

Planning Committee

**Council Chamber, Town Hall
2 October 2008 at 6:00pm**

This committee deals with

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.

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 2 October 2008 at 6:00pm

Members

Chairman : Councillor Gamble.
Deputy Chairman : Councillor Ford.
Councillors Chillingworth, Blandon, Chapman, Chuah, Cory, Elliott, Foster, Hall, Lewis and Offen.

Substitute Members : All members of the Council who are not members of this Committee or the Local Development Framework Committee. The following members have undertaken planning training which meets the criteria:-
Councillors Arnold, Barlow, Barton, Bentley, Bouckley, Cook, Dopson, Fairley-Crowe, P. Higgins, T. Higgins, Hunt, Lilley, Lissimore, Maclean, Manning, Martin, Pyman, Quarrie, Sykes, Tod, Turrell and 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. An amendment sheet is circulated at the meeting and members of the public should ask a member of staff for a copy to 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 to 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

To confirm as a correct record the minutes of the meeting held on 18 September 2008.

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. 081254 Lodge Farm, Boxted Road, Great Horkesley** **6 - 14**
(Fordham and Stour)

Proposed agricultural chilled despatch building extension with loading docks and new access road.
- 2. 072831 Area H, The Sergeants Mess, Abbey Field Urban Village, Le Cateau Road, Colchester** **15 - 29**
(Christ Church)

Conversion of existing buildings in residential accommodation to create 11no. town houses and 4no. flats with associated demolitions and including access, parking and provision of open space.
- 3. 080710 Flagstaff Road, Colchester** **30 - 45**
(New Town)

Reserved Matters application for erection of 41no. 2 bedroom flats (blocks B, D, K, L and M) together with modified access road and public open space.
- 4. 080712 Flagstaff Road, Colchester**
(New Town)

Proposed change of use and conversion of existing buildings to create 60no. 2 bedroomed flats and 16no. 1 bedroomed flats (blocks A, G, H, J, I and N) together with modified access road and public open space.
- 5. 080713 Flagstaff Road, Colchester**
(New Town)

Reserved Matters application for erection of 680sqm (gross) B1 commercial accommodation including provision of 24 car parking spaces, blocks P & Q.
- 6. 080716 Flagstaff Road, Colchester**

(New Town)

Demolition of existing buildings.

7. 080717 Flagstaff Road, Colchester
(New Town)

Change of use and conversion of existing buildings to create B1 commercial accommodation together with provision of 116 car parking spaces (blocks C, E, F and O).

8. 081053 10 Williams Walk, Colchester **46 - 60**
(Castle)

Demolition of existing office extension and outbuildings, conversion of existing dwelling into 2no. flats and erection of 6no. dwellings (Resubmission of 071560).

9. 081054 10 Williams Walk, Colchester **61 - 65**
(Castle)

Demolition of existing office extension and outbuildings, conversion of existing dwelling into 2no. flats and erection of 6no. dwellings (Resubmission of 071560).

10. 081556 260 Coggeshall Road, Marks Tey **66 - 70**
(Marks Tey)

First floor rear extension to provide additional bedroom with en-suite together with new stair access thereto.

11. 081414 14 Rosebery Avenue, Colchester **71 - 77**
(Castle)

Erection of new two bedroom house (Resubmission of application 072619).

12. 081451 High Timbers, Malting Green Road, Layer de la Haye **78 - 84**
(Birch and Winstree)

Demolition of existing house and construction of 2no. new detached houses with associated garages.

13. 081325 Mythian, 4 Parsons Hill, Colchester **85 - 99**
(Prettygate)

Demolition of existing house and erection of 10 x 2 bedroom and 1 x 1 bedroom flats in two small blocks with semi basement parking. Resubmission of 080502.

14. 081547 Watercress Hall, Fossetts Lane, Fordham
(Fordham and Stour)

100 - 105

Change part of a narrow piece of land to the rear of Watercress Hall from agricultural to domestic garden. To stop and divert a short length of footpath 21 Fordham to a new point exiting approximately 12 metres north west onto Fossetts Lane.

8. Revised Planning Procedures Code of Practice

106 - 120

See report by the Head of Environmental and Protective Services

9. 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

18 SEPTEMBER 2008

Present:- Councillor Ford* (In the Chair)
Councillors Blandon*, Chapman*, Chillingworth*, Elliott*,
Foster*, Hall and Offen*.

Substitute Members:- Councillor Arnold* for Councillor Lewis
Councillor P. Higgins for Councillor Gamble
Councillor Hunt for Councillor Cory
Councillor Manning* for Councillor Chuah

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

103. Minutes

The minutes of the meeting held on 4 September 2008 were confirmed as a correct record, subject to the word 'High' being amended to 'Highway' in the first bullet point of the resolution to minute number 102.

104. 080866 Ruins Field, Shop Lane, East Mersea, CO5 8TR

The Committee considered an application for the erection of a hatchery building in association with a poultry breeding enterprise. The Committee had before it a report in which all information was set out together with additional information on the Amendment Sheet.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for the submission of a plan showing how vehicles visiting the site will be managed so they can enter and leave in a forward gear, turning within the site.

(b) Upon receipt of a satisfactory plan the Head of Environmental and Protective Services be authorised to issue a planning permission subject to conditions and informatives as set out in the report and on the Amendment Sheet.

105. 081107 Land west of Fairfields, 74 Chitts Hill, Colchester, CO3 5SX

This application was withdrawn from consideration at this meeting by the applicant.

106. 081119 The Barn, Brook Road, Great Tey, CO6 1JF

The Committee considered an application for guest accommodation and a manager's flat for the Barn Brasserie. The Committee had before it a report in which all information was set out.

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.

RESOLVED (UNANIMOUSLY) that –

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

107. 081383 Land adjacent to 46 Pondfield Road, Colchester

The Committee considered an application for a two storey side extension to provide two flats attached to an existing block of four flats. The application is a resubmission of 080509. The Committee had before it a report in which all information was set out.

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.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Barrell addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He had concerns regarding the occupants of the existing flats and he also mentioned a fire which had occurred at the premises. The land which was intended to be utilised for the proposed flats was currently used for recreation purposes. He was also concerned about the possible imposition of waiting restrictions on the highway.

It was explained that the occupants of a building was not a material planning consideration.

Members of the Committee queried the provision of two off-street car parking spaces which, together with the associated visibility splays would effectively remove two on-street parking spaces when the dropped kerb was installed. A short length of fencing which currently screened the front amenity area from the highway would also need to be removed. There was a view that the provision should be either no parking spaces provided or six, one for each flat. It was explained that the provision of two off-street parking spaces were provided for schemes such as this one in response to the current parking policies and standards. Whilst they were provided for the two new units there was no condition that they be used by the occupants of those units.

RESOLVED (MAJORITY voted FOR) that –

- (a) Consideration of the application be deferred for completion of a Unilateral Undertaking to secure a contribution towards Open Space, Sports and Recreational Facilities in accordance with the Council's Supplementary Planning Document.
- (b) Upon the completion of a satisfactory Unilateral Undertaking, the Head of Environmental and Protective Services be authorised to grant planning consent with conditions and informatives as set out in the report, subject to the deletion of the requirement to provide two off street car parking spaces and associated conditions 6, 7 and 8 and Informatives 2 and 3.

108. 081458 Old House, Old House Road, Great Horkesley, CO6 4EQ

The Committee considered an application for a change of use of the first floor from storage to accommodation for a carer who is resident in the ground floor of the annexe at Old House Road, retrospectively, together with the erection of a screen to the external staircase up to the first floor of the annexe. The Committee had before it a report in which all information was set out together with further information on the Amendment Sheet.

The Committee made a site visit in order to assess the impact of the proposal upon the neighbours and the suitability of the proposal for the site.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Mr Chapman, a neighbour, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. His main bedroom was opposite the entrance to the first floor of the converted dwelling which created issues of privacy in respect of the occupier and visitors having a direct line of sight into his bedroom and shower room which was 7 ½ metres distant. The proposed screen would not prevent overlooking because there was a step up into the converted premises and the doorway was 200-300mm higher than the proposed screen. This would lead to a detrimental effect on his family's use of their property. There was also an external light outside the first floor doorway which caused a nuisance and had a detrimental effect on their sleep. He had made a formal objection to the Environmental Control officer and hoped the Committee would take these points into consideration.

Members of the Committee acknowledged how useful the site visit had been in assisting their understanding of the problems. The height of the proposed screen was 2.1 metres above the level of the floor and it would also be above the light as well so the Committee were reassured that the objector's concerns had been dealt with.

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

109. 080789 61-63 Crouch Street, Colchester, CO3 3EY

The Committee considered an application for the alteration and demolition of existing single storey additions; the construction of a single storey rear extension and conversion of outbuildings to accommodate a trade kitchen, dining areas, stores and toilets; internal alterations including relocation of cellar, first floor stairs and relocation of bar; installation of new yard gates to replace the existing; and the creation of free standing exterior dining areas and smoking solution area and provision of access ramp to same. This application is a resubmission of 080135. The Committee had before it a report in which all information was set out.

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

Councillor Foster (in respect of her husband being a freemason) declared her personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3).

110. 081088 66C Barrack Street, Colchester, CO1 2LS

The Committee considered an application for a change of use from office accommodation to regalia shop, meeting room, masonic lodge instruction room. 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.

111. 081275 Bridgeside, Turkey Cock Lane, Stanway

The Committee considered an application for a variation of condition 5 of permission COL/07/0221 to station one additional caravan on a gypsy site. Permission COL/07/0221 gave temporary planning permission for a change of use to residential by means of siting two mobile homes and three touring caravans on the land. The Committee had before it a report in which all information was set out.

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. Ward Councillor Maclean was in attendance at the formal site visit pursuant to Section 7(3) of the Planning Procedures Code of Practice.

John Davies, Principal Planning Officer, attended to assist the Committee in its deliberations.

Julie Lee addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application which was for one extra caravan on the site which was requested because there was nowhere else for the family to go.

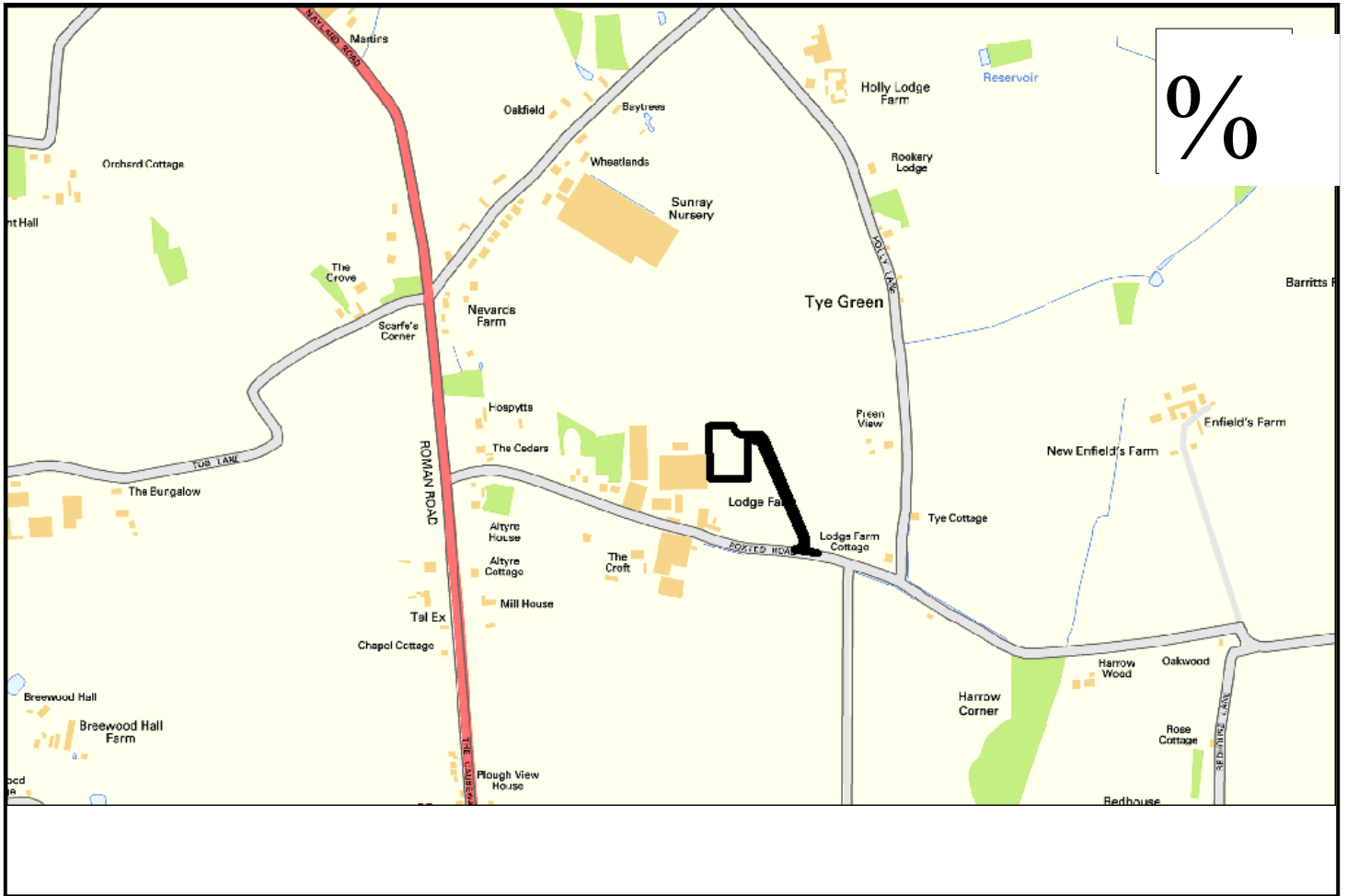
Councillor Maclean attended and, with the consent of the Chairman, addressed the Committee. She considered it was unjust to consider this application because a permission had already been granted for five caravans last October. The very great need for sites for travellers and gypsies had led to the situation whereby special consideration was given to private sites, effectively skewing planning rules in favour of the travelling community. She believed that approval of this application was a contradiction of Condition 5 of the earlier permission which permitted no more than five caravans to be stationed on the site. If this application was approved there would be two mobile homes and six caravans with the potential for further requests. The site was next to the Roman River Conservation Area and she was concerned that the lighting should be switched off during the hours of darkness. She made reference to the Circular from the ODPM 2006. She wanted the conditions of the previous permission to be discharged before any more caravans were allowed and requested that the matter be delegated to Head of Environmental and Protective Services for approval once the outstanding conditions had been satisfied.

Members of the Committee commented that the Council had received strong advice from Counsel; Circular 1/06 applied and the Committee were required to take this into consideration. This was a separate application and if any other applications were received they would also have to look at those as separate applications. He understood the residents' objections to the site and also understood from the residents that they are good neighbours. The Committee were obliged to follow Government guidance. The main concern was the extra floodlighting. Conditions 6 and 7 covered this point regarding infra red controls which

would prevent the lights being switched on all the time and this would go a long way towards overcoming residents' concerns on lighting. An amendment to Condition 6 was proposed so that it included reference to the siting and design of all external lighting being provided with the requirement for the style of lighting to be appropriate this rural area. A further amendment to Condition 6 was proposed so that infra red controls were applied to new and existing floodlighting. The site visit had revealed that there was room for the extra caravan without infringing on Flood Zone 2 and that the site was well kept. However it was considered that there was not the capacity on the site for any further caravans without infringement of the Flood Zone.

It was explained that informatives could be added to the effect that any additional caravans would be unlikely to gain permission, and that the construction of the access road would be monitored to ensure its completion.

RESOLVED (MAJORITY voted FOR) that the application be approved with conditions and informatives as set out in the report subject to amendments to Condition 6 to include reference to siting and design of all external lighting, and the words "and new" to be inserted after the word "existing" in the penultimate line of Condition 6, together with an informative to be added to indicate that the Council would be unlikely to agree to any additional caravans on the site.



Application No: 081254

Location: P G Rix (Farms) Ltd, Lodge Farm, Boxted Road, Great Horkeley, Colchester, CO6 4AP

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **2 October 2008**
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: Jane Seeley

EXPIRY DATE: 10/10/2008

MAJOR

Site: Lodge Farm, Boxted Road, Great Horkesley, Colchester, CO6 4AP

Application No: 081254

Date Received: 10th July 2008

Agent: Mr James Williams

Applicant: P G Rix (Farms) Limited

Development: Proposed agricultural chilled despatch building extension with loading docks and new access road

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Site Description

- 1.1 The application site is on the north side of Boxted Road. it is part of a complex of buildings operated by the applicants on both sides of Boxted Road.
- 1.2 Currently the north side of the road supports an extensive range of buildings primarily used for the storage and packing of onions. The applicants farm is on the Essex/Suffolk border. It is proposed to erect a despatch building extension to the west of an existing onion grading/packing building and a new access road.

1.3 In support of the application the applicant's agent has provided a Design and Access Statement and a number of letters. Key points are detailed below. The full text is available via the Council's website.

1. P G Rix (Farms) Ltd trading as Stour Garden is the country's leading onion grower, packer and supplier.
2. The business employs 116 people (27 from Great Horkesley and Boxted, 42 from Colchester Borough and surrounding villages and 47 from Ipswich (Tendring, 3 daily mini buses are used for these areas).
3. Customer demand for raised service and efficiency levels have created need for additional environmentally controlled chilled despatch area.
4. Improvement to general working conditions and health and safety need to be addressed.
5. Recent audits by Tesco and British Retail Consortium have highlighted areas of concern relating to poor segregation of HGVs, cars and pedestrians. It is at the front of the Stour Garden site which presents a high risk of accident especially at peak periods of movement.
6. The proposals will remove all lorry movements from the employee car park.
7. The design of the existing loading docks also present a health and safety issue.
8. The proposed development will require approximately £750,000 worth of investment.
9. The size of the proposed building (36m x 31.75m) is dictated by the number of pallets required in the proposed expansion. The design and materials match the existing buildings.
10. The new access road will be dedicated to lorry movements. Its position provides good visibility splays and minimises removal of existing hedgerows.
11. A concrete yard is required to allow lorries to turn around and reverse on to loading docks.
12. No additional lorry movements are anticipated.
13. Current traffic movements are:-
 - a) 6-8 loads per day to Tesco distribution depots.
 - b) 1 load per week to Southern Ireland.
 - c) 3 loads per week to Food Processors.
 - d) 30 loads a week to site by HGV and tractor trailer.
 - e) 31 cars per day (50% of which would use the new access road).
14. A speed survey has been carried out which monitored quantity, type and speed of vehicles are 2 sites along Boxted Road for 7 days.

This concludes:-

 - a) 85 percentile speed is 40 mph.
 - b) Traffic along Boxted Road is 45% cars, 50% LGV and 5% HGVs. At the east of the proposed access combined volume was 14.196 vehicles.
 - c) At the site west of the farm access combined volume was 13.147 vehicles.
15. The opportunity is being taken to enhance the landscaping which will include a traditional entrance avenue and other planting screens the site.
16. Noise from traffic movements and refrigeration equipment will be reduced by containment of existing buildings and additional landscaping.
17. 86% of onions processed on site are grown in Essex/Suffolk. 14% are imported (Spain, New Zealand, Chile).
18. Imported onions are used in low volume specialist lines all years (4% of total volume) and for 4/5 weeks per year in July (10% of total volume).

1.4 An Arboricultural Impact Assessment, a Boundary Hedgerow Analysis and details of the speed survey have also been provided. These are available via the website.

2.0 Land Use Allocation

2.1 No notation

3.0 Relevant Planning History

3.1 77/0689 - Erection of general purpose farm building - Approved 13 June 1977

3.2 83/0550 - Erection of building extension for the storage of agricultural crops - Approved 23 May 1983

3.3 87/0526 - Extension to farm office to form entrance lobby and toilet - Approved 13 May 1987

3.4 92/1337 - Farm storage of 1500 tonnes of onions - Approved 18 January 1993

3.5 93/1204 - First floor office extension - Approved 12 October 1993

3.6 94/1128 - Replacement of piggery unit with onion grading building - Approved 17 November 1994

3.7 96/0267 - Erection of agricultural portal frame side extension for onion grading - Approved 18 April 1996

3.8 96/0853 - Change of use of buildings for light industrial (B1) and storage (B8) - Refused 26 September 1996

3.9 98/1647 - Proposed extension to existing agricultural building to form loading canopy - Approved 15 January 1999

3.10 99/0229 - Proposed onion store - Approved 1 April 1999

3.11 F/COL/00/0729 - Extension to existing cold store despatch building - Approved 11 August 2000

3.12 F/COL/00/1803 - Extension to existing agricultural box onion store - Approved 9 February 2001

Note - This includes only more recent history relating to the site north of Boxted Road.

4.0 Principal Policies

4.1 Adopted Review Borough Local Plan
C01 - Rural resources
DC1 - Development Control considerations
C04 - Landscape Features
P1 - Pollution
P2 - Light pollution

5.0 Consultations

- 5.1 Environmental Control recommend conditions to control noise levels.
- 5.2 The Highway Authority have no objection but recommend conditions to ensure adequate site splays, proximity of turning space, alteration to existing access and reconstruction of grass verge opposite the access, adequate cycle parking facilities and a Travel Plan. They comment that whilst the Highway Authority is happy to accept the proposal it is concerned that ongoing development on this site could exacerbate traffic and maintenance issues that already exist along this busy rural road.
- 5.3 The Trees and Landscapes Officer requires amendment to the proposed landscaping.

6.0 Parish Council's Views

- 6.1 No comment received

7.0 Representations

- 7.1 4 letters of objection have been received, 3 from local residents and 1 from a resident of Boxted.
 - 1. Speeds on Boxted Road are greater than speed survey suggests - approximately 50/60 mph near proposed access.
 - 2. Do not consider that the 'traffic' survey gives a fair or accurate report. It does not take into account vehicles which come from Queens Head Road but depart via Boxted Road or vice versa and fails to present a time indication of that business activity. It was based on a synopsis of business over a short period. New access road and building is likely to increase vehicle levels immediately or eventually.
 - 3. The road is constantly deteriorating which has a toll on any vehicles ?? and noise levels.
 - 4. Vehicle movements day and night affects quality of life and property values.
 - 5. There is conflict between HGVs using Queens Head Road/Elms Road junction which is extremely dangerous.
 - 6. Large vehicles frequently get stuck on the double bend causing traffic jams, hedge damage etc.
 - 7. Vehicles attempt to park outside our house at night which is unacceptable and dangerous.
 - 8. Restrictions should be placed in road requiring all HGVs movements to site should be from A137 and all HGVs to business in Queens head Road should be from Boxted Straight Road.
 - 9. P G Rix has expanded by 30% in 8 years.
 - 10. There would be a loss of amenity to local properties - noise, lighting etc.
 - 11. Adverse impact on countryside/landscape.
 - 12. Site works like an industrial estate.
 - 13. There is already noise from the site 24 hours a day.
 - 14. Will the new road lead to additional building west of the access road?
 - 15. The road should be closer to existing farm buildings and farmhouse or use existing routes through the farm.

