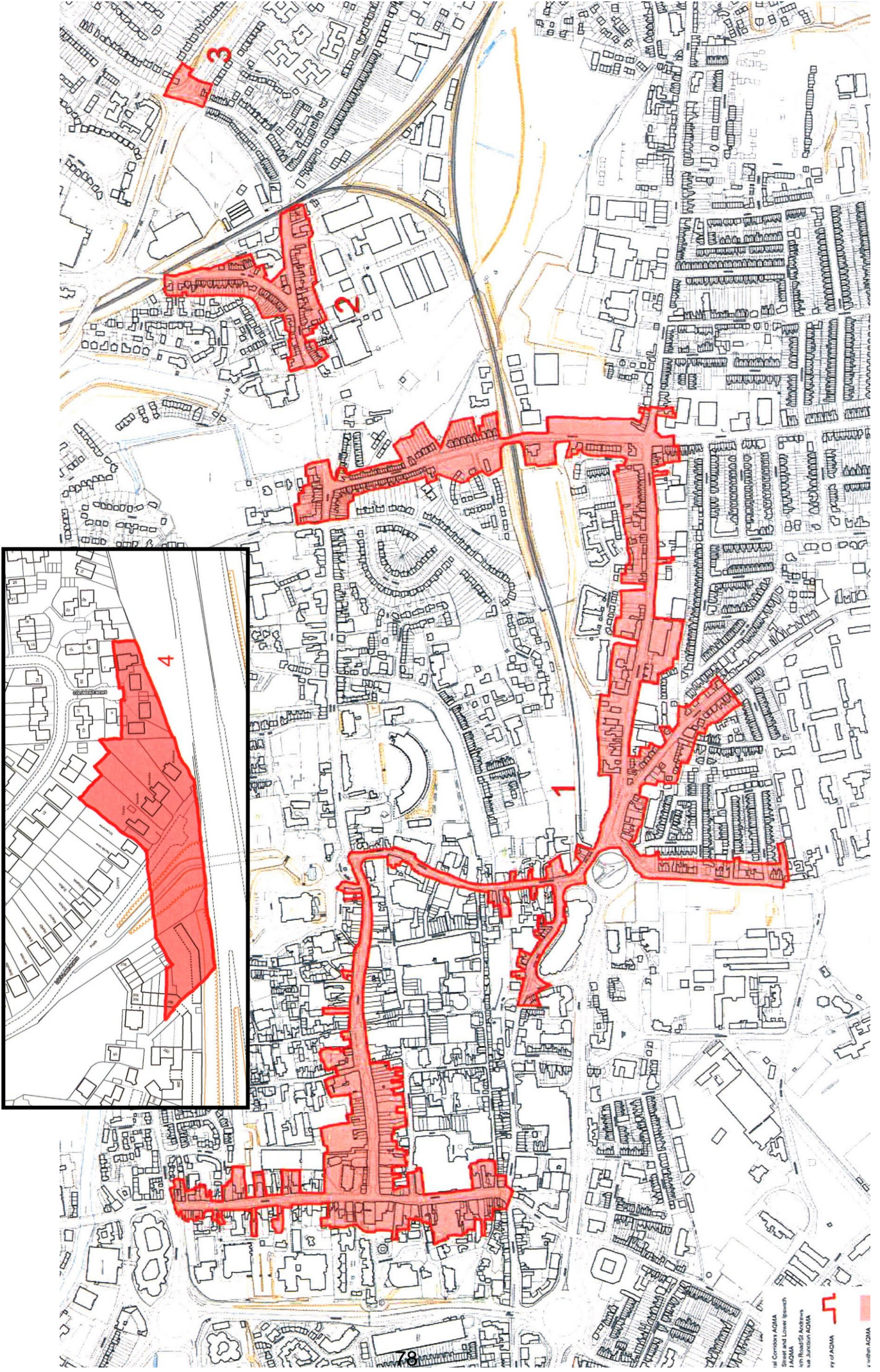
- 1.11 In addition to their pollution control responsibilities, LAs are also responsible under Part IV of the Environment Act 1995 for reviewing and assessing ambient air quality in their areas. If there is a risk that, by the relevant date, levels of particular pollutants in any part of an authority's area will be higher than the objectives prescribed by the Air Quality (England) Regulations 2000 and Amending Regulations 2002, the authority is required to designate an Air Quality Management Area (AQMA), and to draw up an action plan (integrating this within the local transport plan where transport is a primary factor) setting out the measures it intends to take in pursuit of the objectives¹.
- 1.12 This process will have an impact on development planning and development control decisions. The planning, transport and air quality control functions of LAs should therefore work closely together in:
- carrying out the reviews and assessments of air quality, especially where new development is likely;
 - considering the possible impact of new development in drawing up any air quality action plans and local air quality strategies;
 - considering the results of air quality reviews and assessments in the preparation of development plans; and
 - taking any development control decisions which may have a direct or indirect bearing on existing air quality or creating exposure to poor air quality.
- 1.13 Air quality in AQMAs will inevitably be influenced by factors beyond their and individual LA boundaries. It is therefore important that the possible impact on air quality of developments close to an AQMA is also considered. Local planning authorities (LPAs) should also note that air quality can be an important consideration, whether or not levels of air pollution in areas on which the proposed development may impact due to dispersion or cumulative load are already high enough to justify the designation of an AQMA. More details are set out in Appendix 1G. Advice has also been issued by the Department of the Environment, Food and Rural Affairs (Defra) in *Part IV of the Environment Act 1995 Local Air Quality Management, Policy Guidance* LAQM. PG(03) and *Technical Guidance* LAQM. TG(03) (see www.defra.gov.uk/environment/aqm).