8.0 Report

- 8.1 Lodge Farm complex has expanded considerably during the last decade. Onion storage and packing building and associated staff facilities have, it is understood, been driven by the applicants main customer Tesco's. The resulting large quasi-industrial units are typical of large farming enterprises where there is a demand for on site processing of crops. Local onions remain the dominate source of produce for Stour Garden. The 14% of imported onions is not significant enough to suggest the business has moved from being a farm to a food processor.
- 8.2 The existing application is driven by customer demands to raise the level of service and efficiency and a need to improve health and safety on site. An audit undertaken by Tesco has highlighted the need to ensure vehicle and pedestrian segregation in the existing forecourt area. Health and safety requirements have been discussed with HSE and Food and Safety Officers at this Council. They confirm that measures to provide pedestrian safety are extremely important. Whilst it is not necessary to provide totally separate access points for HGVs and cars/pedestrians this is the optimum method of providing segregation.
- 8.3 Boxted Road is an extremely heavy trafficked rural road. ECC Highway Authority have had concerns regarding past proposals at Lodge Lane and have required the provision of passing places. Initially the Highway Authority's recommendation for the current application required the stopping up of an existing access to the farm. The applicants were reluctant to agree to this suggestion because the access was to the car park and requiring cars to use the proposed access would be contrary to their desire to provide a separate HGV access.
- 8.4 The access to the car park is proposed to be amended so that the width is reduced to 6 metres to improve visibility and prevent HGV access. Following negotiations with the applicants and an agreement to reinstate a grass verge opposite the access to prevent on road parking, the Highway Authority are not requiring the stopping up of the access. The Highway Authority have seen the speed survey and do not have any concerns regarding its methodology.
- 8.5 Information provided by the applicant/agent intimates that traffic movements will not increase.
- 8.6 A Section 106 Agreement signed by the applicant at the time of an application for an additional onion store in 1999 (99/0229) does include routing of HGVs to and from the site. Details are currently being retrieved and will be reported on the Amendment Sheet.
- 8.7 The proposed building is similar in design and materials to existing structures on the site. The building will not be visible from the south or west. From the south east, east and north it will be set against the backdrop of the existing complex and will not have a significant visual impact. Landscaping is proposed to provide some filter screening. Discussions are continuing with the applicant's landscape consultant regarding the suitability of the proposed Avenue planting. It is anticipated that this will be resolved prior to Committee.
- 8.8 It is appreciated that the access road will result in HGV movements into the site being more closer to 4 nearby dwellings. However, at the level of activity proposed (i.e.

DC0901MW 01/02

approximately 8 Tesco lorries per day and a further 19 HGV and tractor trailers per week) it is not anticipated that there will be any undue impact on residential amenity. Conditions are recommended to control on site noise and lighting and ensure no undue nuisance.

8.9 Officers both at this Council and ECC Highway Authority share local concerns regarding the future growth of the enterprises at Lodge Farm. The applicant's agent has advised that there is no plans for immediate future expansion. They have indicated that if additional onion storage is required this would be proposed to the north of the currently proposed building in an area currently utilised for empty box storage. Whilst not predicting any development to the west of the existing hedgerow (to the east of the site) the business is not prepared to provide any guarantees.

8.10 Government Advice is that all applications should be judged on their own merits. The fact that the business may at a future date submit applications for future expansion is not a material consideration.

9.0 Background Papers

9.1 ARC; HH;; HA; TL; PTC; NLR

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

Prior to the occupation of the development visibility splays with dimensions of 4.5 metres by 120 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the new access. The area within each splay shall be kept clear of any obstruction at all times.

Reason: To provide adequate intervisibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to Policy 1.1 in Appendix G to the Local Transport Plan.

3 - Non-Standard Condition

Prior to the occupation of the development hereby permitted the turning space enabling a motor vehicle to enter and leave the highway in a forward gear shall be constructed, surfaced and made available for use and shall be retained for that sole purpose.

Reason: To ensure appropriate turning facilities are provided so that vehicles can enter and leave the highway in a safe and controlled manner in accordance with Policy 1.1 in Appendix G to the Local Transport Plan.

4 - Non-Standard Condition

No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with Policy 1.1 in Appendix G to the Local Transport Plan.

5 - Non-Standard Condition

Immediately the new access is used the existing access approximately 30m west of Lodge Farm House shall be altered in accordance with details shown on plan number 1336.03.02revA and approved in writing by the Local Planning Authority including reconstruction of the grass verge opposite the access and construction of a low brick wall across the eastern half of the access making the entrance to the staff car park no wider than 6 metres.

Reason: The improvement of this access point is in the interests of highway safety in accordance with Policy 1.1 in Appendix G to the Local Transport Plan.

6 - Non-Standard Condition

Prior to the occupation of the development the details of the number, location and design of bicycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved facility shall be provided before occupation and retained at all times.

Reason: To ensure appropriate bicycle parking in accordance with Policy 3.3 in Appendix G to the Local Transport Plan.

7 - Non-Standard Condition

Prior to occupation of the development a Travel Plan which shall include monitoring and a £3000 monitoring fee, shall be submitted to and approved in writing by the Local Planning Authority. The provision of the Travel Plan shall be adhered to at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development in accordance with Policies 4 and 6 in Appendix G to the Local Transport Plan.

8 - Non-Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site plant, equipment, machinery shall not exceed 5dBA above the background prior to the building hereby approved coming into beneficial use. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise-sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the Local Planning Authority prior to the building hereby approved coming into beneficial use. All subsequent conditions shall comply with this standard.

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

9 - Non-Standard Condition

Any plant, equipment or machinery on the premises shall be constructed, installed and maintained so as to comply with the initial noise condition. The noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise-sensitive premises.

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

10 - C3.1 Materials (general)

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

Reason: To ensure that the development does not prejudice the appearance of the locality.

11 - B3.2 Light Pollution

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

12 - 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.

13 - C10.18 Tree and Hedgerow Protection: General

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

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

14 - C11.14 Tree / Shrub Planting

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

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

Informatives

Non-Standard Informative

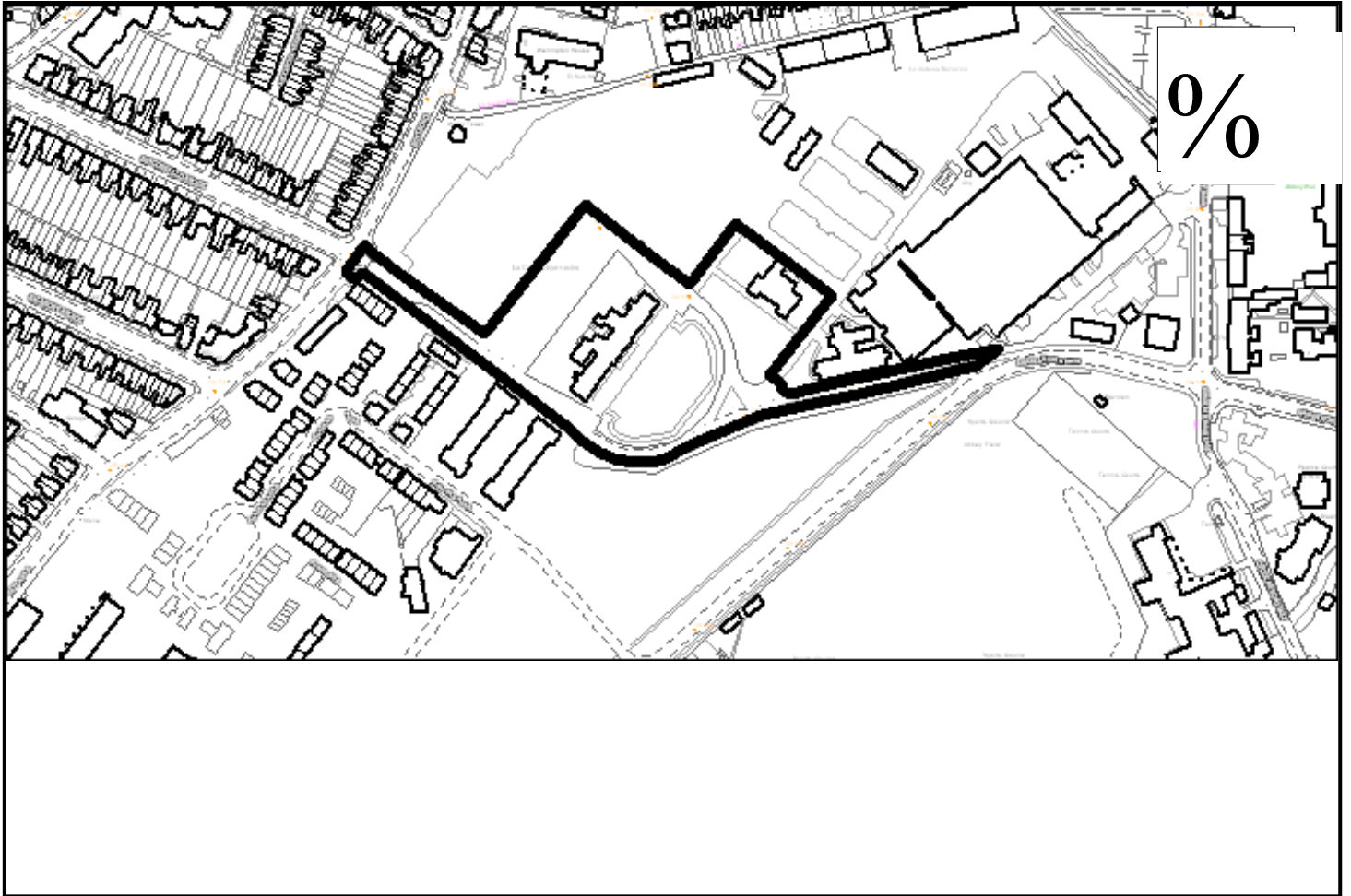
The developer is referred to the attached advisory note Advisory Notes for the Control of Pollution during Construction and Demolition Works for the avoidance of pollution during the demolition and construction of works. Should the applicant require any further guidance they should contact Environmental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

Non-Standard Informative

A competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.

Non-Standard Informative

All works affecting the highway shall 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 initially by telephoning 01206 838600.



Application No: 072831

Location: Area H, The Sergeants Mess, Abbey Field Urban Village, Le Cateau Road, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: Alistair Day

MAJOR

Site: Area H, The Sergeants Mess, Abbey Field Urban Village, Le Cateau Road, Colcheser

Application No: 072831

Date Received: 14th November 2007

Agent: Klh Architects

Applicant: Taylor Wimpey Developments Limited

Development: Conversion of existing buildings in residential accommodation to create 11 no. town houses and 4 no. flats with associated demolitions and including access, parking and provision of open space.

Ward: Christ Church

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

1.0 Planning Report Introduction

1.1 This application was deferred from the 29 May Planning Committee meeting in order to clarify Museum Services' Review of the Colchester Roman Circus Management Plan and to negotiate improved public access to the area of the Roman Circus starting gates.

1.2 A copy of the original report is set out in Appendix 1 for information.

2.0 Consultations

2.1 The Portfolio Holder for Culture, Tourism and Diversity has stated that she is "happy with going for Option 2".

2.2 The Heritage Manager (Museum Services) has provided the following comments in respect of the current proposals:

- the Roman Circus management Plan is only being updated to take account of new archaeological data;
- the proposed redevelopment of Area H (which includes the conversion of the Sergeants Mess and the Education Building comply with the principles set out in the management plan; and

- the revised access arrangements (known as Option 2) provide a solution for the interpretation, etc, of the Roman Circus, but this is not the ideal option in terms of the future management of the site. Clearly Option 2 will require a significant ongoing revenue commitment by the Council and there may be issues in terms of the future relationship with the residents over these arrangements.

2.3 The Colchester and Ipswich Museum Manager's comments can be summarised as follows:

- Option 1: This would seem to be not acceptable politically; there has also been vociferous external lobbying against this proposal.
- Option 2: This proposal would require significant additional funding. There is no reasonable way this could be absorbed into existing budgets. Clearly this could be added as a growth item in the forthcoming budget planning but this would need a political decision.
- Option 3: To remove the existing railing to the front garden of the Sergeants Mess and a new set of railings installed further back separating the garden from the property. This would ensure privacy of the residents and make the garden a truly public space.

Planning Officer's comments on Option 3: This option is not considered acceptable to Taylor Wimpey for the reasons set out in paragraph 3.4 below.

2.4 Parks & Recreation Manager's comments on the revised public access arrangements to the area of the Roman Circus starting gates can be summarised as follows:

- The cost of undertaking the proposed maintenance regime for the site is estimated at £3,000 per annum. It is estimated that the current cost of gate locking is approximately £10.00 per day for opening and closing each gate.
- Given the above, it is estimated that the total cost required for the site maintenance/management would be £6,600pa. For these works, Leisure Services would normally require a commuted sum based on 25years maintenance costs which equates to £165,000.00p.
- If Option 2 is pursued, Leisure Services would require growth of £6,600 in their revenue budget to pay for the works.

2.5 English Heritage have not been consulted on the revised access arrangements as they do not include any works that would affect the Scheduled Ancient Monument or its setting. Under the terms of Option 3 the Council would be responsible for obtaining any consents required for the demarcation and interpretation of the Roman Circus.

2.6 Natural England have confirmed that the bat mitigation strategy is considered acceptable.

3.0 Report

3.1 The proposals for the conversion of the Sergeants Mess and Education Building, the access and parking arrangements and the landscape design strategy are essentially the same as that previously considered by the Planning Committee. The key change is regarding the access arrangements to the front garden of the Sergeants Mess, which contains the buried remains of the starting gates to the Roman Circus.

3.2 The scheme as originally submitted proposed the following:

- The existing front garden area to the Sergeants Mess was to be retained and used as a private garden for the adjacent residential dwellings i.e. there would not be general public access to this space.
- Full public access would be provided to the outer perimeter of the semi-circular garden area allowing complete visual access to this space and views of the listed building and the area of the monument. The footprint of the circus would be appropriately demarcated and information boards installed at the developers' expense.
- The garden area would be opened to the public on a set number of days each year. Two dates were suggested; one to coincide with Heritage Open Days; the other date to coincide with National Archaeological Day. Access to the garden would be permitted on four further dates for supervised educational visits.

Under this proposal, the interpretation of the circus was to be funded by the developer and garden maintained by the residents. This proposal had no financial implications for the Council, but the trade-off for this was limited public access to this site.

3.3 Following the committee resolution to defer this planning application to secure improved public access to the area of the Roman Circus starting gates, Officers have held further discussions with Taylor Wimpey.

3.4 Taylor Wimpey are of the opinion that if, the front garden to the Sergeants Mess is to be maintained by the residents, then a significant increase in public access to this area is not acceptable as it will place an undue burden on the residents. In Taylor Wimpey's view, increased public access comes with responsibility in terms of maintenance and policing of the garden and this will need to be funded by the Council. Taylor Wimpey also remain firmly of the view that the existing enclosed garden area forms an integral part of the setting of the listed Sergeants Mess, contributes to a sense of place and sets the ambience of this part of the garrison conservation area. For these reasons, combined with the desire to protect the amenity of the future residents of the converted Sergeants Mess, Taylor Wimpey do not consider the removal of the railings to create an open area of public open space to be acceptable. From a listed building and Conservation Area perspective, Planning Officers share the view that removal of the railings will erode the setting of the Sergeants Mess and have an adverse effect on the character and appearance of this part of the Garrison Conservation Area.

3.5 Given the above, it has been necessary to find an alternative solution that retains the historic setting of the Sergeants Mess and this part of the Conservation Area and provides the public greater access to the area of the Roman Circus starting gates. The following solution (Option2) has therefore been proposed:

- The semi-circular garden to the Sergeants Mess is leased to CBC - it is suggested for the same period that the land has been leased to CBC for the play area on Abbey Field (approximately 134 years). The freehold of the garden will remain with Taylor Wimpey or the occupiers of the converted Sergeants Mess.
- The semi-circular garden would essentially be retained in its current form so that visually it continues to be read part of the private space to the Sergeants Mess. Provision will however be made for the garden to be opened to the public each day and it is proposed that the opening times follow those found at other historic sites where access is restricted i.e. 10am to 5pm (or dusk if earlier). The Council will be responsible for unlocking / locking the garden each day. Outside the agreed opening hours the garden will revert back to being a private space.
- The landscaping scheme for the semi-circular garden would be undertaken by the Council prior to the converted Sergeants Mess being offered for sale and the Council would thereafter maintain the garden (at its own expense) to a set specification. Under the terms of the proposed legal agreement, should the Council fail to maintain the garden area to the agreed standard, the residents will be able to terminate the lease arrangement and rights of public access to this land.
- The Council would be responsible for obtaining all necessary consents for the demarcation of the footprint of the Circus and the erection of the interpretation facilities; this work would also be funded by CBC.

The above proposal provides Taylor Wimpey with the safeguards that they require – namely that the garden will remain integral to the Sergeants Mess, be maintained to a high standard and that adequate controls are in place to ensure that the garden does not become a hub for anti-social behaviour – and provides increased public access to this archeologically important site, which is desired by the Council. This proposal does have resource implications for this Council.

3.6 Subsequent to the submission of the previous report to the Planning Committee a Bat Mitigation Strategy has been submitted to the Council for consideration. It is proposed to provide new access points to the roof of the Education Building for the Brown Long-eared Bat known to roost in this roof space and additional access points will be made for Pipistrelle bats with the intention of providing conservation gain. Compensation for the loss of the Sergeants' Mess bat hibernation site will be provided by the construction of a new bat hibernacula. The trees on site (which are used by the bats for foraging) are to be retained and the flight-line to the south of the Education Building will remain unlit. These mitigation works have been approved by Natural England.

4.0 Conclusions

- 4.1 With the exception of the public access arrangements to the area of the Roman Circus starting gates, the current development proposals for the conversion of the Sergeants Mess and Education Building (and associated works) did not attract adverse comment from Members. The proposals at paragraph 3.5 seek to address the concerns previously expressed by Members in respect of public access to the area of the Roman Circus starting gates.
- 4.2 The maintenance and management requirements that form part of the proposed access arrangements (Option 2) will clearly have ongoing financial implications for this Council but as Taylor Wimpey point out in their letter of 11 July 2008, this is the required trade-off; greater public access and maintenance in exchange for limited access and private maintenance. Members should be aware there is no requirement for Taylor Wimpey to provide public access to the area of the starting gates or for its demarcation and interpretation; this is confirmed by English Heritage in their letter of 21 January which states that the designation of a scheduled ancient monument carries no expectation of public access. To refuse this application on the grounds that the proposed public access arrangements are not considered ideal to this Council does not constitute a legitimate planning reason for refusal and, in the opinion of your officers, could not be successfully defended at appeal. Moreover, should the applicant decide to appeal against either a decision to refuse this application or against non-determination there is no guarantee that public access to this site would be granted by the Planning Inspector and the Council may have costs awarded against it which could be in excess of £60,000.
- 4.3 Given the above, while the access arrangements set out in Option 2 represent a compromise solution, they do provide the regular public access to the site of the Roman Circus starting gates and, as such, meet the aspirations expressed by the Planning Committee at their meeting on 29 May 2008.

5.0 Background Papers

- 5.1 ARC; AT; TL; HH; Development Team; HA; EH; NLR

Recommendation

That this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided:

- A section 106 agreement is first entered into to secure the appropriate public access and interpretation of the Roman Circus.
- A deed of variation is signed to secure the redistribution of affordable housing across the garrison site

On the signing of the above agreements the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

- Development to accord with approved plans
- Recording of the buildings
- Drawings showing architectural details
- Windows to be in painted timber
- External building and surface finishes and materials
- Details of rainwater goods
- Tree Protection
- Landscaping (hard and soft) and implementation and monitoring of works
- Ecology / protected species
- Access and highway design
- Allocation of car parking spaces
- Sound insulation
- Control of light pollution
- Contaminated land and remediation
- Good practice relating to construction work etc
- Drainage details
- Refuse storage
- Cycle storage facilities
- Street furniture
- Provision of cycle / footway

Appendix 1

1.0 Site Description

- 1.1 The application site forms part of Area H of the Colchester Garrison Urban Village development and comprises two buildings (the Sergeants Mess and the Army Education Centre), their respective grounds and the area of land between these buildings.
- 1.2 The Sergeants Mess (formerly known as the Officer Quarters) is an impressive two storey building constructed of red brick with detailing in yellow stocks. The front façade has a large central gable with four sash windows on each floor flanked by two eleven window ranges and four porches. The rear elevation is cluttered with an assortment of single storey extensions which do not contribute to the architectural interest of this building. The general character of the interior survives with officers' quarters and mess room on the ground floor and officers' quarter with some space for servants on the first floor. The landscaping to the front of the Sergeants Mess in the form of a semi-circular garden enclosed by iron palisade railings remains intact and make a significant contribution to the setting of this building. The Sergeants Mess is listed grade II for its special architectural and historic interest and is situated in the Garrison Conservation Area.
- 1.3 To the east of the Sergeants Mess is the Army Education Centre. This building is built of red brick with a hipped slate roof and consists of a central block with two side wings. The date 1937 is inscribed on the main elevation facing south. The Army Education Building is not listed and located outside (but immediately adjacent to) the Garrison Conservation Area.
- 1.4 In 2006 archaeological investigations discovered the remains of the Roman Circus on the southern end of the application site. The circus starting gates are located underneath the semi-circular garden of the Sergeant's Mess and part of the outer wall and stands are located under the frontage of the Education Building. The circus was designated a Scheduled Ancient Monument on 16 November 2007.

2.0 Description of Proposal

- 2.1 The current application seeks planning permission for the conversion of the Sergeants Mess into 8 townhouses (6 three bedroom and 2 four bedroom units) and the conversion of Education Building into 4 two bedroom flats, 2 three bedroom town houses and 1 four bedroom town house. Associated parking, access and amenity space (both public and private) is also proposed.

3.0 Land Use Allocation

- 3.1 Garrison Regeneration Area - Zone C

4.0 Relevant Planning History

- 4.1 080914 Reserved Matters application for the erection of 35 dwellings, comprising 26 no flats 7no. 2 storey houses and 2no. 2 storey houses with associated office space, together with a modified site entrance, new access road and provision of public open space (resubmission of 072833) - Undecided
- 4.2 080036 Listed building application for the demolition of single storey rear additions and residential conversion into 8 townhouses (resubmission of 072834) - Approved
- 4.3 072830 Change of Use from MoD water tower to commercial use B1 - Approved
- 4.4 072833 Reserved Matters application for the erection of 35 dwellings, comprising 26 no. flats 7no. 2 storey houses and 2no. 2 storey houses with associated office space, together with a modified site entrance, new access road and provision of public open space. - Withdrawn
- 4.5 072834 Listed building application for the demolition of single storey rear additions and residential conversion into 8 townhouses - Withdrawn
- 4.6 072835 Construction of a 150 space car park - Approved
- 4.7 072842 Removal of existing gates and adaption of existing brick wall to form new pedestrian and cycle path entrance – Approved
- 4.8 O/COL/01/0009 A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003

5.0 Principal Policies

- 5.1 Adopted Review Borough Local Plan
 - DC1 - General Development Control considerations
 - UEA1, 2 & 3 - Conservation Areas
 - UEA 5 - Listed Buildings
 - UEA 7 - Archaeology
 - G1 - Colchester Garrison
 - UEA 11 - Design
 - UEA12/13 - Design considerations
 - P1 - Pollution General
 - P2 - Light Pollution
 - CF3 - Access
 - T1 - Transport general
 - T2 - Provision for Cycling
 - UT5 - Satellite Dishes
 - H4 - Affordable Housing
 - H13 - Housing Density

6.0 Consultations

6.1 Museum Services commented as follows:

“The Scheduled Ancient Monument of the Roman Circus is present at the southern end of this site. The Borough Council Management Plan for this monument stipulates that the remains shall be undisturbed. The applicant will need to apply for scheduled ancient monument consent and any ground disturbance will require mitigation.

Regarding the proposed access arrangements to the Roman Circus, Museum Services have stated that this "is a workable compromise which permits regular public access to the site of the Roman Circus starting gates while respecting the wishes of the developer to maintain the private character of the space. This agreement will assist the Council in moving forward with its proposals for the public presentation of the Circus".

6.2 Trees and Landscape raise no objection to this application subject to appropriate conditions.

6.3 Environmental Control have no objection to this application, subject to the attachment of appropriate conditions

6.4 Development Team noted and agreed the applications to Area H.

6.5 Highway Authority raise no objection to the application, subject to various conditions being attached to any planning approval

6.6 English Heritage comments can be summarised as follows:

“Discussions are continuing with the applicants and their archaeological advisors, in relation to the scheduled monument consent (SMC) which is now a statutory requirement. The planning application does not include full details of the landscaping proposals which will be required for SMC; however, it is anticipated that it will be possible to agree a scheme which protects the nationally important archaeological deposits.

As a result of discussions in respect of public access to that part of the monument situated in the gardens which front the Sergeants Mess, the applicant has offered public access to the garden on two days per year which is to be secured via a section 106 agreement.

The designation of a scheduled ancient monument carries no expectation of public access. In this instance, although no above ground remains are visible, proposals for the long term, overall interpretation of the monument are yet to be decided and it is therefore highly desirable that access to, as well as views into, the garden form a component of the interpretation scheme for the monument. English Heritage considers that in this context the offer of limited public access which would embrace the current annual Heritage Open Days and National Archaeology Days represents an acceptable level of public access which allows both the retention of the garden as a setting for the Grade II listed Sergeant's Mess and the long term aspirations for the public interpretation of the Colchester Roman Circus”

7.0 Representations

- 7.1 Various letters of objection have been received to this application. The main objection to the current development proposals is that the garden to the front of the Sergeants' Mess garden is to form a private communal space to which the general public will not have access. Other comments received include that the town's Roman heritage should be protected and the scheme should allow for the appropriate interpretation of the Circus.
- 7.2 In addition to the above, Cllr Higgins raised an objection to this application on the grounds that:
- The site plan does not indicate the Roman Circus
 - There is still no Roman Circus Management Plan and planning permission should not be granted until such a plan exists
 - There should be public access to the starting gates
- 7.3 The Essex Society for Archaeology and History have written to the Council raising concern about the problems of access and landscaping and the damaging effect that these can have on archaeological features.

8.0 Report

- 8.1 The planning application that is the subject of this report forms part of a comprehensive scheme for the redevelopment of Area H. These proposals comprise: the change of use of the water tower to business use; the creation of a 150 space car park (in the general vicinity of the existing one) and the erection of 35 new dwellings. This adds up to (29 two bedroom flats, 9 three bedroom housing and two associated offices). The landscape proposals include a new 'parade ground public square' a communal garden for the residential development on the site of the existing Sergeants Mess garden and a new area of public open space to the south west of the Education Building.
- 8.2 The main issues raised by the current planning application are: the effect that the proposed development would have on the special interest of this listed building and its setting; the effect of the development on the character and appearance of the Garrison Conservation Area; the impact of the development on the Roman Circus and its setting and the suitability of residential development in part of the Garrison Regeneration Area.

Use

- 8.3 The Sergeants Mess and the surrounding area (known as Area H) are identified in the Garrison Master Plan that was approved as a part of the outline planning approval for predominantly residential use with low key mixed uses. With particular regard to the Sergeants Mess, the Historic Buildings Assessment undertaken by the Ingram Consultancy and submitted in support of the outline planning application, stated that this building would be suitable for residential conversion to either flats or town houses with relatively minimal alteration to the existing fabric.

- 8.4 The Council's adopted Supplementary Planning Guidance for Le Cateau and Cavalry Barracks identifies this part of Area H for residential development and the Sergeants Mess as being suitable for conversion to residential use; either as houses or flats.
- 8.5 The current application to convert the Sergeants Mess and Education Building to residential use therefore conforms with the principles established by the outline planning application and the Councils' Supplementary Planning Guidance.

Amount

- 8.6 It is proposed to convert the Sergeants Mess into eight, three or four bedroom dwellings and the Education Building is to be converted into four two bedroom flats and three town houses.
- 8.7 The Council Supplementary Planning Guidance indicates a preferred density of 45-50 units per hectare. The area of new build between the Sergeants Mess and the car park is to be developed at 50 dwelling per hectare, in line with this guidance. The conversion proposals do not achieve the recommended densities but the nature of site constraints are such that they take precedence.

Heritage Considerations

- 8.8 The Sergeant's Mess is built to a generous scale and takes on the architectural form somewhere between a country house and a grand urban terrace. The conversion of the Sergeant's Mess as proposed requires no alteration to the front façade, although substantial repairs to make good the rear elevation is proposed following the demolition of the flat roof additions. The basement wall remaining after the demolition works will be used to allow egress from the converted basements and a central glazed addition added which will allow the rear elevation to remain visible. Internally the original floor plan arrangement and bedroom partitions are retained together with all the existing staircases. The conversion proposals have been sensitively handled and respect the special interest of this building. Listed Building Consent has been granted for these works.
- 8.9 The semi-circular railed enclosed private garden to the front of the Sergeants Mess, together with the tree planting, forms a significant part of the setting of this building and makes an important contribution to the character and appearance of this part of the conservation area. The current application seeks to continue to use this space as an enclosed private garden for the new residential development. It is this part of the development proposal that has resulted in 15 letters of objection on the ground that the Roman Circus starting gates are located under the garden and access to and interpretation of this monument should take precedence over other considerations.
- 8.10 There is clearly various competing demands on this part of the application site: there is the requirement to protect the setting of the listed building, the need to preserve or enhance the conservation area, the protection and interpretation the Roman Circus and the desire to provide the new dwellings with adequate private amenity.

- 8.11 In terms of interpreting the layers of history, the Sergeants Mess is the most tangible element as the building dominates the space and the existing garden has a direct relation to this building. The proposed retention of the existing garden as a private enclosed space will retain the status quo and with careful treatment will enhance the quality of this space. The current proposal will also not cause damage to the scheduled ancient monument and provides the residents with a quality amenity space, akin to the private 'Georgian Square' that is found in many British towns and cities. The current development proposal also fully conform with the Roman Circus Management Plan which was approved by Cllr Bentley in his (former) capacity as Portfolio Holder for Culture, Tourism and Diversity and is adopted by Leisure Services as a guidance and policy statement.
- 8.12 The objections relating to the lack of public access are acknowledged, however, this desire has to be balanced against the need to preserve the setting of the listed building and the character and appearance of the conservation area and the need to provide the proposed development with an appropriate level of private amenity. It also needs to be remembered, as English Heritage points out, the designation of a Scheduled Ancient Monument does not carry an expectation of public access. That said, it is accepted that it is highly desirable to provide for the long term interpretation of the monument. It is therefore proposed to demarcate the foot print of the circus and provide information boards so that the 'casual visitor' can view the location of the starting gates from the perimeter of the garden and gain a general understanding of its context. (The details of the demarcation will be the subject of a condition to ensure that the interpretation of this part of circus integrates fully with the wider interpretation proposals for the circus being developed by the consultants recently appointed by the Council). In addition to this, it was also agreed at a meeting between Council officers, the developer and their agents, English Heritage and the Colchester Archaeological Trust that limited public access would be provided which would embrace National Archaeological Days and Heritage Open Days. Further negotiations by officers have secured four additional days for accompanied educational visits. These access arrangements are to be secured via a new section 106 legal agreement. Both English Heritage and the Council's Museum Services consider that the above arrangements constitute an acceptable level of public access which allows the retention of the garden as a setting for the listed Sergeant's Mess and the long term aspirations for the public interpretation of the Roman Circus.
- 8.13 The Education Building, although of limited architectural interest, is structurally sound and its conversion to residential use will result in no damage to the archaeological deposits. The area of land to the front of this building (which includes the buried remains of the outer stands of the circus) is to remain open and form public open space.

Access and Parking Arrangements

- 8.14 Vehicular access to the development site is proposed from Butt Road, through the historic gate piers that currently form the entrance to the public car park. The carriageway width between the gate piers is less than the standard requirement. However, the Highway Authority has accepted a reduced width at this point to allow the retention of the gate piers

- 8.15 Pedestrian access to Butt Road will pass through the wall in the position of a previous pedestrian gate which has been blocked up. A cycle link to Butt Road will be created by remodelling the section of wall that curves in and out to the north of the existing gate pier. The section of wall exposed by the demolition works will be terminated with a new gate pier to match the existing. A new footpath and cycle link will connect Butt Road to Circular Road North.
- 8.16 The town houses will be provided with two parking spaces each and the apartments will be provided with 1.2 parking spaces each. These parking arrangements are considered acceptable given the site's edge of town location and the close proximity of the public car park.

Affordable Housing

- 8.17 It is not proposed to provide affordable housing as a part of the conversion of the Sergeants Mess or the Educational Building. Affordable housing is however, to be provided as a part of the redevelopment of Area H (13 units), which will equate to 25% of the total number of proposed units. The number of affordable units proposed is less than that required under to terms of the existing legal agreement but this is due a reduction in the overall number of units being proposed as result of the recent discovery of the Roman Circus. A deed of variation has previously been endorsed by Members for the redistribution of the affordable housing across the garrison site (the total number of units is to remain the same) and this application will need to be linked to this deed of variation.

9.0 Conclusions

- 9.1 The application for the conversion of the Sergeants Mess and Educational Building to residential accommodation has been sensitively handled and strikes an appropriate balance between the requirement to protect and enhance the various heritage assets that form part of this site and the need to provide an adequate level of private amenity for the residential development.

10.0 Background Papers

- 10.1 ARC; AT; TL; HH; Development Team; HA; EH; NLR

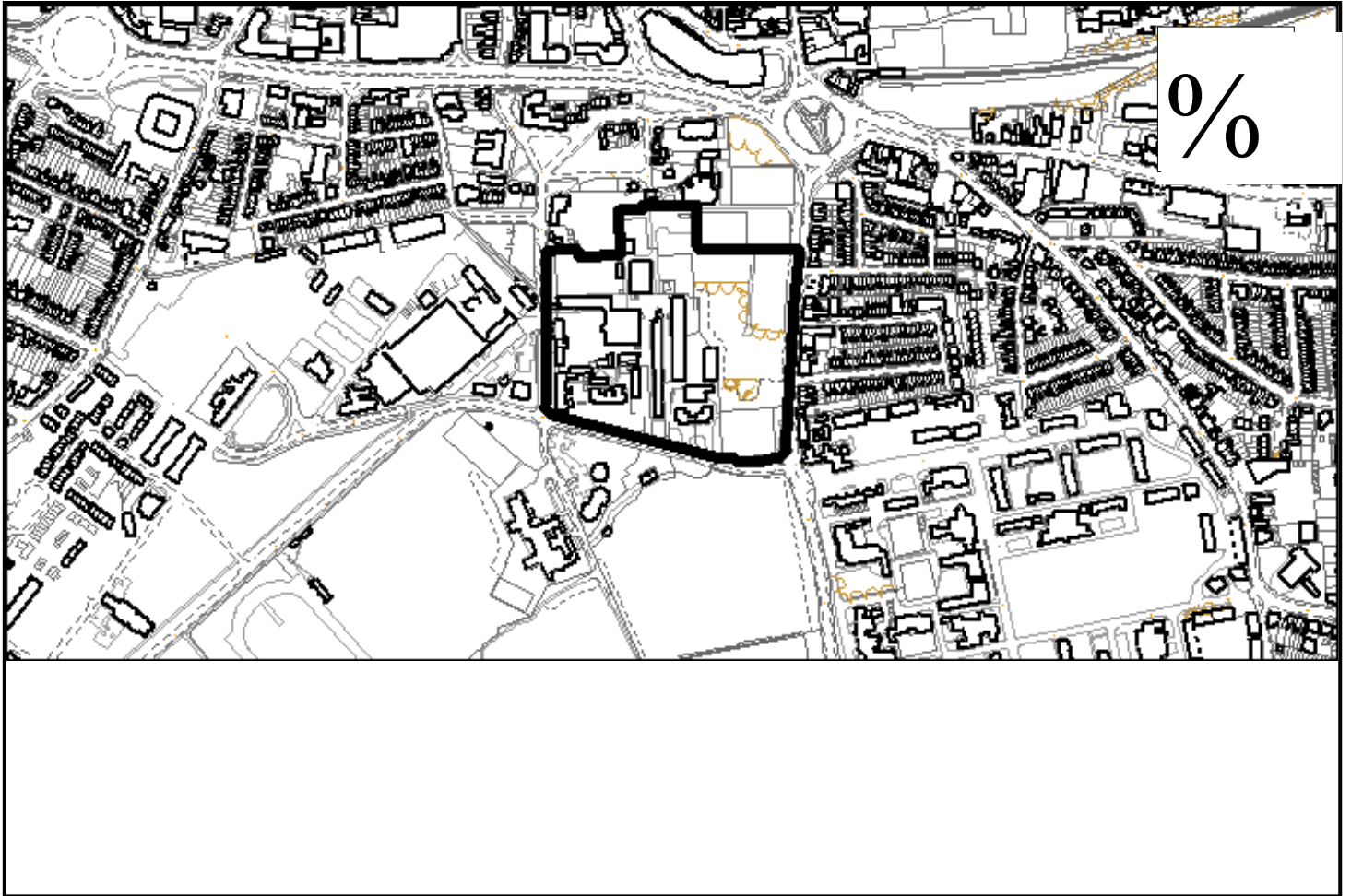
Recommendation

That this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided:

- A section 106 agreement is first entered into to secure the appropriate public access and interpretation of the Roman Circus.
- A deed of variation is signed to secure the redistribution of affordable housing across the garrison site

On the signing of the above agreements the Head of Planning Protection and Licensing be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

- Development to accord with approved plans
- Recording of the buildings
- Drawings showing architectural details
- Windows to be in painted timber
- External building and surface finishes and materials
- Details of rainwater goods
- Tree Protection
- Landscape (hard and soft), implementation and monitoring of works
- Demarcation and interpretation of the circus
- Ecology / protected species
- Access and highway design
- Allocation of car parking spaces
- Sound insulation
- Control of light pollution
- Contaminated land and remediation
- Good practice relating to construction work etc
- Drainage details
- Refuse storage
- Cycle storage facilities
- Street furniture
- Provision of cycle / footway



Location: Garrison Area B1b, Flagstaff Road, Colchester

Scale (approx): 1:1250

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7.3 Case Officer: Alistair Day

MAJOR

Site: Flagstaff Road, Colchester

Application No: 080710

Date Received: 4th April 2008

Agent: Klh Architects

Applicant: Mr R Taylor

Development: Reserved Matters application for erection of 41no. 2 bedroom flats (blocks B, D, K, L & M) together with modified access road and public open space.

Ward: New Town

Summary of Recommendation: Conditional approval subject to signing of Agreement

7.4 Case Officer: Alistair Day

MAJOR

Site: Flagstaff Road, Colchester

Application No: 080712

Date Received: 4th April 2008

Agent: Klh Architects

Applicant: Mr R Taylor

Development: Proposed change of use and conversion of existing buildings to create 60no. 2 bedroomed flats and 16no. 1 bedroomed flats (blocks A, G, H, J, I & N) together with modified access road and public open space.

Ward: New Town

Summary of Recommendation Conditional Approval subject to signing of Agreement

7.5 Case Officer: Alistair Day

MAJOR

Site: Flagstaff Road, Colchester

Application No: 080713

Date Received: 4th April 2008

Agent: Klh Architects

Applicant: Mr R Taylor

Development: Reserved Matters application for erection of 680 sqm (gross) B1 commercial accommodation including provision of 24 car parking spaces, blocks P & Q.

Ward: New Town

Summary of Recommendation: Conditional Approval subject to signing of an Agreement

7.6 Case Officer: Alistair Day

OTHER

Site: Flagstaff Road, Colchester

Application No: 080716

Date Received: 4th April 2008

Agent: Klh Architects

Applicant: Mr R Taylor

Development: Demolition of existing buildings.

Ward: New Town

Summary of Recommendation: Conservation Area Consent

7.7 Case Officer: Alistair Day

MAJOR

Site: Flagstaff Road, Colchester

Application No: 080717

Date Received: 4th April 2008

Agent: Klh Architects

Applicant: Mr R Taylor

Development: Change of use and conversion of existing buildings to create B1 commercial accommodation together with provision of 116 car parking spaces (blocks C, E, F & O).

Ward: New Town

Summary of Recommendation: Conditional Approval subject to signing of Agreement

1.0 Planning Report Introduction

- 1.1 This report covers a suite of 5 applications for redevelopment of Area B1b which forms part of the Garrison Urban Village development. The application comprises two full and two reserved matters applications and one conservation area consent for demolition, as set out below.
- 1.2 080710 - Reserved matters application to outline planning permission O/COL/01/0009 with approval being sought for access, appearance, landscaping, layout, and scale for the erection of 41 no. 2 bedroom flats (blocks B, D, K, L and M) together with modified access roads and public open space.
- 1.3 080712 - Full planning application for change of use and conversion of existing buildings to create 60 no. 2 bedroom flats and 16 no. 1 bedroom flats (blocks A, G, H, J, I and N) together with modified access roads and public open space. (Block N there has been a reduction of 1 unit)
- 1.4 080713 - Reserved matters application to outline planning permission O/COL/01/0009 with approval being sought for access, appearance, landscaping, layout, and scale for the erection of 680sqm (gross) B1 commercial accommodation including the provision of 24 car parking spaces (blocks P and Q).
- 1.5 080716 - Conservation Area application for the proposed demolition of existing buildings within a conservation area.
- 1.6 080717 - Full planning application for change of use and conversion of existing buildings to create 3485sqm gross, B1 commercial accommodation together with provision of 116 car parking spaces (blocks C, E, F and O).

2.0 Site Description

- 2.1 The site is the former Administrative Headquarters Complex for Colchester Garrison Artillery Barracks and occupies a large part of the former grounds of St John's Abbey, a scheduled Ancient Monument. It extends north from Napier Road up to the 14th Centaury Abbey gate and also includes a large heavily treed green area known as the Rose Garden to the east side of the site abutting Mersea Road. The remains of the Roman Circus discovered in 2004 and now a scheduled Ancient Monument are located on the southern part of the site.
- 2.2 The site is defined by two three-storey Commanding Officer residences, circa 1868, facing Napier Road with two administration buildings, circa 1874/1880, facing Flagstaff Road. Development of the site continued from 1868 onwards and the site now contains numerous military buildings.

3.0 Land Use Allocation

- 3.1 Garrison Regeneration Area - Zone

4.0 Relevant Planning History

- 4.1 O/COL/01/0009 - A new urban village comprising residential development (up to approx 2,600 dwellings) mixed uses including retail, leisure and employment , public open space, community facilities, landscaping, new highways, transport improvements and associated and ancillary development. - Approved June 2003
- 4.2 072818 - Demolition of various single storey flat roofed 20th century additions to Abbey House and demolition of 2 no. garage outbuildings and a lean-to structure attached to the Coach House – Conditional Approval - January 2008
- 4.3 072820 - Reserved matters application for the erection of a terrace of 4 dwellings - Committee resolution to approve, subject to controlling conditions and the signing of the legal agreement January 2008
- 4.4 072824 - Change of use and conversion of former MOD police station to residential use, comprising 4 apartments and 2 townhouses, together with conversion of the existing coach house to form a single dwelling - Committee resolution to approve, subject to controlling conditions and the signing of the legal agreement January 2008

5.0 Principal Policies

- 5.1 Adopted Review Borough Local Plan
DC1 - General Development Control considerations
UEA1, 2 & 3 - Conservation Areas
UEA 5 - Listed Buildings
UEA 7 - Archaeology
G1 - Colchester Garrison
UEA 11 - Design
UEA12/13 - Design considerations
P1 - Pollution General
P2 - Light Pollution

CF3 - Access
T1 - Transport general
T2 - Provision for Cycling
UT5 - Satellite Dishes
H4 - Affordable Housing
H13 - Housing Density

6.0 Consultations

6.1 Trees and Landscape - comment as follows:

"1.0 Survey and Analysis

1.1 Regarding proposal drawing No 1065/06 rev D submitted by LLA:

1.2 The Landscape Masterplan proposals would appear for the most part acceptable; however I would advise the following recommendations are cross checked against the current submission in order to fully meet our standard requirements.

1.3 The hard landscape proposals need to be simplified in order to both help complement its conservation area setting and emphasise the footprint of the roman circus.

1.4 The currently proposed tarmac surfaced areas should be considered for substitution with the mixed grey/charcoal block paving, Alpha block for the access roads and Theta setts for the parking bays, with the pedestrian zone all in 'Autumn Gold' block (excepting the pocket park and roman circus footprint), as it is felt a simplified pallet of these the proposed higher quality materials would provide a complementary setting for the retained buildings.

1.5 In order to help give the pedestrian zone a clear priority crossovers at junctions need to be in the 'Autumn Gold' block, rather than unbroken tarmac road as currently proposed between blocks C & D and the SE of block N or the currently proposed buff macadam strips elsewhere within the site (excepting the roman circus footprint).

1.6 Bollards need to be identified on plan and be used to protect tree planting with hard landscaped areas where any vehicular conflict might be anticipated.

1.7 Seating needs to be included to the Public Open Space to the eastern side of the site.

1.8 The soft landscape proposals although for the most part acceptable need to be strengthened though gapping up the mature trees lining Flagstaff Road (there appears to be 2/3 gaps) with trees complementary to the existing dominant stock. The proposed tree to the northern end of the site need to be identified, preferably Quercus Ilex as previously discussed with LLA.

2.0 Conclusion

2.1 In conclusion, the above considerations need to be addressed before the proposed landscape masterplan's suitability can be confirmed."

Officer comment: Revised landscape plans are expected to overcome these concerns.

6.2 The Arboricultural Officer is in agreement with the recommendations in the report submitted. However, given the condition of the large Beech tree to the front of the development, this should be removed.

6.3 County Highways comment as follows:

" The Highway Authority would not wish to raise an objection to the above application subject to the following conditions:

- 1) 1.5m x 1.5m visibility splays.
- 2) No unbound materials to be used for the surface finish of the driveway within 6m of the highway boundary.
- 3) The carriageways of the proposed estate roads shall be constructed up to and including at least road base layer, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of each dwelling.
- 4) Where the route of a definitive public right of way affects the site, all necessary steps should be taken to ensure that the continued safe and unobstructed passage of users wishing to exercise their legal public right are protected. "

6.4 Environmental Control recommends conditions and informatives dealing with the following:

- further contamination investigations and risk assessments;
- remediation schemes;
- soil gas investigation and remediation;
- asbestos surveys;
- light pollution;
- a management company for communal areas.

6.5 Museums (Archaeological) comment that the applicant will need to apply for scheduled monument consent as both the Roman Circus and St John's Abbey are scheduled. The views of English Heritage are paramount, but standard archaeological condition C2.2 (archaeological contractor and watching brief) shall be imposed if consent is granted.

6.6 Leisure Services comment: The Management Plan for the Rose Garden is very detailed and perhaps overcomplicated in some aspects but find the plan overall to be satisfactory. It does create some useful new habitats and would prove suitable for protected species such as the slow worm. Retention of as much dead wood as possible, including arisings from tree surgery, for stag beetle and other invertebrates will be advantageous. I fail to see why any ivy removal from trees is necessary in the reserve area.

6.7 Go-East, The Government Office for the East of England regret that they are unable to comment on this application as it may come before the Secretary of State for his consideration, and to do so may prejudice any decision reached.

- 6.8 English Heritage offers the following observations: The broad proposals have been discussed with English Heritage, but no scheduled monument consent application has yet been made. The proposals are generally beneficial in terms of their impact on the Scheduled Roman Circus. Subject to scheduled monument consent being obtained and the attaching of appropriate conditions to ensure archaeological mitigation, in line with PPG 16, for the wider development area, we have no objections to planning permission being granted.
- 6.9 The Ancient Monuments Society express disappointment at the proposal to retain Building N (albeit stripped back to the frame and reconstructed). While the new elevation may have a marginally greater interest than the present utilitarian appearance, the building surely offends in this context as much for its bulk, and to some extent in its positioning than it does through its elevational treatment. There must surely be a strong argument for demolishing it and providing a lower more sympathetic replacement.
- 6.10 The Council's Development Team noted the application and had no adverse comments to make.