5.0 Supporting Information

- 5.1 On 5 January 2012 the Council's formal decision to make an Air Quality Management Order under the Environment Act 1995 (S83 (1) came into effect , thereby creating four new Air Quality Management Areas (AQMA's).

Map follows.....

5.2 The resultant four Air Quality Management Areas (AQMA's) are shown on the accompanying map (figure 1) below.



5.3 These will be known as:-

Area 1 : ‘Central Corridors’

Comprising (either fully or in part):

High Street, Colchester, Head Street, North Hill, Queen Street, St. Botolph’s Street, St. Botolph’s Circus, Osborne Street, Magdalen Street, Military Road, Mersea Road, Brook Street, & East Street.

Area 2 : East Street and the adjoining lower end of Ipswich Road

Comprising(either fully or in part) :

East Street and Ipswich Road

Area 3 : Harwich Road / St. Andrew’s Avenue junction

Comprising:

St. Andrew’s Avenue and Harwich Road

Area 4 : Lucy Lane North, Stanway

Comprising:

Lucy Lane North, Stanway

5.4 The Order states that the specific reasons for the declaration of the Order in specific locations are as follows:-

“Area 1 : In relation to the likely breach of the nitrogen dioxide annual mean and hourly mean objective as specified in the Air Quality Regulations 2000

Areas 2, 3 and 4: In relation to the likely breach of the nitrogen dioxide annual mean objective as specified in the Air Quality Regulations 2000”

5.5 **But what does that mean?** In a nutshell nitrogen oxide (NO) is a product of combustion and enters the air via vehicle exhausts. In the air it mixes with naturally occurring oxygen in ozone (O₃). One of the chemical products of that reaction is nitrogen dioxide (NO₂) which is actually the pollutant of interest associated with vehicle exhaust fumes.

5.6 **The annual mean** is the average taken over the year and is used to assess the level of long-term exposure when analysed against the Air Quality Objective (ie, by people living or working in an area).

5.7 **The hourly mean** is a measurement used to assess the level of short-term exposure. (eg which helps to relate to people visiting an area). This looks at peaks in NO₂ when the implications of shorter exposure to higher levels than desired need to be assessed.

5.8 **What does the declaration of an AQMA mean in practice?** The Council is now required to work with its partners and others to produce an action plan that will describe the timetabled steps to be taken to improve air quality through its own intervention or that of its partners as well as how it will help to facilitate improvement initiatives from others. Members will understand how the planning system can make a key contribution to the overall objective of improving air quality by requiring development to conform with the Action Plan and by requiring

developers to include mitigation measures in their schemes and thereby the quality of the environment through the action of the development management, the strategic planning policy, the highway/transport and regeneration process. The Council as a significant land owner can also add impetus to the air quality improvement drive.