7.0 Representations

- 7.1 2 letters of objection have been received and the main points are summarised below.
- Social housing in excess of requirements at 34%, this is to make up a shortfall in other areas of the Garrison development
 - Social housing should be integrated and mixed throughout the development to prevent a ghetto
 - Too many flats already, some of the existing buildings would make delightful town houses
 - The access through the site to the Officer Club should be developed at an early stage to protect the Abbey Gate
 - Contractors should be prevented from using the Abbey Gate for access
 - Any new build on top of the Roman Circus should be removed
 - How can we ensure the business units are occupied by people who live nearby?
 - How are motorcycles to be prevented from using the pedestrian and cycle route through the Abbey Gate?
- 7.2 Full text of all consultations and representations are available to view on the Council's web-site.

8.0 Report

- 8.1 Blocks A and G, the former commanding officers residences, are proposed to be converted into residential use and sub-divided into flats. Use as town houses was considered however the necessary level of amenity space enclosure to curtilage on such dwellings would be restrictive on delivery of public open space around the Roman Circus and demarcation of its position.

- 8.2 Blocks H and I, the former administrative buildings are proposed to be converted into residential use and sub-divided into flats. The fenestration, internal room sizes and staircases are all readily suited to domestic use. Block I has good fenestration facing the parade ground but lacks any point of focus so it is proposed to add ironwork balconies to give some amenity space and separation from the parking area.
- 8.3 Block N is an unfortunate 1960's addition to the Military Complex. However, it is of sound structure and with a relatively narrow front to back dimension is suitable for conversion to residential use. Substantial alterations are proposed to enhance the appearance of the building which would be stripped back to the basic structure. New off white metal framed windows would be inserted and a new parapet raised. Where cladding panels had been inserted below windows these would be bricked up with all brickwork painted off white. A new mezzanine floor is proposed on the roof to create penthouse apartments. Linked to block N is building 13 which is proposed to be demolished. Building 13 is the white painted square building with large expanses of metal framed windows. This building is detrimental to the setting of the conservation area and its demolition is supported.
- 8.4 While Block N does not relate well to the more modest scale of the surrounding Victorian Buildings that are to be retained and converted, it is structurally sound. The demolition of this building was not secured as part of the outline legal agreement which would have been the most appropriate mechanism for securing its removal. The designation of a conservation area places a duty on LPA's to preserve or enhance the character and appearance of a conservation area. By retaining the existing building the character and appearance of the conservation area would be retained (the building pre-dates the designation of the conservation area by many years) and the proposed re-facing of this building arguably enhances its general appearance.
- 8.5 Block J is to be retained as it plays an important physical role in this group of buildings, closing the southern end of the open space to the north. It is proposed to be converted to residential use and sub-divided into flats.
- 8.6 Blocks C, E, F and O are good examples of Victorian buildings and are proposed to be retained and sub-divided for commercial use. For blocks C, E and F, vertical subdivision would create a range of small B1 business units. Where wagon entrances exist at ground floor glazing would be inserted, set back from iron work columns providing entrances and transparency.
- 8.7 Buildings 16 and 17 are single storey in scale and proposed to be demolished to create new development sites. Building 16 currently sits on top of the remains of the Roman Circus and demolition and replacement with a smaller footprint allows space around the scheduled Monument.
- 8.8 Generally the new development is proposed to be located directly on the footprint of the demolished buildings and is designed as two groups.

- 8.9 Group 1 is proposed to be three-stories in height with the blocks arranged around a central shared garden with frontage elevations and main entrances facing outwards onto the streets. Secondary entrances to stair cores link the flats to amenity areas. The garden would be enclosed with a garden wall punctuated with gates to the parade ground. It is proposed to detail the buildings in Gault/cream coloured brick with aluminium windows in a strong rhythm. Gable ends are parapeted in brickwork with chimney stacks punctuating the roof.
- 8.10 Group 2, block D is proposed to be two-storey to maintain the scale of the wagon sheds and detailed in simple Gault/cream coloured brick with white timber windows and a slate roof to follow the pattern of the wagon sheds. Block B is proposed to be three-stories with a symmetrical arrangement of balconies and fenestration overlooking the Rose Garden to achieve visual policing of the open space. More formal articulation is proposed for the front façade which will overlook the shared garden. Materials proposed are similar to block D with black ironwork for the balcony structures. The two blocks would face each other and enclose the shared garden area.
- 8.11 Block P is designed as a continuation of the military building complex and is proposed to be built in Gault/cream brick and slate roof with metal framed windows. It is proposed to be orientated east west to shield a parking courtyard from the Officers Club and Abbey Gate House.
- 8.12 Block Q in contrast is designed to be seen as outside the military complex and appear domestic in scale with red facing brickwork, sliding sash windows and hand made clay plain tiles. The prime elevation faces east across the grounds of the Officers Club. A raised footway with railings is proposed to accommodate the change in level. Parking would be located to the rear out of view.
- 8.13 Excluding the Rose Garden the total available area for development, new build and existing buildings, is 2.92ha, which with the development of 117 residential units equates to a density of 40dph. It should be remembered however that the residential density will be higher than this figure due to the number of buildings retained for commercial use.
- 8.14 The design and access statement submitted with the application contains a detailed breakdown of unit numbers and sizes and can be viewed on the Council's web-site.
- 8.15 The position and remains of the Roman Circus is proposed to be engrained into the built form and P.O.S. along Napier Road with pedestrian access along the route of the Cavea. The route of the Cavea is to be punched through the longest wagon shed (blocks E and F) in an architecturally sympathetic manner. The proposed development is in accordance with the principles set out in the Roman Circus Management Plan.
- 8.16 Shared amenity space is to be provided for the flats throughout the development in accordance with the 25sqm per flat set out in the EDG. Some flats also have balconies with two penthouse flats having 25sqm roof terraces.

- 8.17 The Rose Garden, on which CBC has an option under the legal agreement for the outline consent, would provide 5% of the required open space. The site areas containing remains of the Roman Circus to the south of the site and adjacent the Abbey Gate to the North are suitable for use as public open space. The Abbey Gate P.O.S. links in with the P.O.S. secured under permission for Abbey Gate House. The ownership of this land has been a long term aspiration of CBC and English Heritage as it provides space for the interpretation of St John's Abbey and associated events.
- 8.18 The legal agreement that was signed as a part of the outline planning approval for the Garrison Urban Village Development requires 28 affordable units to be provided within Area B1a. Given the constraints of that site, the construction of the number of units specified in the legal agreement (irrespective of whether they are affordable or for private sale) is considered to be wholly unrealistic. For this reason, it believed that the legal agreement has been incorrectly drafted and that the 28 affordable units should refer to the Flagstaff Complex (Area B1b, the current applications) which is a significantly larger developable site and is currently identified for no affordable housing. In January this year the Planning Committee resolved to defer applications 072820 and 072824, with the applicant advised that the Council is minded to grant conditional approval provided a deed of variation to the existing legal agreement is first entered into to secure the appropriate redistribution of affordable housing. On the signing of such an agreement the Head of PP&L be authorised under delegated powers to grant permission subject to conditions.
- 8.19 The proposed level of affordable housing on this site (35%) is required make up the shortfall across the Garrison developments and is considered acceptable. Indeed, the recently published East of England Plan now required 35% of all housing coming forward to be affordable.
- 8.20 In a recent briefing note the Council's Environmental Policy section confirms the following:
- "Policy H4 and paragraph 13.30 of the Colchester Local Plan (2004) set out that 25% of the agreed total number of units on site will be required to be affordable housing and that this will apply to schemes involving 25 or more houses or sites covering more than 1ha in line with Circular 6/98. Policy H2 (Affordable Housing) of the East of England plan sets out a target that 35% of housing coming forward after the publication of the RSS should be affordable. The East of England Plan was formally published on the 12th May 2008. The Core Strategy has been prepared with regard to the emerging East of England Plan and Core Strategy Policy H4 sets out an affordable housing target of 35% along with lower site size thresholds in line with Planning Policy Statement 3 (PPS3). Upon the adoption of the Core Strategy, Core Strategy policy H4 will replace Local Plan policy H4 on affordable housing. In the interim period significant weight should be given to the 35% target in the published East of England plan and the 15 unit minimum site size threshold for affordable housing in PPS3."
- 8.21 It is proposed to construct a single point of access from Napier Road and adapt the existing access from Flagstaff Road. In addition to the vehicular access further pedestrian links are proposed between blocks I and H on Flagstaff Road and from the limit of the adoptable highway proposed to St John's Abbey Gate House. The latter of which would also be a cycle route.

- 8.22 Together with a small area of P.O.S an area adjacent to Gate House is proposed for conveyance to the Local Authority. This will be unadopted highway to provide public rights of way up to the Gate House for pedestrian and cycle use with a reserved right of way for the benefit and use by the Officers Club. On completion of the development traffic from the Officers Club will no longer use the Abbey Gate and this right of way will be relinquished.
- 8.23 Parking for the residential units is proposed to be provided at 1.2 spaces per 1 and 2 bedroomed flats, plus 2 spaces for each penthouse apartment, resulting in 142 spaces. For the commercial units 1 space per 30sqm gross internal floor space is proposed resulting in 138 spaces. Disabled parking would be provided at a ratio in excess of 6% of 282 spaces resulting in 17 spaces.
- 8.24 Residential bin and cycle stores are provided at various points throughout the site. Commercial bins would be located in a shared walled enclosure adjacent to block P. This is central to blocks F, C, D, P and Q. Cycle storage and motorcycle parking is provided in a shared area adjacent block O.
- 8.25 In conclusion, it is considered the proposed redevelopment of Area B1b has been sensitively considered in terms of protection of various heritage features with the new and renovated buildings making a positive contribution to the character and appearance of the conservation area.

9.0 Background Papers

9.1 ARC; TL; AT; LS; Go East; EH; Ancient Monument Society; Development Team; NLR

Recommendation for 080710:

That this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided:

- A deed of variation is signed to secure the redistribution of affordable housing across the garrison site

On the signing of the above agreements the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

- Development to accord with approved plans
- Access and highway design
- Drawings showing architectural details
- Windows to be in painted timber unless indicated otherwise on the approved plans
- External building and surface finishes and materials
- Details of rainwater goods
- Detailed design of boundary treatments
- Allocation of car parking spaces
- Tree protection
- Landscape, implementation and monitoring of works
- Refuse/recycling storage.

- Cycle storage facilities
- Street furniture
- Highway conditions
- Demarcation and interpretation of Roman Circus

Non Standard Informative

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.

Recommendation for 080712

That this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided:

- A deed of variation is signed to secure the redistribution of affordable housing across the garrison site

On the signing of the above agreements the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

- Development to accord with approved plans
- Access and highway design
- Drawings showing architectural details
- Windows to be in painted timber unless indicated otherwise on the approved plans
- External building and surface finishes and materials
- Details of rainwater goods
- Detailed design of boundary treatments
- Allocation of car parking spaces
- Landscape, implementation and monitoring of works
- Refuse/recycling storage.
- Cycle storage facilities
- Street furniture
- Highway conditions
- Archaeology
- Demarcation and interpretation of Roman Circus
- Ecology

Informatives

Non-Standard Informative

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.

Recommendation for 080713

That this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided:

- A deed of variation is signed to secure the redistribution of affordable housing across the garrison site

On the signing of the above agreements the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

- Development to accord with approved plans
- Recording of the buildings
- Access and highway design
- Drawings showing architectural details
- Windows to be in painted timber unless indicated otherwise on the approved plans
- External building and surface finishes and materials
- Details of rainwater goods
- Detailed design of boundary treatments
- Allocation of car parking spaces
- Hours of work / delivery
- Sound insulation
- Control of light pollution
- Contaminated land and remediation
- Good practice relating to construction work etc
- Drainage details
- Tree Protection
- Landscape, implementation and monitoring of works
- Refuse/recycling storage.
- Cycle storage facilities
- Street furniture
- Highway conditions
- Archaeology
- Demarcation and interpretation of Roman Circus
- Ecology

Informatives

Non Standard Informative

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.

Recommendation for 080716

Conservation Area Consent be granted subject to appropriately worded conditions to cover the following:-

Conditions

1 - A1.6R LBs & Con Area Consnts-time lim for comm wrks-Rsn

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.

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

2 - B7.2 Conservation Area Consent

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

Reason: In order to prevent the premature demolition of the existing building and the creation thereby of an unsightly gap in the street scene, and in the interest of maintaining the visual amenity and character of this part of the Conservation Area.

Informatives

Non-Standard Informative

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.

Recommendation for 080717

That this planning application is deferred and the applicant advised that the Council is minded to grant a conditional approval provided:

- A deed of variation is signed to secure the redistribution of affordable housing across the garrison site

On the signing of the above agreements the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to appropriately worded conditions to cover the following:

- Development to accord with approved plans
- Recording of the buildings
- Access and highway design
- Drawings showing architectural details
- Windows to be in painted timber unless indicated otherwise on the approved plans
- External building and surface finishes and materials
- Details of rainwater goods
- Detailed design of boundary treatments
- Allocation of car parking spaces

- Hours of work / delivery
- Sound insulation
- Control of light pollution
- Contaminated land and remediation
- Good practice relating to construction work etc
- Drainage details
- Tree Protection
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Application No: 081053
Location: 10 Williams Walk, Colchester, CO1 1TS
Scale (approx): 1:1250

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7.8 Case Officer: Andrew Tyrrell

EXPIRY DATE: 04/10/2008

MINOR

Site: 10 Williams Walk, Colchester, CO1 1TS

Application No: 081053

Date Received: 8th August 2008

Agent: Mark Perkins Partnership

Applicant: A Barber & Son (Colchester) Ltd

Development: Demolition of existing office extension and outbuildings, conversion of existing dwelling into 2 no. flats and erection of 6 no. dwellings (resubmission of 071560)

Ward: Castle

Summary of Recommendation: Conditional Approval subject to the signing of a Unilateral Undertaking

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received and the recommendation is for approval. The application is associated with a Conservation Area Consent application which is also referred to committee and the two applications should be considered together. The applications are both covered by the content in this report, although the recommended conditions have been recorded separately to avoid confusion over which conditions should be applied to the Conservation Area Consent and the Full Planning Permission respectively.

2.0 Site Description

2.1 The application site is approximately 1080.52 square metres of land located in the heart of the Dutch Quarter, north of the town centre, within Castle ward. The existing builders and joinery business has been situated at this site since 1928 and is accessed from Williams Walk, which runs parallel to the High Street and connects George Street and East Stockwell Street. The site is occupied by the builders yard, storage buildings, workshops and offices. Number 10 Williams Walk, at the front of the site, is a four bedroom dwelling.

2.2 The site is essentially a backland and infill site, which is "L" shaped and is surrounded by existing properties in Williams Walk, St Helen's Lane and East Stockwell Street. These are predominantly residential, although the property immediately north of the site in St. Helens lane is an NHS building. The properties that front onto the narrower section of Williams Walk, adjacent to the east boundary of the application site, are two-storey dwellings, with no front amenity area separating them from the access road.

3.0 Description of the Proposal

- 3.1 The proposal is for 4 flats (2 from a converted existing property, and 2 new builds) and 4 new dwellinghouses. These would replace the existing buildings on the site related to Barber & Sons Ltd, thus the use of the land also changes by default as a consequence of any approval.
- 3.2 Number 10 Williams Walk, to be converted into two flats, would remain in situ at the access entrance to the site although an attached flat roof building adjacent to number 10 would be demolished. This, along with the demolition of a small section of wall, allows the access entrance road to be widened. Within the main part of the site there are several single and two storey buildings of poor condition and little architectural merit that would also be demolished to clear the site for the new residential development and access, parking and turning areas.
- 3.3 The access road is shown to be to an adoptable standard (as confirmed by ECC Highways) with a standard size 3 turning head and suitable junction radial widths etc. There is a provision of 8 car parking spaces. Amenity spaces are provided to some of these new units.

4.0 Proposed Mix and Tenure

- 4.1 As stated above the application is for 8 residential units in total. The mix consists of 4 flats and 4 dwelling units. 2 of the 4 flats would be converted from the existing property at number 10 Williams Walk, which fronts the most publicly prominent part of the site. There are also 2 new flats. All 4 flats are 2 bedroom units. The 4 dwellings are also 2 bedroom units.
- 4.2 The tenure would be entirely private as the scheme does not contain enough units to require an affordable housing contribution or on site provision.

5.0 Land Use Allocation

- 5.1 The site is allocated in the adopted Local Plan as being within a "predominantly residential" area. The principle of residential development is therefore acceptable.

6.0 Relevant Planning History

- 6.1 These applications are for a similar proposal to a scheme submitted last year, however the previous applications were withdrawn because they were missing the necessary information regarding contamination and archaeology. There was also no Unilateral Undertaking with the previous submission. There is no other history of particular relevance to this scheme.

7.0 Principal Policies

- 7.1 Adopted Review Borough Local Plan
 - DC1 - Development Control Considerations
 - CO4 - Landscape Features
 - UEA1 - Character of Conservation Areas
 - UEA2 - Building within Conservation Areas
 - UEA3 - Demolitions within Conservation Areas
 - UEA11 - Design
 - UEA12 - Backland Development
 - UEA13 - Development, including Extensions, Adjoining Existing or Proposed Residential Property
 - P1 - Pollution (General)
 - P2 - Light Pollution
 - T2 - Cycle Parking Requirements
 - H13 - Housing Density

8.0 Consultations

- 8.1 In terms of internal consultations, comments have been sought from Environmental Control, the Tree Officer, Archaeological Officer, Conservation Officer and Urban Designer.
- 8.2 Environmental Control have suggested one condition (regarding unexpected contamination) and an informative (on demolition and construction). The Tree Officer has stated that the findings of the arboricultural report submitted with the application are satisfactory, and proposed that 4 landscaping conditions be applied to any permission granted. The Archaeological Officer has confirmed that the archaeological evaluation produced negative results and no further recommendation is to be made. The Conservation Officer and Urban Designer had suggested amendments to the detailing of the scheme prior to submission and were both satisfied with the application.
- 8.3 In terms of external consultations, comments have been sought from the Dutch Quarter Association and ECC Highways. The comments are summarised below:

The Dutch Quarter Association has stated that they have no objection to the application, but they do not want the density or height of buildings to increase in future. They have requested that a wooden fence on the western boundary be replaced with a brick wall, and that future residents be excluded from applying for annual parking permits. They also enquire about securing CCTV through a S106 Agreement.
- 8.4 ECC Highways have stated that they do not wish to object to the proposal. Their recommendation is subject to two conditions; that an adoptable road is constructed prior to occupation of the dwellings and maintained as such thereafter, and that cycle facilities are provided in a safe and convenient location.
- 8.5 Consultation has also taken place with neighbours with a common boundary with the site. The associated Conservation Area Consent was also advertised in the newspaper. Representations received are set out below.

9.0 Representations

9.1 One objection letter has been received. The concerns raised are as follows:

- (a) The proposal is a high density development in the heart of the Dutch Quarter, not on the periphery like other developments, and all the units are two-bedroom properties that make little provision for family accommodation in this area. A lower density with larger homes would be better.
- (b) There is concern about overlooking from the elevation facing Oyster Court and the elevation facing towards back gardens in East Stockwell Street, especially after the felling of the mature Copper Beech tree on the site (which is still shown as being in situ on the submitted plans). Overlooking will affect both property values and property enjoyment.
- (c) The number of parking spaces is inadequate and no provision is made for visitors. There are no visitor spaces in the Dutch Quarter and any visitors park in the resident spaces leaving residents with nowhere to park themselves. Visitor spaces should be provided on site, perhaps where the tree has been felled. More parking should be achievable with a lower density development.
- (d) The development should include period details like timber windows, cast iron rainwater goods, and cast iron stacks to remain in keeping with the surrounding conservation area.

10.0 Report

Density

- 10.1 The scheme is for 8 residential units in total. The site area is approximately 0.108 Hectares. The density of this scheme is therefore 74 dwellings per hectare.
- 10.2 Policy H13 sets out the density thresholds that the Council promotes. This policy states that a density of 30-50 dwellings per hectare will normally be sought, but states that there are circumstances when higher densities will be accepted. These include locations that are highly accessible and town centres. This also accords with Government guidance on density requirements set out of Planning Policy Statement 3. On this basis, a density of 74 dwellings per hectare is considered to be acceptable in principle.
- 10.3 A higher density would also be in keeping with the local context. The Dutch Quarter is a high density area consisting of a closely knit built fabric. This is typical of historic areas of this nature and also of town centres in general.

Design and Appearance

- 10.4 The Design and Access Statement (DAS) sets out the principles behind the design approach. The DAS states that the design draws on local architectural detailing to create traditional style dwellings. Local vernacular materials would be used as appropriate so that the development is integrated into the conservation area. These will include clay plain tiles, natural slates, clay bricks, rendering and weatherboarding. The windows will also be timber sash or casement windows. The materials would need to be subject of a condition to ensure that these could be controlled to the Council's satisfaction.
- 10.5 The conversion of number 10 Williams Walk means that the front and side elevations of the main dwelling remain predominantly unchanged, although the attached office building will be removed and replaced with a porch entrance (east side) and new building to the rear (north). The porch will be a subtle addition and is a great visual improvement over the bulky flat roofed office building that currently detracts from the qualities of this frontage building. To the rear, 10 Williams Walk will be physically linked to a new dwelling that forms a focal point on the corner.
- 10.6 The main new development takes place in the form of the second block in the centre of the site and along the eastern access road. This building is essentially broken up into three aspects of the eastern elevation, the corner section, and the southern facing elevation in the heart of the site.
- 10.7 The eastern elevation has a simple and traditional terraced dwelling house appearance. The northern end unit is a straightforward "two-up, two-down" dwelling with little articulation providing a flat front with limited detailing. There is a chimney, sash windows, and the use of soldier course brickwork above the windows to reaffirm this simplistic traditional design. These themes are carried through in the adjacent flats units to produce an east elevation that compliments, but does not copy, the Victorian terraces opposite. The finer details of this elevation would need to be secured through the proposed conditions.
- 10.8 The central section of this block provides a building that addresses the corner. This is the focal point on approach into the site. The corner has a bay window element running from ground floor through to the roof. This helps to address the corner in an appropriate manner.
- 10.9 Within the main part of the site on the north side of the access road the building takes on the appearance of one large domestic property, although in reality on the north side of the access road the internal division is different (and there are two front doors). The materials change from brick to render with an overhanging gable at first floor level that is typical of the Dutch Quarter. Again, there is the provision of a chimney.

Layout

- 10.10 The DAS states that the layout has been carefully sited around the existing tree roots. The built frontages have been orientated to face onto the back edge of Williams Walk and to contain new car parking spaces within a less prominent part of the site to the west. The plan form shows traditional layouts with narrow depths resulting in suitable narrow gable spans, roof plans and pitches.

- 10.11 The proposed buildings essentially form two blocks of built development. The first of these "blocks" includes the existing dwelling at 10 Williams Walk, which is being converted into 2 flats, and some new development to the rear of this dwelling. The second "block" is a right angled "L" shaped block that runs opposite to the adjacent Victorian terraces before turning into the centre of the site. The space between the Victorian properties and the new development allows the access road to be widened, whilst the gap between the two blocks described above provides the access into the main part of the site.
- 10.12 The car parking provision is to the rear of the site, at the west end. This ensures that car parking is in the least visually prominent area, although it does bring the car parking close to other existing properties, or at least their rear gardens. The spaces are the required 4.8m x 2.4m minimum width and have 6m of turning and manoeuvring area between them and the built forms. Refuse and cycle provision are also located off the access and turning area. There is 1 car parking space and 2 cycle parking spaces per dwelling unit.
- 10.13 Private amenity provision is made, which is a favourable element for a town centre development. However, the area available for garden spaces is limited because of the location. This is considered to be acceptable for such a central location, especially given the historic nature of the surrounding and the close-knit building form in the wider area. There is a Unilateral Undertaking provided for a contribution to public open space and the amenity provision is supplemented by the nearby Castle Park.

Scale

- 10.14 The DAS states that the traditional plan forms sought in the design have resulted in the proposed heights of the dwelling. These roof heights are of similar ridge heights to surrounding properties with a maximum roof height of two storeys being in keeping with the adjacent Victorian terraces already found in Williams Walk.
- 10.15 These principles are well founded and help to provide buildings of a complimentary scale to their surroundings. The two-storey height limitation is the appropriate height for buildings in this area. The site should not appear overly dominant in its context, should sit comfortably against the residential scale of surrounding properties and be reasonably well confined in terms of views from other public locations.

Residential Amenities

- 10.16 This proposal has been assessed in terms of its impact on light and on privacy of proposed and existing occupiers. In terms of its impact on light, the buildings would not have any adverse impacts on levels of light as protected by the standards adopted by the Council through the Essex Design Guide (EDG). To the west the early morning sun is not obstructed due to distance between new buildings and the existing properties. To the north, the buildings are not predominantly residential, so the impact on light is less vulnerable, but the distances also ensure that the standards are met. To the east, the adjacent Victorian terrace properties are closer to the development than other buildings. The distance from the properties means that a 45 degree line drawn from the development would intersect the lower parts of the ground floor wall, but that the windows should not suffer an unacceptable amount of overshadowing.

- 10.17 The objection received from a local resident explains that overlooking is the main issue of concern with regard to amenities. They state that this is more of an issue now that a mature Copper Beech tree has been removed and questioned whether or not this was authorised because the tree is still shown on the plans. The answer to this is that the felling of the tree was authorised, as an exemption, by the Council because it was diseased and dangerous to surrounding properties.
- 10.18 With regard to any adverse loss of privacy, to the north and west the distances to the nearest windows are adequate to satisfy the EDG standards. These standards require that any new windows do not overlook any sitting out area or residential windows within a distance of 25m. This distance is more than satisfactorily met in relation to these standards so that the properties in East Stockwell Street will not be adversely affected. To the east the new development is separated from the existing Victorian terraces by the road, reflecting the typical front-to-front window orientation that is commonplace. With front-to-front windows there are not the same privacy issues and this is also considered to be acceptable.
- 10.19 To the south the properties proposed closest to the existing properties in William Walk are shown with no windows in their south facing elevations. However, the main bedroom windows of plots 1 and 2 as shown on the plans further north within the site are only 12m away from the rear windows of 11 Williams Walk. This distance is not adequate to ensure that the rear garden and rear windows of the existing property are not adversely overlooked. Plot 4 is also closer than would be preferable, namely the prescribed 15m distance, but outlook would be more obscurely angled from any habitable rooms here.
- 10.20 To address the issue of overlooking from plots 1 and 2, the application shows the three offending bedroom windows as being obscure glazed in their bottom halves. However, to ensure that the obscure glazing was sufficient it would need to be to a level of 1.8m above the adjacent floor level internally, which means that obscuring only the bottom half would not be adequate and the whole window would need to be obscured. This raises concerns whether obscure glazing to bedroom windows provides satisfactory living conditions if views and outlook are restricted. However, this would not entirely solve the problem if the windows were to be opened. It is not possible to condition them to be fixed shut as this would remove any fire escape route required for bedrooms by Building Control. Therefore, the issue of overlooking remains as problematic if windows were opened as if they were not obscure glazed. The minimum fire escape height must be 450mm, so it would be possible to limit the opening of the windows to bottom opening only and to an open height of no more than 450mm without causing practical problems in implementation.
- 10.21 Another argument for consideration is that the windows serve a bedroom which, although a habitable room, is not as comparable as main living rooms in terms of the amount of time that future residents are likely to spend looking out from their windows, where a degree of privacy would usually be desired by the future residents in the bedroom themselves, and where the primary purpose of a bedroom (sleeping) would normally entail closing curtains to provide darkness in any case. Thus, the degree of actual overlooking that can be expected has to be considered on balance. Although an element of overlooking could occur, and if this permission were granted, it could not be subject to further controls in the future, the development can be limited by conditions securing minimal opening windows with obscure glazing to minimise the occurrence of overlooking as far as is reasonably possible.

Access, Parking and Turning

- 10.22 Vehicular access will be from the existing access routes, albeit with the benefit of a widened road shared with the adjacent Victorian terraces. At present this road is cramped and the widening of the road to an adoptable standard will help alleviate access problems for these properties as well as providing a suitable access for the new development. The entrance to the main part of the site is through a size 3 turning head which accords with the requirements of Essex County Council, and which can be suitably blended into the surroundings through appropriate materials and landscaping. Pedestrian visibility splays are also shown on the plans at the junction with the main section of William Walk and can be achieved with the removal of a small section of wall.
- 10.23 Pedestrian access to the site is along the existing traffic routes, with the improved width of the access road helping with existing pedestrian-vehicle conflict. The improvement to the road should also assist less able bodied persons and the DAS states that there will be level thresholds to assist disabled access.
- 10.24 ECC Highways have requested that a condition be used to ensure that the road is constructed to an adoptable standard and maintained as such thereafter. They have explained that they have no intention at present of entering into a Section 38 Agreement to adopt the road, but that they wish to keep this possibility open in due course. Whilst this is not a common practice and their reasons given might be questionable, the retention of a suitable road is beneficial to the scheme and a trigger point is needed to ensure that it is implemented. Therefore a condition to this effect can be justified against the six Government tests that conditions face.
- 10.25 In terms of parking provision, there are 8 vehicular spaces and 16 cycle spaces for the 8 dwelling units. This level of provision accords with the current adopted Essex Planning Officers Association Parking Standards. It is noted that by providing spaces on-site the units will normally be excluded from applying for resident parking permits. However, this is a matter outside of planning controls and monitored by a separate service within the Council.
- 10.26 In the north east corner of the site a tree has been removed, making extra room available for parking. It has been suggested that this would allow further spaces to be provided. It might be possible to provide one extra space with a revised layout but the 6m depth on approach to spaces must be retained. This would result in spaces lining the entire length of the western boundary. However, as the standards for parking are met, revisions to the number of spaces would not be required and no negotiations have occurred regarding this matter.

Other Material Considerations

- 10.27 The objection received raised several concerns. Overlooking, the removal of the diseased Copper Beach tree, density, and parking standards have all been addressed above. With regard to the fact that all the units are two-bedroom properties that make little provision for family accommodation in this area, this is not considered to be a strong reason for warranting a refusal. The properties could be used for people with a child with the provision of 2 bedrooms per unit. Given the need to “make the most efficient use of land” (Planning Policy Statements 1 and 3) lower density schemes and larger housing units are not considered to be more appropriate in this central infill location. The contextual limited amenity provision is also a reason why larger family housing is also rare in such central locations.
- 10.28 The objector also states that the development should include period details like timber windows, cast iron rainwater goods, and cast iron stacks to remain in keeping with the surrounding Conservation Area. This can be secured by condition where appropriate.
- 10.29 ECC Highways have suggested that they would prefer the cycle parking facilities to be more accessibly located within the scheme. However, looking at the access requirements that they have required it is considered that there is not a more accessible location to place the cycle parking spaces in practice.

Conclusion

- 10.30 To conclude, the design and scale of the properties is considered to be acceptable and would visually enhance this site within the Conservation Area. The layout is satisfactory and provides an improved access, refuse facilities, cycle parking and vehicular parking spaces in accordance with adopted policy standards. The main concern is that there are three windows (that serve two separate bedrooms) that are only 12m from an existing property and this is contrary to the prescribed distances for ensuring that there is not a loss of privacy to the rear amenity space and rear windows of this dwelling.
- 10.31 To remedy this concern it is suggested that the offending windows be totally obscure glazed and restricting to an opening width of 450mm only at the bottom section of the sash windows. Thus, the crux of the matter is really whether or not these restrictions are considered to be adequate enough to protect the amenities of the residents of 11 Williams Walk. These residents have not objected to the plans. This is however at the expense of the outlook/amenity of Plots 1 and 2. The conditions, however, leave open the possibility of an alternative scheme being submitted to deal with overlooking (e.g by projecting oriel-type windows) that would avoid use of obscure glazing only.

10.32 Overall, the case officer considers (on balance) that the scheme will enhance the conservation area and that this issue outweighs the remaining level of concern over loss of privacy to 11 Williams Walk as long as this is restricted by the conditions outlined above. For the reasons set out in this report the recommendation is to overrule the guidance standards in the Essex Design Guidance in this area, where the context of the conservation area means that any development at this site would be likely to have some impact on neighbours but that this scheme has minimal impact. It is also noted that the level of privacy and distances from overlooking windows (which would be restricted view anyway) reduced by this development is not less than numerous other properties in the Dutch Quarter which have no existing privacy historically because of the nature of the evolution of this area.

Section 106 matters

10.33 A Unilateral Undertaking for a contribution for Public Open Space has been supplied.

11.0 Background Papers

11.1 ARC; CPS; BC; CD; HA; HH; MR; TL; CAA; LAS; NLR

Recommendation

The application be deferred in order that a Unilateral Undertaking is completed whereby a contribution to Open Space, Sport and Leisure is made in accordance with the Council's Supplementary Planning Document. Once completed, the Head of Environmental and Protective Services be authorised to grant planning permission for the proposed development, 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 not be occupied until the means of vehicular access has been constructed in accordance with the approved plans and the vehicular access shall be retained in the approved form thereafter unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that safe and convenient vehicle access to the site is available at all times.

3 - C3.1 Materials (general)

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

Reason: The application has insufficient detail for approval to be given to the external materials to ensure that the development has a satisfactory appearance in order to protect the visual amenity of the Conservation Area.

4 - C12.2 Details of Walls or Fences

Prior to the commencement of the development details of screen walls/fences/railings /means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, design and materials to be used.

The fences or walls shall be provided as approved prior to the occupation of any building hereby approved and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

5 - C3.11 Rainwater Goods to be Cast Iron/Aluminium

All new rainwater goods shall be of cast iron, or cast aluminium and painted [black] 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.

6 - C3.13 External Joinery to be Painted Timber

All external joinery shall be of painted timber, 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.

7 - Non-Standard Condition

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.
- 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.).

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.

8 - 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.

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

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

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

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

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

12 - Non-Standard Condition

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

Reason: For the avoidance of doubt and to ensure that the works are conducted in a satisfactory manner.

13 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of Schedule 2 of the Order (i.e. any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the local planning authority.

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

14 - Non-Standard Condition

The windows to be provided above ground floor level in the south facing elevations of plots 1 and 2 as shown on the submitted plans shall be glazed in obscure glass of a type agreed in writing by the Local Planning Authority and shall be retained as such at all times thereafter. This shall be the case unless the Local Planning Authority agrees an alternative scheme in writing to restrict overlooking from Plots 1 and 2, which shall be implemented as approved and retained permanently thereafter.

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

15 - Non-Standard Condition

The windows to be provided above ground floor level in the south facing elevations of plots 1 and 2 as shown on the submitted plans shall only open upwards from the bottom of the window and shall not open to form a gap of more than 450mm, and shall be retained as such at all times thereafter. This shall be the case unless the Local Planning Authority agrees an alternative scheme in writing to restrict overlooking from Plots 1 and 2, which shall be implemented as approved and retained permanently thereafter.

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

16 - D2.1 Car Parking Available Before Use (Approved Plans)

No dwelling shall be occupied until space has been laid out within the site in accordance with the approved plan attached for 8 cars to be parked and for vehicles to turn so that they may enter and leave in forward gear, and thereafter such space shall be retained for that purpose only.

Reason: To ensure that vehicles visiting the site can park off the highway.

17 - D4.5 Bicycle Parking (as approved plan)

The bicycle parking facilities indicated on the approved plans returned herewith, shall be provided and made available to serve the [use hereby approved before that [use/development] 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.

18 - B9.3 Refuse Storage in Accordance With Approved Plans

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

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

Informatives

Non-Standard Informative

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 any works.

Non-Standard Informative

2. PLEASE NOTE that any technical interpretation of these detailed requirements by the applicant or agent should be sought externally from the relevant professional (i.e. arboricultural consultant - details of local practices are available without prejudice through Arboricultural Officers on 01206 282469 on weekday mornings only)

Non-Standard Informative

3. PLEASE NOTE that in the interests of efficiency any clarification of technical requirements should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the applicants arboricultural consultant and the Council's Arboricultural Officer.

Non-Standard Informative

4. PLEASE NOTE that the adoption of any road is a matter that should be discussed with the Highways Authority and will require the dedication of land as highway. All works affecting the highway should only be carried out with prior arrangement and to the requirements and satisfaction of the Highway Authority. Application for the necessary works can be made initially by telephoning 01206 838600.



Application No: 081054
Location: 10 Williams Walk, Colchester, CO1 1TS
Scale (approx): 1:1250

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7.9 Case Officer: Andrew Tyrrell

EXPIRY DATE: 04/10/2008

MINOR

Site: 10 Williams Walk, Colchester, CO1 1TS

Application No: 081054

Date Received: 8th August 2008

Agent: Mark Perkins Partnership

Applicant: A Barber & Son (Colchester) Ltd

Development: Demolition of existing office extension and outbuildings, conversion of existing dwelling into 2 no. flats and erection of 6 no. dwellings (resubmission of 071560)

Ward: Castle

Summary of Recommendation: Listed Building consent and subject to replacement scheme being approved

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received to the Full application that accompanies this Conservation Area Consent and the recommendation is for the approval of that scheme, requiring the demolition of the existing building on the site through this application. The Full application is also referred to committee as part of this agenda, and the two applications should be considered together. Only if a suitable replacement scheme is approved should a Conservation Area Consent be granted so the outcome of this proposal is inherently linked to the decision on the replacement scheme under application 081053.

2.0 Site Description

2.1 The application site is approximately 1080.52 square metres of land located in the heart of the Dutch Quarter, north of the town centre, within Castle ward. The builders and joinery business has been situated at this site since 1928 and is accessed from Williams Walk, which runs parallel to the High Street and connects George Street and East Stockwell Street. The site is occupied by the builder's yard, storage buildings, workshops and offices. Number 10 Williams Walk, at the front of the site, is a four bedroom dwelling.

2.2 The site is "L" shaped. The site is surrounded by existing properties in Williams Walk, St Helen's Lane and East Stockwell Street. These are predominantly residential, although the property immediately north of the site in St. Helens lane is an NHS building. The properties that front onto the narrower section of Williams Walk, adjacent to the east boundary of the application site, are two-storey dwellings, with no front amenity area separating them from the access road.

3.0 Description of the Proposal

3.1 The proposal is to demolish the existing buildings on the site related to the builders yard. The demolished buildings would then be replaced by the development proposed in the associated Full planning application. Number 10 Williams Walk is not to be demolished; instead this is to be converted.

4.0 Land Use Allocation

4.1 The site is allocated in the adopted Local Plan as being within a "predominantly residential" area.

5.0 Relevant Planning History

5.1 The two linked applications are for a similar proposal to a scheme submitted last year; however, the previous applications were withdrawn because they were missing the necessary information regarding contamination and archaeology. There was also no Unilateral Undertaking with the previous submission. There is no other history of particular relevance to this scheme.

6.0 Principal Policies

6.1 Adopted Review Borough Local Plan
DC1 - Development Control Considerations
CO4 - Landscape Features
UEA1 - Character of Conservation Areas
UEA3 - Demolitions within Conservation Areas
P1 - Pollution (General)

7.0 Consultations

7.1 The application for the demolition works has been advertised in the local papers and local residents were notified by post. No objections were received regarding the demolition itself, but the replacement scheme was objected to as set out in the report on this scheme elsewhere within this agenda. Additionally, the Dutch Quarter Association did not raise any objections to the demolition of the existing builder's yard properties.

7.2 The Conservation Officer was involved in discussion on the replacement scheme and had no objection to the demolition of the buildings already on this site. None of the buildings were considered to be of any architectural value.

8.0 Representations

8.1 As stated above, no objections were received to the demolition works covered by this Consent, only to the replacement scheme. with the surrounding conservation area.

9.0 Report

- 9.1 The Council is obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area in question; and this should be the prime consideration in determining a consent application. In this case the architectural or historic interest of the area is not enhanced by the existing buildings for which demolition is proposed, and in particular there would be no adverse harm of the wider area as a consequence of demolition. Whilst the general presumption should be in favour of retaining buildings which make a positive contribution to the character or appearance of a conservation area, this site makes little or no such contribution
- 9.2 The existing buildings on the site to be demolished include a flat roof office block and several storage and builders yard structures. There will also be some sections of walls to be removed. None of these buildings or structures are considered to add any significant value to the Conservation Area that must be retained. The loss of these buildings would not be detrimental to the Conservation Area and the replacement scheme actually offers an opportunity to enhance the area over the historic and somewhat isolated builders yard use, which is out of keeping with its predominantly residential surroundings.
- 9.3 The guidance on Conservation Area Consents also sets out that they should not be granted unless the replacement development is also approved. To ensure that an ugly gap does not appear in the Dutch Quarter Conservation Area as a result of demolition far in advance of redevelopment, any consent for demolition should only be given if there are acceptable and detailed plans for any redevelopment and the Council is entitled to consider the merits of any proposed development in determining whether consent should be given for the demolition in a conservation area. It would be appropriate to impose, on the grant of consent for demolition, a condition to provide that demolition shall not take place until a contract for the carrying out of works of redevelopment has been made.
- 9.4 The Courts have held that this approach is appropriate, so it is reasonable that consent for the demolition of the buildings on this site may involve consideration of what is to take their place. Thus, the decision on this application is somewhat dependant on the outcome of the associated Full Permission. However, subject to the acceptance of the replacement scheme, it is considered by officers that the demolition of the existing buildings on this site is acceptable.

10.0 Background Papers

- 10.1 ARC

Recommendation

Listed Building Consent and subject to the replacement scheme also being approved

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

The demolition of the building hereby permitted shall not be in any way commenced or undertaken before the applicant has satisfied the local planning authority that a contract or other sufficiently binding arrangement for the carrying out of the works of the redevelopment of the site as permitted under application number 081053, or any subsequent application which has been granted by the local planning authority, has been made.

Reason: In order to prevent the premature demolition of the existing building and the creation thereby of an unsightly gap in the street scene, and in the interest of maintaining the visual amenity and character of this part of the Conservation Area.

3 - Non-Standard Condition

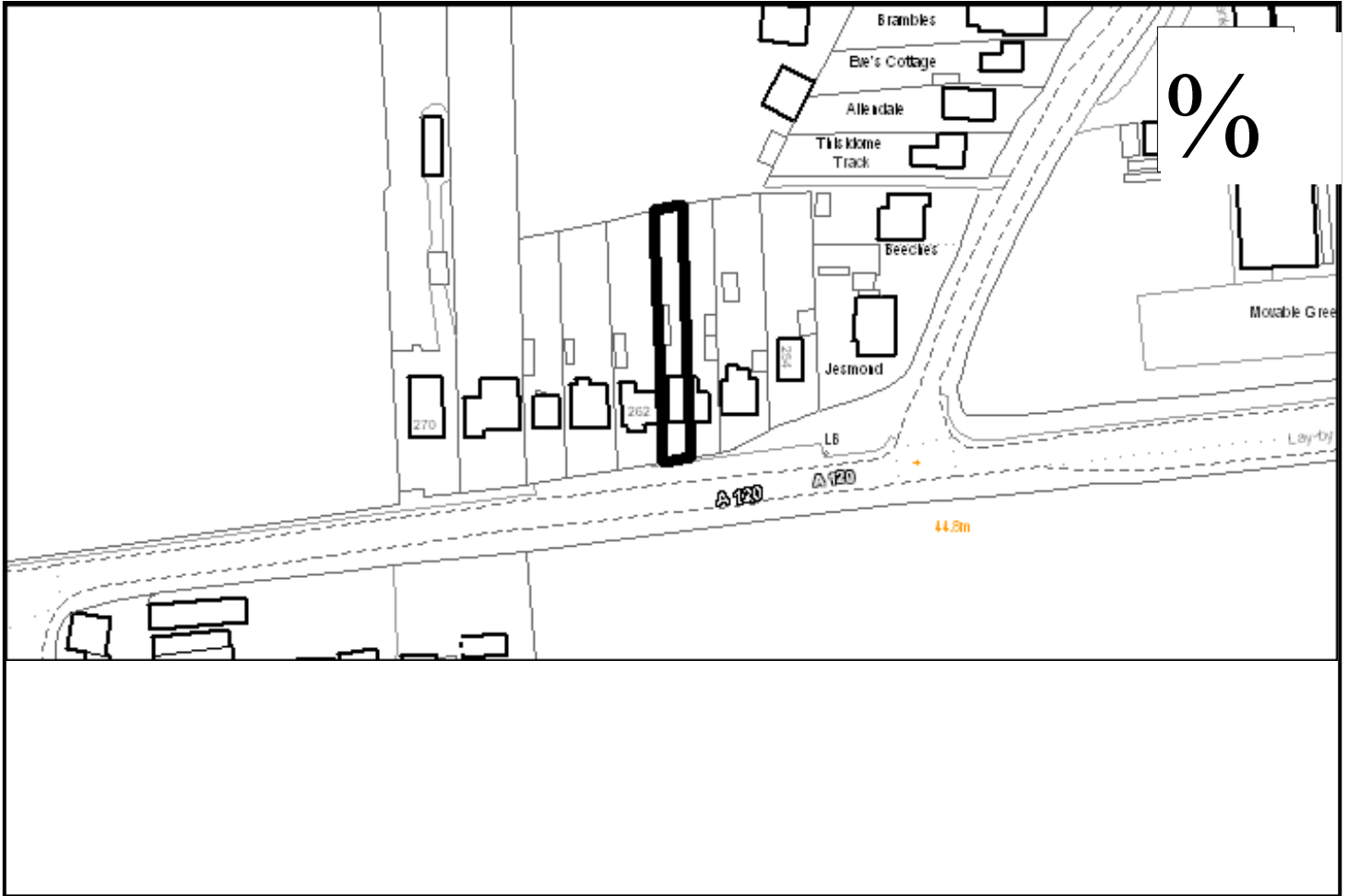
Following completion of the building operations for which consent is hereby granted any damage to the building shall be made good and all making good of the existing building shall be carried out using materials to be agreed with the local planning authority so as to ensure there is a good match with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

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

Informatives

Non-Standard Informative

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



Application No: 081556

Location: 260 Coggeshall Road, Marks Tey, Colchester, CO6 1HT

Scale (approx): 1:1250

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7.10 Case Officer: David Whybrow

EXPIRY DATE: 16/10/2008

MINOR

Site: 260 Coggeshall Road, Marks Tey, Colchester, CO6 1HT

Application No: 081556

Date Received: 20th August 2008

Agent: Mr Gordon Stephens

Applicant: Mr Chris Percival

Development: First floor rear extension to provide additional bedroom with en-suite together with new stair access thereto.

Ward: Marks Tey

Summary of Recommendation: Refusal

1.0 Planning Report Introduction

- 1.1 This application, for a first floor rear extension to the semi-detached dwelling at 260 Coggeshall Road, Marks Tey, was submitted concurrently with a similar (larger) proposal for No. 258 (081558 refers). This latter application was registered at a later date and is not ready for decision as yet.
- 1.2 A letter of objection has been received in the case of 081556. The letter is written on behalf of a CBC employee.

2.0 Site Description

- 2.1 This is a semi-detached dwelling, part of a ribbon of varied house types on the north side of Coggeshall Road (A120). External finishes are red brick and render with slate roofing. The house has previously been extended with a flat roofed kitchen-dining room and conservatory. No. 258 has been similarly extended at ground floor level.

3.0 Description of Proposal

- 3.1 It is proposed to create extra bedroom accommodation and ensuite bathroom at first floor level with stairway access provided to the rear above the existing conservatory. The bedroom extension projects 4.85m beyond the main rear wall of the dwelling and has a square floor plan. There is a 2m gap between the extension's flank elevation and the site boundary with 262. The flank wall contains a new bathroom window and a further bathroom window (obscure glazed) is to be created in the side wall of the existing dwelling.
- 3.2 A matching painted render finish and slate roofing are proposed.