6.0 Proposed change to Committee format

As a result of the extended AQMA coverage it has been decided to change the format of reports to Planning Committee to include a specific section on the Air Quality implications of proposals that directly or indirectly have the potential to impact on air quality within one or several AQMA's. This impact can be positive, neutral or negative and may or may not be capable of adequate mitigation. The new section will include the comments of the Air Quality Officer from within the Environmental Control Service and the Planning Officer will be required to describe the weight she/he has given to this advice in the mix when making his/her recommendation.

Within the section "Land Use Allocation" reports will now refer to inclusion within AQMA's where this is the case. The Planning Service is also working with the Environmental Control Service to agree an impact zone around AQMA's within which AQ consultation will also be automatically triggered. **Once this arrangement has been agreed future reports will also refer to any application falling within an "AQ consultation zone"**

Within the Report on an item within an AQMA will now appear a new section entitled:-

"Air Quality Impact".

It is here that comments of the air quality officer will be reported

7.0 Need for Air Quality Impact Assessments

Currently SPD is being prepared around the subject of air quality but it is clear that certain applications received prior to the adoption of such guidance will need to be assessed against the background of their air quality implications. As a result Members of the Planning Committee are asked to endorse the requirement for air quality impact assessments to accompany planning applications where considered necessary by the Planning Service/Environmental Control Service.

8.0 Recommendation

- A. The Planning Committee notes the coming into effect on 5 January 2012 of four new Air Quality Management Areas within the borough**
- B. The Planning Committee agrees to and endorses the requirement for Air Quality Impact Assessments to be submitted with planning applications where considered appropriate and reasonable by the Planning Service in association with the Air Quality Officer.**
- C. That AQMA awareness be included in the 2012 planning workshops for members.**

8.0 Financial implications

8.1 No direct implications arising from this report but there are wider financial implications for the UK Government and local authorities associated with failure to improve air quality that arise from European Legislation.

9.0 Strategic Plan References

9.1 Green & Clean

10.0 Risk Management

10.1 The key risk is that associated with the failure to take into account all material planning considerations

12.0 Publicity Considerations

12.1 None

13.0 Human Rights Implications

13.1 The actions arising from this report do not in themselves directly impact on human rights.

14.0 Community Safety Implications

14.1 None.

15.0 Health and Safety Implications

15.1 Routine submission of air quality impact assessments will mean that environmental pollution associated with vehicle exhaust fumes will be carefully considered when determining planning applications and this combined with actions in the emerging AQMA Action Plan will lead to an improvement in air quality and health.

Planning Committee

Item

9

26 April 2012

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce ☎ 282452
Title	ANNUAL REVIEW: Planning application determination performance monitoring, and appeals performance information for the period 1 April 2011 – 31 March 2012		
Wards affected	All wards		

This report provides:- details of the performance of the Planning Service judged against Government National Indicators and local indicators and summarises the appeals record for theyear 1 April 2011 – 31 March 2012.

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 significantly above the Government’s former targets and was also ahead of the Council’s own higher local targets in the period ✓
- ◆ ‘Minor’ and ‘other’ application performance exceeded the relevant Government’s former targetsand the Council’s own higher local targets in the same period. ✓
- ◆ The number of planning applications received in the year was marginally up on 2010 – 2011
- ◆ The delegated decision rate at 90.2% was at the 90% target ✓
- ◆ Appeals record (formerly BV204) was better than the national average ✓
- ◆ No costs awards against the Council arising from planning appeals✓
- ◆ No Ombudsman complaints upheld✓

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 former key National Indicators (NI’s) and important current 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 former national performance indicators

- NI157 (8 and 13 week performance)
- Former BV188 (delegated decisions)
- Former BV204 (appeals upheld)