4.0 Land Use Allocation

4.1 Residential

5.0 Relevant Planning History

5.1 COL/85/1767 - Rear dining room extension and external toilet and coal store - Approved

5.2 COL/98/1226 - Conservatory to rear - Approved

6.0 Principal Policies

6.1 Adopted Review Borough Local Plan
DC1 - General Development Control considerations
UEA12/13 - Residential design/neighbour amenity

7.0 Consultations

7.1 None

8.0 Parish Council's Views

8.1 Marks Tey Parish Council has no objection.

9.0 Representations

9.1 A letter of representation written on behalf of the occupier of 262 Coggeshall Road raises strong objections on the following grounds:-

1. The proposed mass of the extension and its proximity to the common boundary will have a profoundly overbearing effect when viewed from the patio/sitting out area immediately to the rear of her property. This area is an important amenity accessed via French doors from her living room. The addition of a further storey of development above the existing flat roofed extension is unacceptable as it will be seen in outward views from the main living room. Indeed, its overbearing effect would represent a serious loss of amenity in terms of the currently uninterrupted northward outlook from within her dwelling, from the patio/sitting out area and from the remainder of her garden.
2. The mass and position of the extension and its proximity to the common boundary would result in a significant reduction of light to her main living room which extends to the full width of the ground floor. Notwithstanding light from the south gained from a window on the frontage, the main light to her living room is gained through the north-facing French doors. The loss of light from the north will make that part of the living room which serves as the main seating area much darker and will be detrimental to amenity.
3. The height of the extension will cause significant additional shading of her rear garden, particularly in the cooler months of the year when the sun is lower in the sky. The increased height, coupled with the proximity of the extension to the common boundary, will result in much of that half of the garden nearest her house being overshadowed to a degree which is regarded as unacceptable.

9.2 The letter goes on to express uncertainty as to the mechanism that would be employed to ensure that both applications would be implemented together in the event that this application were to be approved.

10.0 Report

10.1 The extension projects 4.85m beyond the main rear wall of the existing dwelling and approximately 4m beyond the rear wall of 262 which contains patio doors giving onto a patio area shaded by a pergola and climbing plants. 262 has itself been extended to the rear with a kitchen window extending further into its garden area. It is therefore the patio doors and patio area that are mainly affected by this proposal. The patio doors are not the only window opening to what is a through lounge/dining room with south facing window at the front of the house. As such these patio doors would not ordinarily be regarded as a primary window for the purpose of calculating 45 degree overshadowing zones as defined in your SPG while a bedroom window above would meet those requirements.

10.2 In addition, the space between dwellings is such that a 45 degree line drawn from the corner of 262 just clips the corner of the proposed addition and the degree of projection to the rear of 262 is not excessive. The decision, then, in this case, is finely balanced, but, it is considered that the following factors are decisive:

1. The patio doors and patio to the rear of 262 are north facing.
2. The patio is already partially enclosed by the kitchen addition described above.

10.3 It is concluded that the 2 storey extension as proposed will add to the sense of enclosure to the patio doors and patio area to the rear of the adjacent dwelling and result in an unduly oppressive and dominating presence, to the detriment of the light, outlook and amenity of adjoining residents.

10.4 Refusal is recommended as set out below. However, Members should note that if they take a different view and wish to approve these applications the scheme should only proceed in conjunction with 081558. In this case it would be recommended to be determined at the same time as the companion application and conditions attached to both consents requiring the work to be carried out jointly and simultaneously.

11.0 Background Papers

11.1 ARC; NLR; PTC

Recommendation - Refusal

Conditions

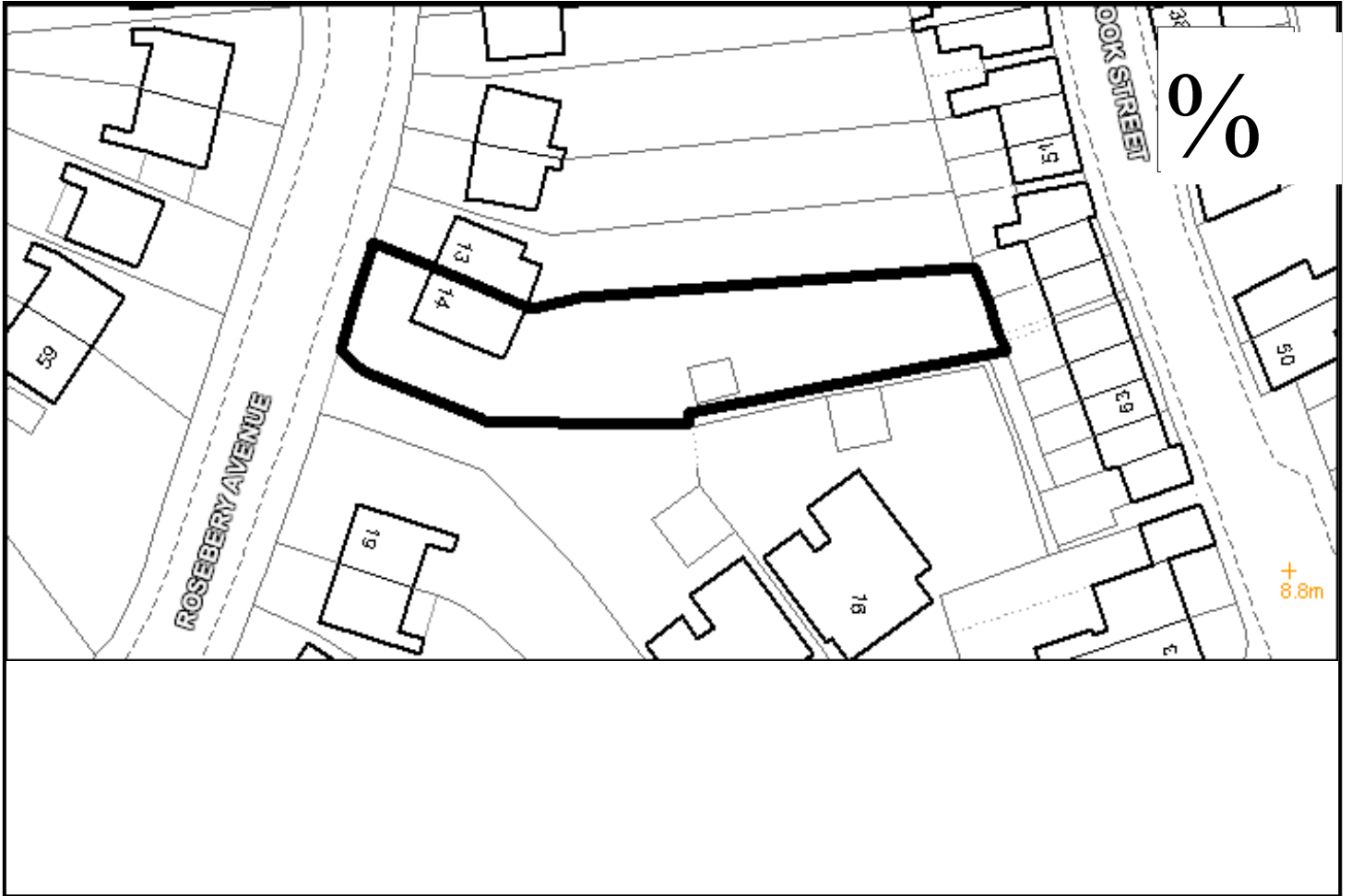
1 - Non-Standard Refusal Reason

In the Adopted Review Borough Local Plan Policy UEA13 states that a new building adjoining an existing residential building will not be permitted, inter alia, where the proposal has an overbearing effect on the outlook of neighbouring properties or leads to an unreasonable loss of natural daylight to an adjoining dwelling or its curtilage.

In this case the Local Planning Authority have had regard to:

- (i) the proximity of the first floor extension to patio doors and patio area to the rear of the adjacent dwelling,
- (ii) the height and degree of projection of the proposed extension beyond the main rear wall of the adjoining dwelling, and
- (iii) the northerly aspect of the rear of these properties and enclosed nature of the adjacent patio

and are of the opinion that the proposal, if permitted, would result in an oppressive and overdominating impact on the light and outlook currently enjoyed by neighbouring residents. The proposal is therefore considered to be at conflict with Policy UEA13 as outlined above.



Application No: 081414

Location: Land to the side of, 14 Rosebery Avenue, Colchester

Scale (approx): 1:1250

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7.11 Case Officer: Mark Russell

EXPIRY DATE: 11/10/2008

MINOR

Site: 14 Rosebery Avenue, Colchester

Application No: 081414

Date Received: 15th August 2008

Agent: Homa Design Ltd

Applicant: St Clare Developments

Development: Erection of new two bedroom house - resubmission of application 072619

Ward: Castle

Summary of Recommendation: Conditional Approval subject to signing of Unilateral Undertaking

1.0 Site Description

1.1 The site comprises a gap to the right-hand-side of the existing 14 Rosebery Avenue, and half of its garden. The existing house is one of a pair of 1930s semi-detached hipped dwellings amongst many other similar dwellings. To the right of the new dwelling is an access track serving numbers 16 and 17 Rosebery Avenue (a backland scheme allowed in 1997). To the rear are the back gardens of Brook Street.

2.0 Description of Proposal

2.1 The proposal is to infill the space to the right of number 14 with a two bedroom house of red brick and plain tile. The house would be articulated in at the front, and also down from the main ridgeline of number 14. The detailing attempts to mimic that which prevails in the area, with a bayed section and ornate detailing over the front door. Two parking spaces would be provided to the front of each dwelling to the satisfaction of the Highway Authority.

3.0 Land Use Allocation

3.1 Residential

4.0 Relevant Planning History

4.1 071870 - Erection of new bungalow with detached garage. Refused 31st August 2007;

4.2 072619 - Erection of new bungalow with detached garage. Withdrawn 21st April 2008.

5.0 Principal Policies

- 5.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations;
UEA11 - Design;
UEA12 - Backland Development;
UEA13 - New Building;

6.0 Consultations

- 6.1 The Highway Authority has not objected and has requested a widening of the dropped pavement and kerb and vision splays along with other conditions.
- 6.2 Environmental Control has suggested standard demolition and construction advice notes.

7.0 Representations

- 7.1 Three letters of objection were received:

These voiced some confusion as to what was actually being proposed as the application had originally been advertised as being to the rear of number 14 (as the previous applications had been), before being readvertised as being to the side. Also, the Design and Access Statement (DAS) refers to a bungalow.

OFFICER'S COMMENTS: The proposal is for a two-storey dwelling to the side, thus any concerns about a backland development are hopefully allayed. Fortunately all of the objectors are also aware that the proposal is, indeed, for a two-storey house as opposed to a bungalow.

- 7.2 Other comments covered the following points:

1. The view from 19 Rosebery Avenue would be affected;
2. The proposal did not fit with the rest of Rosebery Avenue;
3. Ground level of number 16 is higher than that of number 14, so slope needs to be retained;
4. Access to numbers 16 and 17 should not be obstructed;
5. Building another property in the area is not good practice in the light of the Brook Street Air Quality Control report;

8.0 Report

- 8.1 This application is the third attempt to erect a property on this land. The previous two were for a bungalow in the back garden and were both unacceptable, particularly for their effect on number 13. This proposal appears far more acceptable in terms of streetscape and residential amenity. Whilst it introduces a 'terrace' in terms of a third dwelling being added to an existing pair, this has been designed to be as similar as possible to existing development, whilst being accentuated as a new element through articulation.

8.2 In terms of amenity, the rear windows would not introduce any new overlooking issues, and no first floor side windows are proposed that might affect number 19. In addition, the house is so positioned as to not create any overbearing or overshadowing effect.

8.3 The objections are discussed as follows:

- 1) Whilst sympathising with the occupiers of number 19, this is not a planning consideration;
- 2) It is held that the proposal is reasonably sympathetic to the prevailing pattern of development in the area;
- 3) The house is at the front of the site, so the issue of possible subsidence is much reduced from the previous proposals. The wall and driveway have previously been described as being in the ownership of the landowner of 14 Rosebery Avenue, so it would not be in the applicant's interest to undermine these. The current application does not show these to be in the applicant's ownership, in which case if they are undermined or damaged then this would be a civil matter between the two parties;
- 4) This could not be controlled by any condition, and would be a matter for the two parties to resolve should any problems arise;
- 5) The property would be some way from Brook Street itself, and this aspect is not under consideration. Environmental Control has not raised this as an issue.

9.0 Conclusion

9.1 In conclusion the proposal is held to be visually acceptable, whilst not undermining amenity, nor raising any highways concerns. Members are requested to approve this application.

10.0 Background Papers

10.1 ARC; HA, HH, NLR

Recommendation

The application be deferred in order that a Unilateral Undertaking is completed whereby a contribution to Open Space, Sport and Leisure is made in accordance with the Council's Supplementary Planning Document. Once completed, the Head of Environmental and Protective Services be authorised to grant planning permission for the proposed development, 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

Notwithstanding the details of the drawings hereby approved, the applicant shall, prior to the commencement of development, provide details of clay plain tiles as opposed to pan-tiles, and these shall be put in place and retained as such at all times thereafter.

Reason: The proposed choice of pan-tile for a two-storey dwelling is not the Essex vernacular.

3 - Non-Standard Condition

Prior to occupation of the development visibility splays with dimensions of 2.4 metres by 4.3 metres as measured from and along the nearside edge of the carriageway shall be provided on both sides of the access. The area within each splay shall be kept clear of any obstruction exceeding 600mm in height at all times.

Reason: To provide adequate inter-visibility between the users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policy 1.1 in Appendix G to the Local Transport Plan.

4 - Non-Standard Condition

Prior to occupation the existing access shall be widened by 2.7m with the new construction being at right angles to the existing carriageway.

Reason: To ensure that vehicles can enter and leave the highway in a safe and controlled manner in accordance with policy 1.1 in Appendix G to the Local Transport Plan.

5 - Non-Standard Condition

Prior to occupation of the access a 1.5 metre x 1.5 metre pedestrian visibility sight splay as measured from the highway boundary, shall be provided on both sides of the vehicular access. There shall be no obstruction above a height of 600mm as measured from the finished surface of the access within the area of the visibility sight splays thereafter. The splay on the southern side of the access is to be protected by a dwarf wall which shall be constructed entirely clear of the highway and measure 1.5m in width and no more than 600mm high.

Reason: To avoid vehicles driving over the existing inspection cover and to provide adequate inter-visibility between the pedestrians and users of the access and the existing public highway for the safety and convenience of users of the highway and of the access having regard to policies 1.1 and 3.4 in Appendix G to the Local Transport Plan.

6 - Non-Standard Condition

No unbound material shall be used in the surface finish of the driveway within 6 metres of the highway boundary of the site.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety and in accordance with policy 1.1 in Appendix G to the Local Transport Plan.

7 - Non-Standard Condition

Prior to occupation of the development details shall be approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained at all times.

Reason: To prevent hazards caused by flowing water or ice on to the highway in accordance with policy 1.1 in Appendix G to the Local Transport Plan.

Informatives

Non-Standard Informative

1. The above-mentioned works to the highway are required to ensure the proposal complies with the County Council's Highways and Transportation Development Control Policies as originally contained in Appendix G to the Local Transport Plan 2006/2011 and refreshed by Cabinet Member decision dated 19 October 2007.

Non-Standard Informative

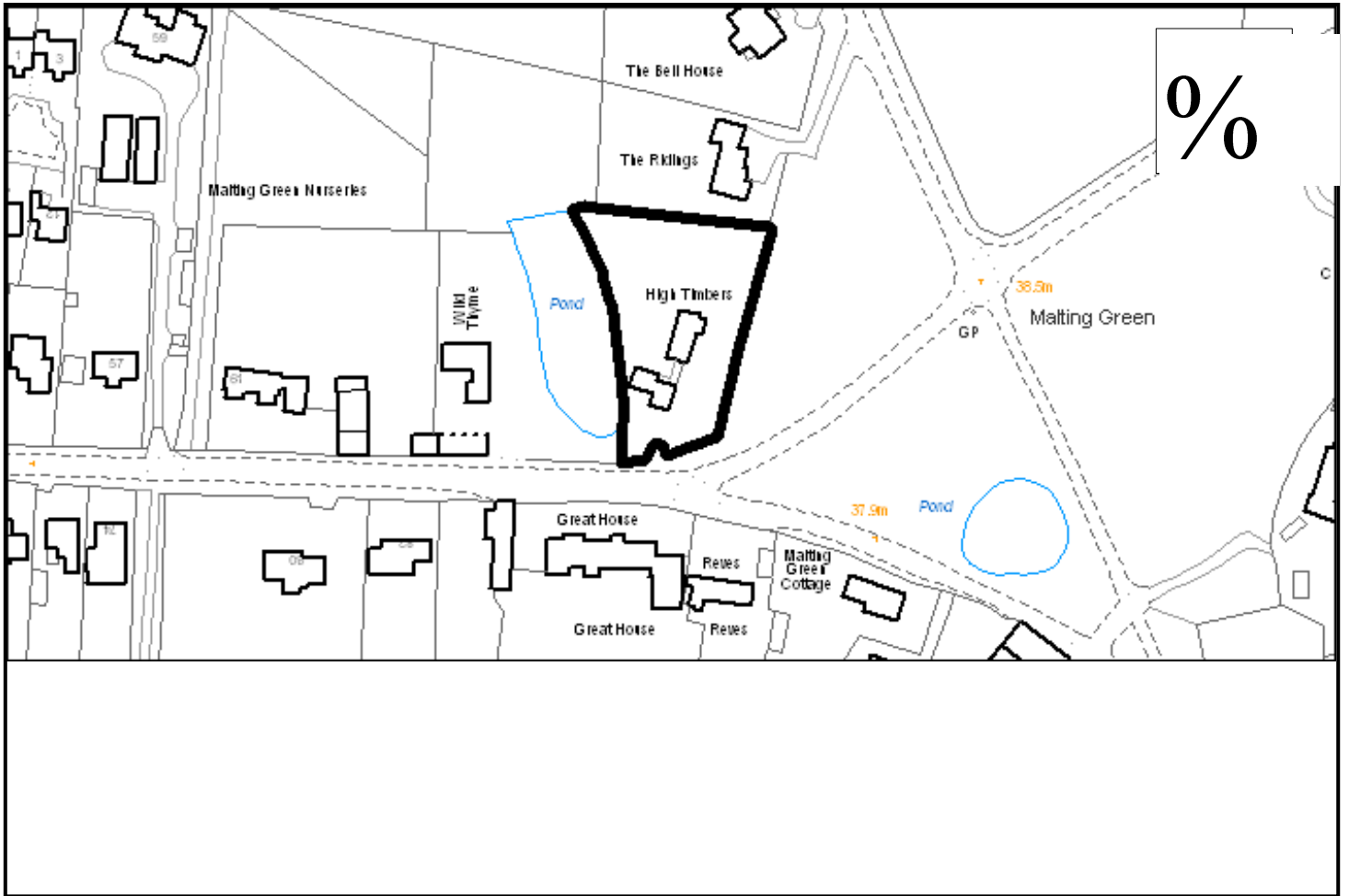
2. All works affecting the highway to be carried out by prior arrangement with and to the requirements and satisfaction of the Highway Authority and application for the necessary works should be made initially by telephoning 01206 838600.

Non-Standard Informative

3. A duly endorsed photograph has been returned herewith indicating the works required to discharge condition 05.

Non-Standard Informative

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



Application No: 081451

Location: High Timbers, Malting Green, Layer-De-La-Haye, Colchester, CO2 0JE

Scale (approx): 1:1250

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7.12 Case Officer: Mark Russell

EXPIRY DATE: 15/10/2008

MINOR

Site: High Timbers, Malting Green, Layer-De-La-Haye, Colchester, CO2 0JE

Application No: 081451

Date Received: 19th August 2008

Agent: Mr Chris Marshall

Applicant: Mr Plowman

Development: Demolition of existing house and construction of 2 no. new detached houses with associated garages

Ward: Birch & Winstree

Summary of Recommendation: Conditional Approval subject to signing of Unilateral Undertaking

1.0 Site Description

1.1 The site comprises a 1960s two-storey house with garage and large garden. It is situated on the western side of Malting Green Road, Layer de la Haye and borders a large, open green area. The site is generally well screened with many mature trees.

2.0 Description of Proposal

2.1 The proposal is to demolish the existing house and garage, and to construct one no. five and one no. four bedroom detached dwellings with associated garages and carports.

3.0 Land Use Allocation

Village Envelope
Countryside Conservation Area

4.0 Relevant Planning History

4.1 LEX/93/62 - Residential development. Approved 7th May 1962

5.0 Principal Policies

5.1 Adopted Review Colchester Local Plan:
DC1- Development Control considerations;
UEA11 - Design;
UEA12 - Backland Development;
UEA13 - New Building;
CO3 - Countryside Conservation Area;

CO4 - Landscape Features

6.0 Consultations

6.1 Comments from the Highway Authority and Environmental Control are awaited.

6.2 The Trees and Landscapes Officer has no objections to the arboricultural aspect of the application and has recommended several conditions.

7.0 Parish Council's Views

7.1 Layer de la Haye Parish Council did not object to the principle of the development but felt that the proposal undermined the rural character of Malting Green and that the proposed houses would be more suitable in an estate location.

8.0 Representations

8.1 Nine letters of objection were received, these covered the following points:

1. The proposed properties are out of keeping;
2. There are too many dwellings for the size of plot;
3. Problems of sewage disposal;
4. Concern over trees;
5. Request that there be no vehicular access on to the Green please;
6. Extra traffic could cause danger;
7. The development would undermine the character of Malting Green;
8. Plot 1 would be overbearing on "Wild Thyme";
9. There would be a loss of hedge to the boundary with "Wild Thyme";
10. Any house should be facing the Green;
11. The houses are 3-storey, not 2-storey;
12. Approach from The Folly and Abberton Road would be an unattractive side view;
13. The site is within a Countryside Conservation Area;
14. Effect on neighbouring pond and wildlife, including newts;
15. The area already has inadequate drainage and electricity;

9.0 Report

9.1 The concept of additional dwellings in this attractive location is obviously of concern to nearby residents. Members are reminded, however, that the principle of new development within a Village Envelope cannot be resisted. It is the specifics of any proposal which need to be examined to judge whether that proposal is acceptable.

9.2 The question of compatibility with the Green needs to be explored. Malting Green has a mixture of property types around it, some of which are modest, and some larger. Several properties on the south side of the Green are Listed, and overall the area has a spacious feel to it.