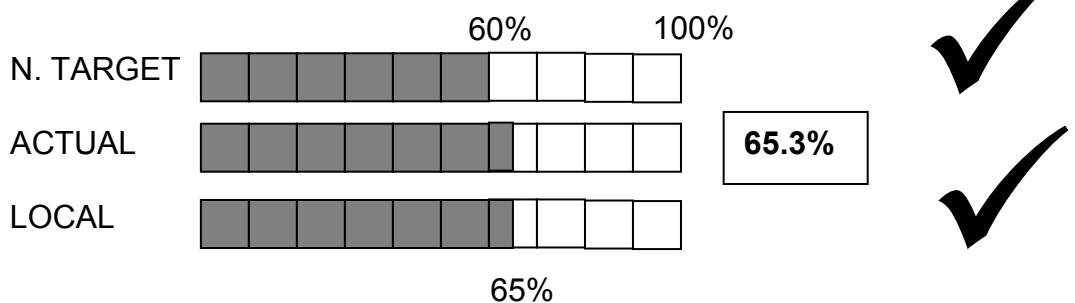
and

- the Council's own local planning application performance targets - all of which are set higher than the former national targets

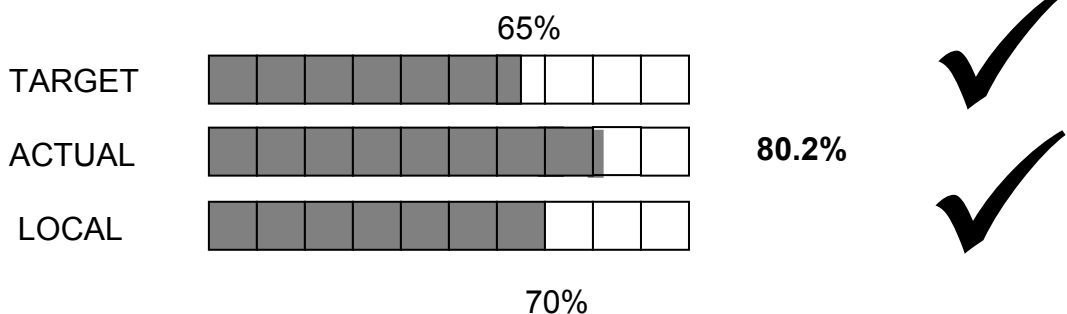
■ NI 157 (8 and 13 week performance)

6.2 Performance levels for the period 1 April 2011 – 31 March 2012 were as described below:-

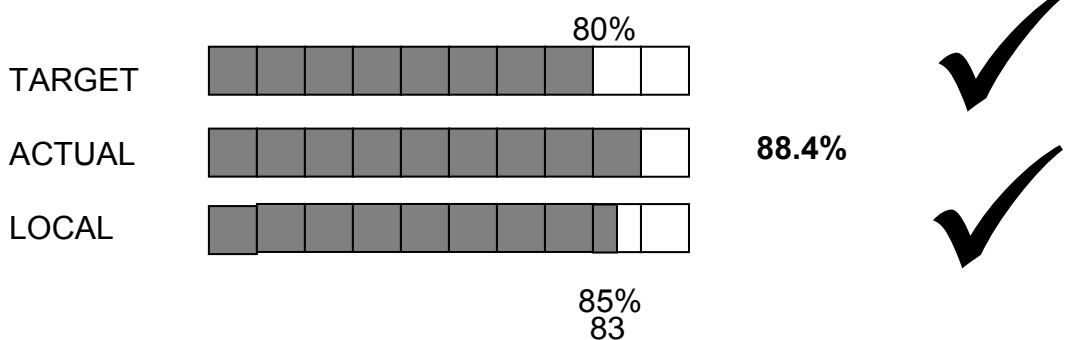
MAJOR application performance (national target & local target against actual)




MINOR application performance



OTHER application performance



HOUSEHOLDER application performance

ACTUAL  **90.5%**

(note: there was no national target and is no local 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 represents outstanding performance throughout the year and demonstrates that improved performance is now being sustained.

6.4 This performance was achieved in the context of a 1.3% increase in the number of applications received compared to 2010 - 2011.

■ Delegated decision making

6.5 **90.2%** of all the decisions made during the period 1 April 2011 – 31 March 2012 which meets the 90% figure considered to represent efficient decision making (a previous national indicator NI 188).

■ Upheld appeals

6.6 The quarterly figure for upheld appeals (ie: those where the Council lost the case) was only **18.8%**. This is an excellent result as the national average has tended to hover in the low to mid 30%'s.

7.0 Costs awards against the Council

7.1 No award of costs was made against the Council during the year arising from planning application decision appeals.

8.0 Ombudsman

8.1 During the year no Ombudsman complaints of maladministration were upheld against the Planning Service in respect of the planning application process.

9.0 Financial implications

9.1 None

10.0 Strategic Plan References

10.1 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.

11.0 Risk Management

11.1 There are no risk management issues to report this quarter.

12.0 Publicity Considerations

12.1 None

13.0 Human Rights Implications

13.1 None.

14.0 Community Safety Implications

14.1 None.

15.0 Health and Safety Implications

15.1 None.



Planning Committee

Item
10

26 April 2012

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce ☎ 282452
Title	Proposed change to the current “call-in” procedure. (to enable members to trigger an automatic call-in (ie require a planning application to go before the Planning Committee) over a longer period that extends beyond the standard public consultation period and to extend the “call-in” facility to applications where re-notification has occurred following receipt of revisions		
Wards affected	All wards		

This report describes proposed changes to the current formal “Call-In” process to give Members greater opportunity to evaluate local concerns before the period for automatic “call-in” expires

1.0 Decision Required

1.1 Members to agree the recommendations

2.0 Summary of Report

2.1 This report describes the proposed changes to the current “call-in” process to allow the call-in period open to members to be extended from 21 calendar days to 25 calendar days. It also includes extending the call-in process to cases where additional consultation is undertaken following receipt of revised drawings prior to the determination of an application.

3.0 Reasons for Decision

3.1 This report is presented as part of the Service’s ongoing commitment to:-

- ensuring there is transparency in decision making, and
- providing comprehensive analysis of all material planning considerations as part of the decision making process, and
- supporting Councillors in their role as community champions

4.0 Alternative Options

4.1 Retain the current “call-in” arrangements without alteration

4.2 Extend the “call-in” period beyond that proposed in the report

5.0 Supporting Information

- 5.1 The present “call-in” process has generally worked well since its introduction in December 2010.
- 5.2 It requires a councillor to trigger a “call-in“ within 21 calendar days of formally being notified of the application by the Planning Service. (the notification from the Service is sent to ward members by e-mail and members are required to send any consequent “Call-in” request via the e-form on the hub).
- 5.3 If a valid “call-in” is made within the 21 calendar day period then “call-in” is automatic.
- 5.4 “Call-ins” that are invalid are not accepted.
- 5.5 “Call-ins” that are valid but submitted after the 21 calendar days period expires are then subject to discretionary consideration for acceptance by the Chairman & Group Spokes.
- 5.6 Currently the Planning Service notifies, in writing, those owner/occupiers who it believes are directly affected by a proposed development along with the parish council within whose boundary an application falls (if this is a ‘parished’ area). This process is enshrined in the Council’s Statement of Community Involvement (SCI) and reflects a statutory requirement. Such notification allows the public a period of 21 calendar days to make such representations as they wish to make. (Similarly site notices and press notices, where these are required, afford 21 days).
- 5.7 There is currently no statutory requirement for the Council to re-notify those people affected by the proposal where revisions are received and accepted prior to determination. The Service’s custom and practice is to re-consult where a material change is made by a revision, the implications of which have not already been considered. In such cases the Service indicates in the SCI that the consultation period may be less than the original 21 calendar days. (it could be 14, 10, 7 or less).
- 5.8 There is currently no additional “call-in” facility for members beyond the original 21 calendar days in circumstances where re-notification to owner/occupiers has occurred.

6.0 Proposed change

6.1 Automatic “call-in”

- 6.2 Now that the protocol has been in place for just over a year and we have the experience of its working the Planning Service has been asked by the Portfolio Holder for Planning (Economic Development & Sustainability), Councillor Nick Barlow, to look at whether it can be adjusted to support ward members further in making informed “call-ins” that reflect local views.