- 9.3 The north west side of the Green has a slightly different feel to it, with mostly modern properties then leading to the modern ribbon development of Malting Green Road. 'High Timbers' itself is a visually uninspired dwelling, granted permission in 1962, with an asymmetrically fenestrated shallow-pitched gable, double garage doors and flat-roofed single-storey extension highly visible from Malting Green/Malting Green Road. Its removal would not detract from the character of the area. It would be replaced by a view of a pleasantly-detailed, double-bayed symmetrical dwelling, with long oblique views of the double garage and larger dwelling to the rear. It is held that this would be a visual enhancement of the area.
- 9.4 In terms of views from the Green, specifically views from the east, these are currently sylvan with some glimpses of the existing house and garage. Under the proposal, the tree/built form balance would tip more towards the latter, with a building to the right of the existing footprint, particularly in the winter months, but the generally darker pallet of materials would make the building less visible and the development would still be screened by trees. It is thus felt that the effect on the rural quality of this location would be slight, with a higher quality of built form.
- 9.5 The objections are dealt with as follows:
- 1) This has been discussed above;
 - 2) Plots in the vicinity are of a variety of sizes. These range from approximately 5330 m² at Greate House and 5940 m² at 'Malting Green House' down to 1050 m² at Reeves and 1270m² at The Ridings. The application site is 1900m², and the proposed plots are approximately 900m² and 1000m² respectively. Whilst this is towards the smaller end of the spectrum it is not dramatically out of place;
 - 3) This is not a planning matter;
 - 4) A tree survey has been produced, and most of the trees will be retained. Two small trees by the access will need to be removed (Magnolia and Leyland Cypress), as will a Crab Apple tree deep within the site. A Sycamore to the north of the site will need to have its crown trimmed back. Also, a section of hedging on the boundary with 'Wild Thyme' (comprising Cypress, Holly and Sycamore) will need to be reduced back to the boundary. The major trees, which produce much of the screening, will all remain;
 - 5) The vehicular access will be just to the right of the existing, as seen from the road, without making any incursions on to the Green proper;
 - 6) Comments are awaited from the Highway Authority and are expected to be in favour;
 - 7) This has already been discussed above;
 - 8) The proposal could not be described as overbearing on 'Wild Thyme' as it is separated from it by some 35 metres;

- 9) It is correct that the hedging would be reduced. This is partly Cypress, and its thinning out is not held to be visually detrimental;
- 10) The main elevation of the houses, that is to the south, addresses that aspect with a full frontage. If the houses faced on to the Green this would be of little purpose as that aspect is obscured by trees. It would also mean that the side of the front dwelling would be facing the most public aspect;
- 11) It is accepted that the roofspace is usable, and thus two and a half storey would be a more accurate description. However, the intention is clear when looking at the drawings;
- 12) This has already been discussed above;
- 13) The merits of the scheme lead to a visual improvement in this Countryside Conservation Area (CCA). Members should be aware that the CCA is under review and this area may no longer be so classified;
- 14) Some of the proposed footprint is on the existing footprint. However an area to the north is new, but this is currently lawn and it is difficult to see how wildlife would be affected. The views of Colchester Borough Council's wildlife expert have been sought regarding the issue of newts.
- 15) This is not a planning matter.

10.0 Conclusion

10.1 In conclusion the proposal is held to visually enhance the area without undermining the rural charm. Members are requested to approve this application.

11.0 Background Papers

11.1 ADRBLP; HA, HH, NLR, PTC

Recommendation

The application be deferred in order that a Unilateral Undertaking is completed whereby a contribution to Open Space, Sport and Leisure is made in accordance with the Council's Supplementary Planning Document. Once completed, the Head of Environmental and Protective Services be authorised to grant planning permission for the proposed development, 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 - C10.15 Tree & Natural Feature Protection: Protected

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

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

3 - 10.16 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.

4 - C10.18 Tree and Hedgerow Protection: General

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

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

5 - C10.19 Tree and Hedgerow Protection: Excavations

No works shall start on site until an Arboricultural Implications Assessment, Arboricultural Method Statement and Tree Protection Plan in accordance with BS 5837, have been submitted to and approved in writing by the Local Planning Authority (LPA). The details shall include the retention of an Arboricultural Consultant to monitor and periodically report to the LPA, the status of all tree works, tree protection measures, and any other arboricultural issues arising during the course of development. The development shall then be carried out strictly in accordance with the approved method statement.

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

6 - C3.2 Materials as Stated in Application

The external materials and finishes to be used shall be as stated on the application form and as indicated on the approved plans and schedule returned herewith, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not prejudice the appearance of the locality.

7 - A7.1 Specified Permitted Devel Rights Removed

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no [extensions/garages/sheds/conservatory/buildings etc] shall be erected [other than those expressly authorised by this permission].

Reason: To maintain an acceptable level of private amenity space for the permitted dwelling(s).

8 – Non Standard Condition

No new windows shall be inserted into the roof-slopes or second floor gables of the dwellings hereby approved without the prior written permission of the Local Planning Authority.

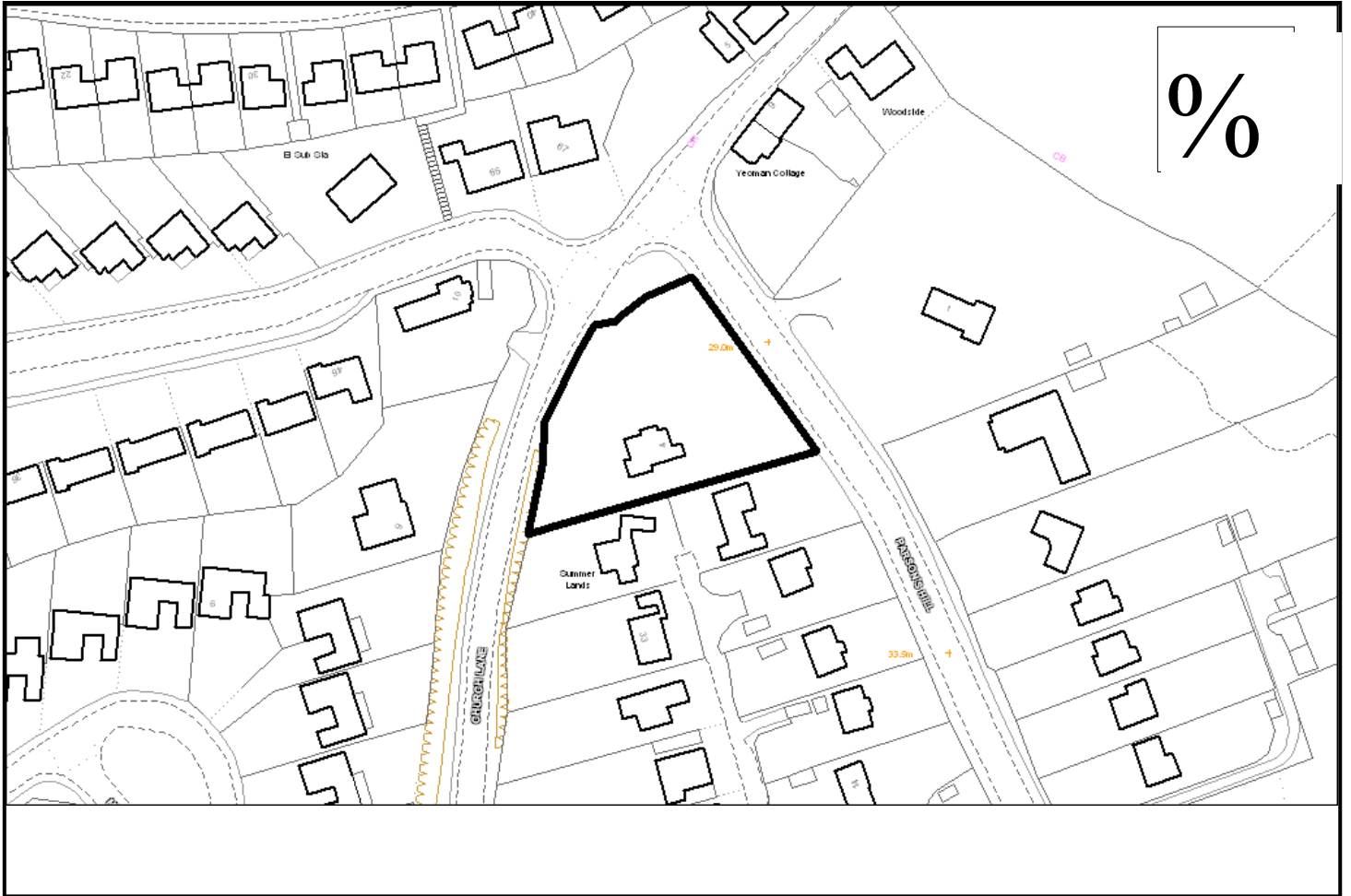
Reason: In the interests of visual amenity and to preserve the privacy of nearby dwellings.

Highway Conditions are awaited

Informatives

1 – Non Standard Informative

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



Application No: 081325

Location: Mythian, 4 Parsons Hill, Colchester, CO3 4DT

Scale (approx): 1:1250

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7.13 Case Officer: Nick McKeever

EXPIRY DATE: 14/10/2008

MINOR

Site: Mythian, 4 Parsons Hill, Colchester, CO3 4DT

Application No: 081325

Date Received: 14th July 2008

Agent: Development Design Consultants

Applicant: Mr R Sumner

Development: Demolition of existing house and erection of 10 x 2 bedroom and 1 x 1 bedroom flats in two small blocks with semi basement parking. Resubmission of 080502.

Ward: Prettygate

Summary of Recommendation: Refusal

1.0 Planning Report Introduction

1.1 This application has been "called-in" by Councillor Sue Lissimore on behalf of the Prettygate ward Councillors.

2.0 Site Description

2.1 The site is a 0.2145 ha triangular shaped plot of land located to the south of the junction of Parsons Hill and Church Lane, Prettygate. It lies within, and forms part, of an established residential area.

2.2 The existing residential development in the immediate vicinity includes detached dwellings to the south and the south east fronting onto Parsons Hill and detached houses along Beech Hill, together with detached houses to the South West facing onto Church Lane. To the immediate north and north west are detached dwellings fronting onto Church Lane.

2.3 4 Parsons Hill is currently occupied by a 1960's style detached, three storey dwelling house located close to the southern boundary of the site. Access is onto Parsons Hill, via a steep, winding drive.

- 2.4 The land rises steeply from the Church Road & Parsons Hill frontage, with a steep bank approximately 3 metres in height along the boundary with Church Lane. The existing dwelling is located at the top of the plot, within an area of lawn. A flint retaining wall separates the house and associated lawns with the remainder of the site. Along the western boundary with Church Lane is a woodland area with mature trees whilst the front boundary is enclosed by a row of Lawson Cypress trees. This woodland area was subject to a Tree Preservation Area, which covered approximately one third of the site area. This TPO has been revised recently to incorporate most of the site (reference TPO 06/08).
- 2.5 The land to the north east of Parsons Hill forms part of a conservation area.
- 2.6 The proposed development of this site is for 10 No. x 2 bed and 1 No. x 1 bedroom apartments to be located within that part of the site currently occupied by the existing dwelling.
- 2.7 The apartments are to be contained within two separate buildings, one containing 5 apartments and the other containing the remaining 6 apartments. The front block has accommodation in the ground floor, first floor and second floor. The block fronting Church Lane also has accommodation within these floors but also includes 2 bedrooms with en-suite within the roof void (mezzanine floor). The buildings are shown as being constructed using the vernacular palette of materials.
- 2.8 18 parking spaces are to be provided within the basement area of the two buildings. A new vehicular access onto Parsons Hill is to be created further to the south of the existing access.

3.0 Land Use Allocation

- 3.1 Predominantly residential.
Tree Preservation Order No. 01/73.

4.0 Relevant Planning History

- 4.1 16411/15 - House and garage. Approved 16 November 1962.
- 4.2 88/1085 - Replacement of flat roof with pitched roof and provisions of rooms in roof space. Approved 18 July 1988.
- 4.3 080502 - Demolition of existing 5 bedroom house and redevelopment of site to provide 13 Nos x 2 bedroom flats and 1 No x 1 bedroom flat over semi-basement parking. Withdrawn

5.0 Principal Policies

- 5.1 Adopted Review Borough Local Plan
Development Control Considerations - DC1
Design - UEA11
Development, including extensions, adjoining existing or proposed residential property - UEA13
CO4 - Landscape Features
Conservation Areas - UEA1 & UEA2
Car Parking - T9

6.0 Consultations

- 6.1 The Highway Authority has no objection subject to the following conditions:-
- The provision of a travel marketing pack for each new household, which, for the avoidance of doubt, should include the provision of a six month season ticket for all residents, timetable information for all relevant services and details of cycle and walking links to the development. The exact details of the pack to be agreed with the Highway Authority prior to occupation.
 - Prior to any works commencing on the site arrangements are secured to ensure the provision at no cost to the public purse of a public 2.0 metre wide footway between the southern-most limit of the site on Church Lane and the existing footway on Parsons Hill.
 - The new footway crossing is constructed and the unwanted crossing reinstated as full height kerb footway, prior to occupation.
 - The first 6 metres of driveway from the rear of the footway is no steeper than 4% and surfaced in clean, stable and free-draining materials.
 - No surface water from the site draining over the footway.
 - Prior to use 1.5 x 1.5 metres visibility splays are provided to each side of the access drive where it meets the footway and are thereafter maintained free of any obstruction exceeding 600mm in height.
 - A turning facility is maintained within the site.
 - Secure cycle parking is maintained in accordance with the Council's current standards.
- 6.2 Environmental Control recommends conditions controlling light pollution and the establishment of a management company for responsibility of the maintenance of any communal storage areas.
- 6.3 Natural England objects to the development on the basis that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species. The concerns relate specifically to the likely impact upon bats that may use parts of the existing building as a roost site.

6.4 The consultation response from Natural England is reproduced in full as Appendix. This consultation draws the attention of the Council to the presence of protected species as a material planning consideration (reference paragraphs 15 -16 of Planning Policy Statement 9 [PPS9]). If protected species are suspected or present on a proposed development site then the following information should be provided by the Applicant, usually in the form of an ecological survey by an appropriately qualified consultant, prior to the planning application being determined:-

- a. What is the species concerned?
- b. Population level at the site or affected by the development
- c. Likely impact upon the species
- d. Mitigation measures
- e. Is the impact necessary or acceptable?
- f. Is a licence required from Natural England/Defra?

6.5 Natural England objects to the development until the above information is provided following a survey undertaken at an appropriate time of year. Their recommendation is that the Local Planning Authority should refuse planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

6.6 Natural England is satisfied that legislative issues with regard to nesting birds, great crested newts and slow worms appear to be adequately addressed, provided the mitigation as outlined in the supporting report is incorporated into a permission or part of a suitably worded agreement or planning condition.

6.7 The Council's Arboricultural Officer comments are reproduced as follows:-

"Regarding the Tree Survey submitted by Westover Woodlands and Arboricultural Consultation No: 113/08/CON

The comments are predominantly the same as in the previous consultation with further and more detailed information being required.

However, it should be noted that the TPO has been revoked and reserved with TPO 06/08. Of the trees noted for removal in the report a number are considered by the developers consultant as being both A and B category trees within BS5837:2005 - these trees would be desirable to retain given the previous and new TPO and I am not in agreement with their loss.

It is also worthy of note that within the required information special attention should be paid to the direct conflict between the built form and the trees surrounding, this information should also comment on any issues with light into the building.

2.0 Conclusion

2.1 The above considerations need to be addressed before a full assessment of the proposed developments effect on the local landscape can be made or suitability of design confirmed.

Recommendation

3.1 Refusal as currently proposed."

7.0 Representations

- 7.1 There are in excess of 170 representations listed on the computer record. These representations are summarised as follows:-
1. Out of character. The area consists of good quality, detached family houses. Development is contrary to the Local Plan policies UEA11(b)/(d) & UEA12(ii)
 2. Adverse impact upon the character of the area. The site is the last remnants of semi-natural ancient woodland. They are an important, irreplaceable feature of the area. The development will result in the removal of existing trees and may prejudice other trees within the site.
 3. Highway issues.
 4. Loss of privacy
 5. Problems of subsidence due to the excavations for the semi-basement parking
 6. Noise and disturbance caused by the demolition & construction, contrary to the Human Rights Act
 7. Damage to the sub-surface archaeology
 8. Increased pressure upon parking at the nearby local facilities
 9. Adverse impact upon wildlife
 10. Exacerbate existing drainage problems
- 7.2 Bob Russell MP has forwarded a letter that the occupier of 6 Parsons Hill has written to the Head of Environmental Planning, Essex County Council. This letter relates to works to the existing trees within the site that have taken place prior to the submission of any planning application for the redevelopment of this site. The site was the subject of an Essex county Council TPO 01/73.
- 7.3 The occupier of 6 Parsons Hill has also submitted a petition against the proposed development containing a total of 582 signatures.
- 7.4 Lexden Conservation Group objects on the following grounds:-
1. Out of character with the existing landscape of villas and cottages
 2. Removal of existing trees, which are an important characteristic of the area
 3. The parking does not take into account visitors cars that are likely to park within Parsons Hill close to the junction.
 4. Parsons Hill/ Church Lane junction is a dangerous junction and is particularly hazardous for pedestrians. This attractive, semi-rural lane should not be marred by more traffic signs and road markings.
- 7.5 Mr Jeremy Lucas has submitted an objection as the local County Councillor and as a Cabinet Member for Heritage, Culture and the Arts and as Essex Heritage Champion. His objections are that the area retains a "village" feel which should be retained; there is a surplus of flats in the town; there are already considerable accident risks on Church Lane and the junction and the introduction of more traffic will add to the hazard.

8.0 Report

- 8.1 This site lies within a predominantly residential area such that the proposed residential redevelopment of the site is acceptable in terms of land use. The principal planning issues are, therefore, whether the development is appropriate in terms of its character, scale and design relative to its setting, the impact upon the existing trees within the site, and their contribution to the visual amenity of this established residential area, the impact upon the amenity of the existing nearby dwellings, the impact upon any known or suspected protected species and highway related matters.

The Site and its Setting

- 8.2 The site is important in terms of its location in a prominent position at the junction of Parsons Hill and Church Lane. It can almost be regarded as a 'gateway' into the Prettygate residential area. The prominence is strengthened by the topography, with the site being located on a substantially elevated position relative to the junction of these two roads, and the presence of a significant number of established trees.
- 8.3 At the present time the site contains one, detached, three storey dwelling house, built in the 1960's. This dwelling is located at the highest part of the site, the remainder of the land contains the majority of the existing trees. This dwelling appears as an almost subservient element in the street scene otherwise dominated by the trees and other planting.
- 8.4 The overall impression that this site contributes to is that of an established, residential area, which is almost sylvan in character. The existing dwellings to the south and to the west tend to be detached and set within relatively generous size plots with trees and planting forming an important visual element. In this respect the established pattern of development is in contrast to the more dense and suburban character of the development to the north and further to the south and to the west
- 8.5 In addition the site is contiguous with the Colchester Conservation Area 3. The south western boundary of this Conservation Area sits on the opposite side of Parsons Hill.
- 8.6 In this context the Local Plan policy CO2 requires that any new development should have due regard to the setting of Conservation Areas. Policy UEA11 states that development should reflect the predominant form and character of the surrounding area, where that form and character makes a positive contribution to the appearance of the area.
- 8.7 The submitted Design & Access Statement (DAS) refers to a previous submission for a larger single building and that this form of development did not follow the existing urban grain as required by your Officers. The DAS, however, considers that the revised application now before Members, with two detached buildings, is in character with this existing urban grain. This is demonstrated by the two drawings referred to in the DAS as 'Existing Urban Grain' and 'Proposed Urban Grain'.
- 8.8 Relative to the existing urban grain, the Applicant was advised that any application should show the building (s) as having a foot print similar to the adjacent buildings. Clearly the footprint of the one building originally proposed for the site did not comply with this requirement. The footprints of the two buildings, as shown on the

aforementioned Urban Grain drawings are more in keeping, although it must be acknowledged that they appear on the drawing 'Proposed Urban Grain' as having larger footprints than the adjacent dwellings. This, however, in its self is not considered to be sufficient justification to withhold planning permission for the proposed development.

- 8.9 The main body of DAS is given over to consideration of the relationship of the two new buildings to the established street scene and upon the visual amenity of the area. This is achieved through a series of drawings and photographs with supporting text. Whilst the whole of this document can be viewed on the Council website, the following extract is a short summary of the potential impact upon the visual amenity:-

Design Assessment

The proposed development will have little visual impact on the majority of the area because of the topography and the mature woodland which creates a natural screen on all three sides. Only the properties on the opposite side in Parson Hill and to the south of the site will appreciate minor changes. The new buildings will be lower than the existing house, the two separate blocks are designed to look like two large detached houses, both in massing and urban grain terms.

The smaller block of just 5 flats will front Parsons Hill, the development is set into the hillside, allowing the parking to be hidden from Parsons Hill. The proposed development is 1000m (3'3") lower than the existing house and a majority of the built form will be further away from adjacent property. The proposed development is to the north of existing houses and will not cause any overshadowing or loss of light."

- 8.10 One of the rationales that underpins the Local Plan policies UEA11 and UEA12 is to ensure a high standard of design and to ensure that a development is in harmony with adjoining established buildings and uses. This has also to be balanced to need to make the optimum use of urban land for development.
- 8.11 The existing development within Parsons Hill, Church Lane and Beech Hill, to which this site will relate ,consists mainly of detached two storey dwellings but of various ages, and sizes and displaying a variety of architectural styles. In general these existing dwellings sit within relatively generous plots. The existing development to the north and west is further from the site and displays more cohesiveness and uniformity in scale form and design.
- 8.12 Having regard to this situation it is difficult to argue that the design and external appearance the proposed two new buildings would be out of character.
- 8.13 The matter of the height and scale of the new buildings and their relationship to the existing dwellings is a separate and distinct issue.
- 8.14 The predominant scale and height of the existing dwellings in the vicinity is that of 2 storey. Whilst the proposed development is effectively 3 storey, the applicant has taken advantage of the difference in ground levels together with the proposed excavation. The submitted drawing 08:27 shows the relationship of the proposed buildings relative to the neighbouring dwelling. Whilst the buildings contain apartments rather than being individual dwellings, the overall relationship is, therefore, not out of keeping.

- 8.15 A factor that is critical to the scheme is the existence and retention of the existing trees within and around the site. These trees give considerable screening and thus help to mitigate the potential impact of the development upon the visual amenity of this leafy residential area. It is considered that without this screening the development will be unduly prominent given the local topography.

Existing Trees and their Contribution to Visual Amenity

- 8.16 It was stated previously within this report that this particular part of the Prettygate area has an almost sylvan character due to the presence of the trees within the site, which form the remnants of an ancient woodland, and also within the gardens of the nearby dwellings. Given that this site is on an elevated and prominent position, there is no doubt, therefore, that these trees contribute very significantly to the appearance and character of this area.
- 8.17 The trees within the northern edge of the site were made the subject of a TPO by Essex County Council back in 1973. In 2008, however, this TPO was revoked and replaced by a new Order which has the effect of protecting the majority of the trees within the site as a whole. The reasoning behind the new TPO was to consolidate the trees protected by ECC and to include additional trees that also have a high amenity value as part of the extended group in the area.
- 8.18 Given that the new TPO 06/08 includes trees which are proposed for removal and were not previously protected, it is considered the view of the Council's Arboricultural Officer that the development would have an unacceptable and adverse impact upon these trees and consequently upon the visual amenity of the area.
- 8.19 Members are advised that the Applicant is currently contesting the validity of this new TPO on the grounds that notice of the Order was not served upon him. Notwithstanding this particular matter, it remains the view of the Arboricultural Officer that the trees should be safeguarded due to their contribution of high amenity value of the trees as a group.
- 8.20 It is noted that the Highway Authority require the provision of a 2 metre wide footway along the site boundary with Church Lane. There is, however, a difference between the ground level of the site, which is significantly higher, than the level of the Lane. In order to accommodate this footway it is likely that structural works will be required with a potential adverse impact upon the trees along this boundary.
- 8.21 The application as submitted does not however consider or address this particular matter.

Highway Related Matters

- 8.22 The representations from affected or interested parties highlight the impact of the proposed development upon the local highway network and upon the safety of the public. Given that the development will undoubtedly result in an increase in vehicular activity, these concerns are appreciated.

- 8.23 The Local Plan policy DC1 (c) and (d) requires the Council to have due regard to the impact of a development upon the highway network and to ensure that any development does not prejudice highway safety and to provide comprehensive and safe facilities for pedestrians and agents.
- 8.24 In this context it is noted that the Highway Authority has considered these matters but have not recommended that the application should be refused. It has recommended consent subject to appropriate conditions. Having regard to this recommendation it is considered that a refusal of planning permission on ground of highway safety could not be sustained.

Biological Diversification & Protected Species

- 8.25 This report to the Planning Committee has highlighted the concerns expressed by Natural England to the impact of the development upon the site as a potential habitat for protected species. This reflects concerns expressed by local residents.