- 6.3 Having reviewed the protocol it does seem unduly limiting for the period given to ward members to match that given to owner/occupiers and parish councils. This effectively restricts the ability of ward members to review all the comments received via the Services on-line facility, receive direct representations from local people and make an informed decision as to whether to trigger an automatic “call-in”.
- 6.4 Consequently it is now proposed to extend the deadline period for members to call-in applications to 25 calendar days from the date of being formally notified.
- 6.5 It is not proposed to allow an unlimited period for “Call-ins” because this was originally rejected by members on the grounds that it runs counter to efficient decision making and could lead to a situation whereby agendas become overly long and clogged by relatively uncontroversial matters simply because “call-in” is open to misapplication.
- 6.6 It is not intended to change the current protocol in respect of invalid “Call-ins”
- 6.7 It is not intended to change the current protocol in respect referral of valid “Call-ins” that are submitted outside of the new 25-day (the proposed amendment) deadline from notification to the Chair and Group Spokes.
- 6.8 **Extending the “Call-in” facility for members to cases where re-notification to owner/occupiers/parish councils by the Planning Service has occurred following receipt of a revision.**
- 6.9 Having reviewed how the “Call-in” protocol works in practice it is clear that an unintended anomaly exists within the established protocol that unreasonably limits ward members’ ability to influence decision making on behalf on parties affected by development. Oddly ward members are not automatically re-notified and the current protocol does not allow for a new opportunity for a “call-in” to be triggered. This situation is clearly a nonsense and runs counter to the basic principle that ward members are to be supported as community champions. It is intended to fix this anomaly.
- 6.10 It is therefore proposed that ward members will in future automatically be notified by e-mail in cases where owner/occupiers/parish councils are re-notified and they will be given an additional opportunity to “call-in” the application on grounds that arise as a direct result of the revision.
- 6.11 The time limit for member “call-ins” in such circumstances will be the owner/occupier period + 2 calendar days (this does not disadvantage members if the 2 days falls over a weekend because the “call-in” request process is electronic and so requests can formally be logged and recorded even though the office is shut.

7.0 Recommendations

That the Committee agrees the following recommendations as amendments to the current Member “Call-in” facility and that in all other respects the facility remain unchanged:-

- A. The Planning Committee agrees to the extension of the member “call-in” facility period on initial notification to 25 calendar days from the date of initial formal notification.**
- B. The Planning Committee agrees to the extension of the member “call-in” facility to include those cases where the Planning Service decides to formally re-notify owner/occupiers/parish councils following receipt of accepted revisions prior to determination of an application . In such cases the member “call-in” period will be the time given to owner/occupiers/parish councils + 2 calendar days.**
- C. That the Planning Service introduces the new regime as close to 1 June 2012 as operationally possible. (or earlier if process changes can be implemented in time).**
- D. That the Legal Services Manager and Monitoring Officer be instructed to make such changes to the Constitution/Committee Procedures as appropriate to formally facilitate these changes into Adopted Council Governance**

8.0 Financial implications

8.1 No direct implications arising from this report.

9.0 Strategic Plan References

9.1 Listen. Transparent. Localism

10.0 Risk Management

10.1 The key risk is that associated with the failure to support ward members represent their communities and the adverse impact that will have on the reputation of the Council

12.0 Publicity Considerations

12.1 None

13.0 Human Rights Implications

13.1 None

14.0 Community Safety Implications

14.1 None

15.0 Health and Safety Implications

15.1 None



Planning Committee

Item
11

26 April 2012

Report of	Head of Environmental and Protective Services	Author	Vincent Pearce ☎ 282452
Title	Proposed change to scheme of delegation to permit the determination of minor material amendment applications that require amendment of an earlier related S106 Agreement to reflect the new planning application number but not the substantive community gain clauses without referral to Planning Committee		
Wards affected	All wards		

This report describes a proposed change to the Scheme of Delegation that will resolve a technicality that creates a procedural inefficiency and will do so without any adverse impact on the quality of decision making and without adversely impacting community gain already secured via S106 Agreements

1.0 Decision Required

1.1 Members to agree the recommendations

2.0 Summary of Report

2.1 This report describes the proposed change to the current Scheme of Delegation that will enable minor material amendment applications that effectively require the mere linking to an existing S106 Agreement to be determined by officers rather than as at present requiring a referral to Planning Committee.

2.2 This will improve efficiency and will help free the Planning Committee agenda from what are 'technical' rubber stamp cases.

3.0 Reasons for Decision

3.1 This report is presented as part of the Service's ongoing commitment to:-

- Comprehensive performance management and customer service

4.0 Alternative Options

4.1 Retain the current arrangements without alteration

5.0 Supporting Information

- 5.1 Currently the Planning Service has delegated power to amend extant S106 Agreements without referral to Planning Committee in the following circumstances:-

“23. Where an application has already been considered by the Planning Committee who have given authorisation to enter into a legal agreement delegated authority is given to Head of Environmental and Protective Services to agree alterations whereby :-

- (a) The mechanism for delivering the required outcomes for the agreement have changed, but the outcome remains the same (including changes to triggers, phasing and timing);”**

Constitution Part 3, Scheme of Delegation to Officers by the Planning Committee - Delegated to the Head of Environmental and Protective Services, Para 23, page 59.

- 5.2 This does not however cover those situations where an applicant submits a minor material amendment application to amend an existing extant planning permission that is already the subject of S106 Agreement . The nature of the application is by its very nature minor and unlikely to generate any new demands on the S106 Agreement originally agreed. However because the minor material amendment application is technically a new proposal and is given its own unique planning application reference a new S106 Agreement is required.
- 5.3 It is proposed that in such circumstances where the minor material amendment does not change the basic requirements of the original S106 Agreement (or as may have been changed under existing delegated authority by virtue of paragraph 23) then such an application does not need to be referred to the Planning Committee for determination unless required to do so by the effect of other paragraphs in Part 3, Scheme of Delegation to Officers by the Planning Committee - Delegated to the Head of Environmental and Protective Services.
- 5.4 This avoids the Planning Committee having to unnecessarily consider an application merely because of a technicality in that in the majority of cases the change will simply involve changing the planning application reference within an existing section 106 Agreement or making changes that ordinarily would have been permitted under delegated authority were the issue merely a change the terms of the original S106 Agreement that comply with those prescribed by paragraph 23.
- 5.5 This is simply good housekeeping.

6.0 Recommendation

A.

That members agree to support a change to the Scheme of Delegation that permits the following to be delegated to the Head of Environmental and Protective Services as an extended category:-

“Where a minor material amendment application that requires a new S106 Agreement that is to all intent and purpose a mirror of an extant S106 Agreement (or a variation of an existing Agreement) without a material change to Obligations being entered into by the parties who are signatories (or where such changes are already allowed without referral to the Planning Committee virtue of paragraph 23 of the delegated powers) then delegated authority is given to the Head of Environmental and Protective Services to determine that application provided that to do so does not conflict with other restrictions within the Scheme of Delegation. “

B.

That the Legal Services Manager and Monitoring Officer be instructed to take the appropriate steps to secure the formal amendment of the Constitution to reflect the change desired by the Planning Committee as described above in recommendation1.

7.0 Financial implications

7.1 No direct implications arising from this report.

8.0 Strategic Plan References

8.1 Listen. Transparent. Localism

9.0 Risk Management

9.1 The key risk is that associated with the failure to support ward members represent their communities and the adverse impact that will have on the reputation of the Council

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



Colchester Borough Council Development Control

Advisory Note on Parking Standards

The following information is intended as guidance for applicants/developers.

A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.

The residential parking standard for two bedroom flats and houses is two spaces per unit. The residential parking standard for one bedroom units is one space per unit. One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Control recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Control.

Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

Noise Control

1. No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holiday days.
2. The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
3. Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
4. Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Control). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

Emission Control

1. All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
2. No fires to be lit on site at any time.
3. On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
4. All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

Noise Control

If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.

The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.

Emission Control

All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.