- 8.26 The relevant Local Plan policy CO6 states that:-

"When examining proposals for development, and where such proposals would adversely affect protected species, planning permission will be refused where the habitat is of key importance to the species. At other locations, in the event of planning permission being given, the development scheme will provide for the full integration and accommodation of the habitat within the proposal building or site. Failing this, the relocation of the threatened habitat from the proposal site to another safe location will be required only as a final option before development commences.

Where relevant, planning permissions will contain a condition to ensure that implementation of the approved development scheme will be phased so as to avoid interference with the annual breeding season"

- 8.27 It is noted that Natural England's principal concern relates to the protection of bats within the site. In this context paragraph 5.25 of the supporting justification for this policy states that:-

"In the case of bats, planning permission may be refused where the affected site is one of key importance to the species. In other instances, the Council may impose a condition on a planning permission stating that the development in question should not be carried out until the bats are no longer at roost in the proposal building. In other situations, there will need to be safeguards allowing the bat colony to be removed to an alternative sanctuary before development commences".

- 8.28 Unfortunately the application as submitted does not address this particular matter to the satisfaction of Natural England. Their recommendation that the application should be refused accordingly is acknowledged and members of the Planning Committee are requested to reject the application on this basis.

Residential Amenity

- 8.29 Amongst the objections raised to the development is the impact upon the amenity of the adjoining dwellings, and in particular, the loss of privacy.
- 8.30 The Local Plan policy UEA13, together with adopted Supplementary Planning Guidance, sets out the criteria used to assess the impact of a proposed development upon existing dwellings. The submitted drawings attempt to illustrate the relationship of the new buildings upon the neighbouring two properties in the context of this policy. These drawings show that the development complies in terms of the loss of daylight/sunlight and potential overbearing. Building 2 (facing Church Lane) is shown as being in excess of 17 metres from the rear wall of the adjoining dwelling, 6 Parsons Hill. Given this separation it is not considered to be unduly overbearing.
- 8.31 With regard to privacy, the building on the Parsons Hill frontage has windows that are orientated west east (I.e. they face onto Parsons Hill or onto Church Lane). There are no windows serving habitable rooms that look out onto the neighbouring dwelling. The dwellings on the opposite side of Parsons Hill are sufficiently remote from the this new building.

Other Considerations.

- 8.32 The main windows within Building 2 (facing onto Church Lane) also face west-east. There are 4 windows within the south facing elevation which look out onto 'Summer Lands', Church Lane. These serve living rooms, but are secondary light sources. They do not directly overlook the garden area or main windows serving habitable rooms within 'Summer Lands'. There is also a single storey building built up to the boundary which provides an element of screening to the garden of this property.
- 8.33 Residents have expressed concerns as to possible impact upon their property of the proposed excavation required to accommodate the basement car parking. In order to address this matter the Applicant commissioned a structural consultant. The report produced by this consultant has been submitted as part of the application.
- 8.34 As with other documents relating to this application, this report is available to view on the Council website. The conclusion is, however, reproduced as follows:-

In summary we conclude the following:

- 4.1 The ground conditions are likely to comprise sands overlying London Clay at depth. Ground water is unlikely to be encountered but the possibility of a seasonally variable perched water table cannot be excluded;
- 4.2 Due to the proximity of the adjacent houses, face support will be required to the excavation necessary for the undercroft construction;
- 4.3 A detailed design appraisal may be able to demonstrate that the use of partial face support and partial battered excavation may be sufficient but this has not been considered in detail at this stage;
- 4.4 The use of full face support has been considered and options exist for this technique including the use of interlocking sheet piles, contiguous bored piles or secant piles;
- 4.5 Marked up copies of the architect's cross section show indicative details for a piled wall solution;

4.6 Interlocking or contiguous or bore piled walls are a proven technology and well suited to this sort of construction.

8.35 This report comments that the issue of noise during construction will need to be addressed although it would not be any worse than normal siting operations.

9.0 Conclusion

9.1 The application now before Members is a resubmission of a previous application (080502) that was withdrawn. Unlike the previous submission, the current proposal is for 2 buildings which relate to the existing character of the residential development in the immediate vicinity. No objections are raised to the design and external appearance of these 2 buildings on the basis that the development within Parsons Hill is of varied character and architectural styles.

9.2 The site contains a large number of trees which contribute in a significant and positive way to the almost sylvan character of Parsons Hill. The development is likely to have a significant and adverse impact upon this character and a subsequent loss to the visual amenity.

9.3 Whilst the application is supported by information relating to the protection of existing wildlife, it is the view of Natural England that this information is insufficient to overcome their recommendation that the application should be refused.

9.4 Members are requested to refuse this application accordingly.

10.0 background Papers

10.1 ARC; HA; NLR; TL; NC

Recommendation - Refusal

1 - Non-Standard Refusal Reason

The Adopted Review Colchester Borough Local Plan March 2004 policy DC1(e) will permit development only if will not lead to the loss or degradation of important cultural, historic, ecological or rural resources, unless alternative compensatory provision acceptable to the Council is to be provided. Furthermore the Local Plan policy CO4 requires that development schemes should protect existing landscape features such as trees, hedges, ponds, woods, wherever possible. Where this is not possible compensatory provision will be required.

The site occupies a prominent and sensitive location within this established residential area. It contains the remnants of an ancient woodland, together with other trees within the vicinity, which contribute significantly to the particular character and visual amenity of this otherwise suburban landscape. The development is likely to have an adverse impact upon the established and protected trees within the site to the detriment of the appearance and character of this leafy residential area. The application is, therefore, contrary to the aforementioned policies.

2 - Non-Standard Refusal Reason

The provision of a 2 metre wide footway, as required by the Highway Authority in the interests of the safety of residents of this residential area, is likely to be prejudicial to the existing trees on the site. The application as submitted does not provide adequate or sufficient information to address this particular matter to the satisfaction of the Council. As a consequence the potential loss of protected trees will be detrimental to the visual amenity of this pleasant residential landscape.

3 - Non-Standard Refusal Reason

The Local Plan policy CO6, in common with Planning Policy Statement 9 (PPS9), recognises that development proposals may potentially harm or interfere with protected species or their habitats, for example bat roosts. Developers are required to carry out site surveys prior to submitting development proposals where these might adversely affect protected species. The application as submitted , however, contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

Natural England
Harbour House, Hythe Quay, Colchester, Essex CO2 8JF
Tel 01206 796666 Fax 01206 794466
Email essex.herts@naturalengland.org.uk
www.naturalengland.org.uk

SCANNED

21 AUG 2008

Head of Planning and Protection
Colchester Borough Council
Lexden Grange
127 Lexden Road
Colchester
Essex CO3 3RJ

M.V.M

For the attention of Nick McKeever

Our reference: CK/3845/Colchester
Your reference: 8052

19 August 2008

Dear Sir/Madam

**Proposal: Demolition of existing house and erection of 10x2
bedroom and 1x1 bedroom flats
Location: Mythian, 4 Parsons Hill, Colchester**

Thank you for consulting Natural England on the above proposal. Your e-mail with an attached copy of the ecological report for the above proposed development was received by this office on 19 August 2008. A planning application for the above proposed development was received by our office on 16 July 2008. However, we did not receive any ecological information in support of the application and were therefore minded to object to the proposed development.

Having now received the aforementioned ecological report we understand that our view is sought as to the adequacy of the reports findings and recommendations with regard to legally protected species. Our comments are set out below. We note that paragraph 6.1 of the report recommends a detailed survey of the house in order to determine whether or not it is used by bats as a roost site, and any trees that may be affected prior to their felling or modification.

The Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) protects bats and their roosts from intentional or reckless harm or disturbance. The legislation also specifies that advice should be sought from Natural England on any works that might affect them.

The presence of protected species is a material consideration in a planning application (NB PPS9 Paragraphs 15-16). If protected species are suspected or present on a proposed development site then the following information should be provided by the applicant, usually in the form of an ecological survey by an appropriately qualified consultant, prior to the planning application being determined.

- a. What is the species concerned?
- b. What is the population level at the site, or affected by the proposal?

- c. What impact is the proposal likely to have upon the species present?
- d. What can be done to mitigate against this impact?
- e. Is the impact necessary or acceptable?
- f. Is a licence required from Natural England/Defra?

The information set out above should be submitted to and considered by Colchester Borough Council prior to determining the planning application. If the submitted information leads you to conclude that you need further advice then please do not hesitate to contact us. Once Natural England has received this information we will be able to comment further.

Until the above information is provided following a survey undertaken at appropriate time of year **Natural England objects to the proposed development**. We recommend that the local planning authority refuse planning permission on the grounds that the application contains insufficient survey information to demonstrate whether or not the development would have an adverse effect on legally protected species.

However, Natural England is satisfied that legislative issues with regard to nesting birds, great crested newts and slow worms appear to be adequately addressed, provided the mitigation as outlined in the report is incorporated into a permission or part of a suitably worded agreement or planning condition, if necessary. We refer you to paragraphs 6.2 – 6.3 and 6.4

Our concerns relate specifically to the likely impact upon **roosting bats**. The protection afforded these species is explained in Part IV and Annex A of *Circular 06/2005 'Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System.'*

Further information on protected species surveys can be found on pages 48-50 of the *Guide to Good Practice* accompanying PPS9. Guidelines on mitigation can also be downloaded from the publications section of Natural England's website at www.naturalengland.org.uk.

We also recommend that the local planning authority considers all the points made in the attached annex. This provides guidance on survey requirements and information on how the authority should fulfil its **duty** on biodiversity issues under Section 40(1) of the *Natural Environment & Rural Communities Act 2006*, Regulation 3(4) of *The Conservation (Natural Habitats &c.) Regulations 1994* and Section 74 of the *Countryside & Rights of Way Act 2000* to ensure that the potential impact of development on species and habitats of principal importance is addressed.

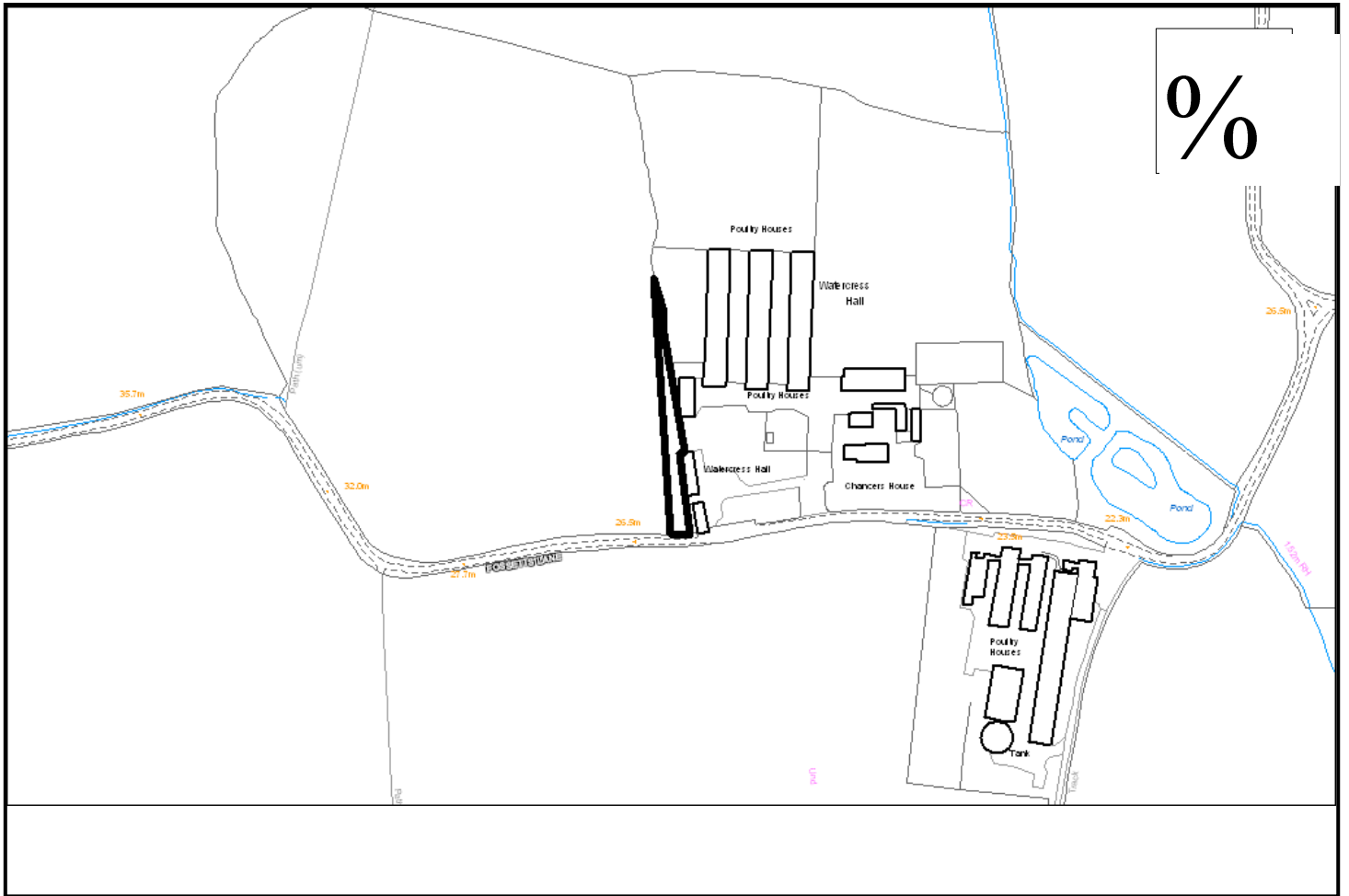
Please note that if planning permission is granted, the applicants should be informed that this does not absolve them from complying with the relevant law protecting species, including obtaining and complying with the terms and conditions of any licences required, as described in Part IV B of Circular 06/2005.

If the application is amended with additional information, Natural England should be re-consulted for a further 21 days.

Please forward a copy of the decision notice to us at the above address.

If you have any queries relating to the content of this letter, please contact me at the above address.

Yours faithfully



Application No: 081547

Location: Watercress Hall, Fossetts Lane, Fordham, Colchester, CO6 3NY

Scale (approx): 1:1250

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7.14 Officer: Simon Osborn

EXPIRY DATE: 15/10/2008

OTHER

Site: Watercress Hall, Fossetts Lane, Fordham, Colchester, CO6 3NY

Application No: 081547

Date Received: 19th August 2008

Applicant: Mr & Mrs D J Cannon

Development: Change part of a narrow piece of land to the rear of Watercress Hall from agricultural to domestic garden. To stop and divert a short length of footpath 21 Fordham to a new point exiting approx 12 metres north west onto Fossetts Lane.

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Site Description

1.1 The application site comprises a triangular sliver of land immediately to the west of Watercress Hall (house and farmbuildings). The land lies on the north side of Fossetts Lane, a little above the level of the carriageway behind a roadside hedge. The western boundary of this sliver of land is marked by a post and rail fence, which separates the site from an agricultural field.

1.2 Public footpath No. 21 (Fordham) runs in a north to south direction, approximately 2m to the west of Watercress Hall house. An unofficial footpath has been formed adjacent to the post and rail fence, immediately to the west of the application site.

2.0 Description of Proposal

2.1 The application seeks change of use of the land from agriculture to garden land. It is proposed to plant the northern part of the site, with the area closer to the house to be used as garden.

2.2 The application also seeks to divert the official line of Public Footpath No. 21 (Fordham) to the position of the (currently) unofficial diversion.

2.3 As part of the justification for the proposal, the applicant indicated that a sloping field to the west of Watercress Hall has created drainage difficulties for the house. A lowered section of patio has been created adjacent to the house to deal with this. The official line of the footpath runs across this patio with ramps linking the lowered patio to the natural ground level.

3.0 Land Use Allocation

3.1 Countryside Conservation Area

4.0 Relevant Planning History

- 4.1 070398 - change of use of agricultural land to garden land, installation of flood prevention work and modification of route of footpath 21 adjacent to house - refused April 2004.

5.0 Principal Policies

- 5.1 Adopted Review Colchester Borough Local Plan - 2004
DC1 - Development Control Considerations
CO1 and CO3 - Countryside
H12 - Extensions to gardens in the countryside

6.0 Consultations

- 6.1 Highways Authority stated no objection subject to suitable conditions to achieve the following:-
- (a) prior to occupation the footpath diversion shall be completed in accordance with the provisions of s257 Town and Country Planning Act 1990;
 - (b) prior to occupation the surface of the footpath, including any drainage required to stop the route becoming waterlogged, in its new position shall be constructed at no cost to the public purse to a suitable standard to be agreed in writing with the Local Planning Authority.

The following informatives were added:-

- (1) the conditions are required to ensure the proposal complies with the County Highways and Transportation Development Control Policies as originally contained in appendix G to the Local Transport Plan 2006/2011 and refreshed by Cabinet member decision dated 19 October 2007.
 - (2) All works affecting the highway to 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 initially by telephoning 01206 838600.
 - (3) The applicant is reminded of their duties and responsibilities with regard to the line of public footpath 21 to the north west of the site. Should any works affect the line of the right of way these must be carried out in agreement with the Highway Authority and application for the necessary works should be made initially by telephoning 01206 838600.
 - (4) The applicant is advised that the Highway Authority will not allow the line of Public Footpath 21 to the north west of the site to be used by vehicles to access the development site in accordance with paragraph 7.3 in the Department for the Environment Food and Rural Affairs Guidance for Local Authorities Rights of Way Circular 1/08.
- 6.2 The Ramblers Association stated they were pleased to see this application to regularise the position of Footpath 21 although somewhat stunned that we haven't been directly consulted. We look forward to seeing the full draft order for comment - The Ramblers Association has since been formally consulted and any additional comments will be reported.

7.0 Parish Council's Views

- 7.1 To be reported if received

8.0 Representations

8.1 None received

9.0 Report

9.1 A previous application for change of use of this parcel of land was refused partly on the basis that the additional garden land would detract upon the rural qualities of the countryside and also because the patio obstructed the official public footpath (this would have required a footpath diversion order to be made under the Highways Act, which is a very time consuming procedure).

9.2 The applicant has since installed ramps to the patio area so that the line of the official public footpath is not obstructed. The applicant still wishes to divert the line of the public footpath, but as the official footpath is no longer obstructed, this can be done under the Planning Act, which provided no objections are received is a much more straightforward procedure. The applicant has also modified the application to show the northern portion of the sliver of land as a planted area (rather than garden area). The area proposed as additional garden is now better related to the existing house.

9.3 Policy H12 of the Local Plan sets out the criteria for consideration of extending gardens into the countryside. These include that there is no material adverse impact on the surrounding countryside; no material loss of good quality agricultural land; and it not setting a precedent for unacceptable extensions elsewhere.

9.4 In this instance the dwelling is in fairly remote countryside with only one other dwelling in the near vicinity and the circumstances of the application mean it should not set an adverse precedent. It does not result in a material loss of agricultural land. The relative impact of the proposal on the surrounding countryside is a more subjective assessment. The extended garden is not readily visible from a public road, although it is of course visible from the public footpath. The proposal is a significant improvement on the earlier application as the northern part of the sliver is proposed to be planted rather than used as garden. The additional garden land is well-related to the position of the existing dwelling and the proposal to use this as garden land allied to the diversion of the footpath to a point approx 12m further away from the house is not considered unreasonable.

9.5 The proposed diversion of the footpath has been advertised in the appropriate manner. Subject to no objections being received to this aspect of the proposal, planning permission can be granted and the footpath diverted. If an objection is received however, then the proposed footpath diversion will need to be considered at a Public Inquiry.

10.0 Conclusion

10.1 It is recommended that planning permission be granted for the proposal; however if an objection is received to the diversion of the footpath before the application is determined, the application would need to be referred to a Public Inquiry.

11.0 Background Papers

11.1 ARC; HA; RA; PTC

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The change of use of agricultural land to garden land hereby permitted relates solely to the area not hatched in green (within the red-lined application site area) on the scale 1:1250 location plan submitted with the application.

Reason: For the avoidance of doubt as to the effect of this permission and in the interest of rural amenity.

3 - A7.4 Removal of ALL Perm Devel Rights (residential)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of Schedule 2 of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

4 - Non-Standard Condition

Prior to the use hereby permitted commencing the footpath diversion shall be completed in accordance with the provisions of section 257 of the Town and Country Planning Act 1990.

Reason: In the interests of highway safety and efficiency in accordance with policies 3.4 and 3.5 in Appendix G to the Local Transport Plan.

5 - Non-Standard Condition

Prior to the use hereby permitted commencing the surface of the footpath, including any drainage required to stop the route becoming waterlogged, in its new position shall be constructed at no cost to the public purse to a suitable standard to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety and efficiency in accordance with policies 3.4 and 3.5 in Appendix G to the Local Transport Plan.

6 - C11.14 Tree / Shrub Planting

Before any works commence on site, details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. Within three months of the date of this permission details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include a planting scheme for the area hatched green on the submitted scale 1:1250 location plan and for indigenous planting on the western boundary of the application site.

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

Informatives

Non-Standard Informative

1. The conditions are required to ensure the proposal complies with the County Highways and Transportation Development Control Policies as originally contained in appendix G to the Local Transport Plan 2006/2011 and refreshed by Cabinet member decision dated 19 October 2007.

Non-Standard Informative

2. All works affecting the highway to 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 initially by telephoning 01206 838600.

Non-Standard Informative

3. The applicant is reminded of their duties and responsibilities with regard to the line of public footpath 21 to the north west of the site. Should any works affect the line of the right of way these must be carried out in agreement with the Highway Authority and application for the necessary works should be made initially by telephoning 01206 838600.

Non-Standard Informative

4. The applicant is advised that the Highway Authority will not allow the line of Public Footpath 21 to the north west of the site to be used by vehicles to access the development site in accordance with paragraph 7.3 in the Department for the Environment Food and rural Affairs Guidance for Local Authorities Rights of Way Circular 1/08.



Planning Committee

Item

8

2 October 2008

Report of	Head of Environmental and Protective Services	Author	Nicola George ☎ 282293
	Monitoring Officer		Andrew Weavers ☎ 282213
Title	Revised Planning Procedures Code of Practice		
Wards affected	All		

**This report requested the Committee to approve a revised
Planning Procedures Code of Practice**

1.0 Decision Required

- 1.1 To approve the revised Planning Procedures Code of Practice attached to this report and for it to be included in the Constitution.

2.0 Reasons for Decision

- 2.1 The Council as Local Planning Authority is required to ensure that it follows good practice and probity in its consideration of planning applications and demonstrates this publicly by a published Code of Practice. The current Code of Practice requires updating in light of current good practice and current guidance.

3.0 Alternative Options

- 3.1 No alternative options are presented.

4.0 Supporting Information

- 4.1 The current Planning Procedures Code of Practice was approved by the Committee in 2003 and forms part of the Council's Ethical Framework within the Constitution. The Code of Practice has now been reviewed in light of current guidance and advice and is attached to this report.

- 4.2 The revised Code of Practice has also been updated to reflect the changes introduced by the Members of Code of Conduct and also the opportunity has been taken to make the Code easier to follow.

5.0 Financial implications

- 5.1 None.

6.0 Strategic Plan References

- 6.1 The new revised code will contribute to the Council's commitment to quality services and customer excellence.

7.0 Risk Management

7.1 None.

8.0 Publicity Considerations

8.1 These are dealt with above and will be included within the Council's Constitution.

9.0 Human Rights Implications

9.1 None.

10.0 Community Safety Implications

10.1 None.

11.0 Health and Safety Implications

11.1 None.



Colchester Borough Council

Planning Procedures Code of Practice

(Revised October 2008)

Introduction

- (1) Planning applications and the allocation of sites within the Development Plan and the way they are decided attract a great deal of public and media interest. It is important that the system is, and is seen to be, open and free from improper influence.
- (2) This Code of Practice describes how the Council deals with planning applications. It applies to all councillors who are involved in the development control and planning policy process. It recognises the separate roles of councillors and officers.
- (3) If you have any questions about this document, or would like some further explanation, please contact the Council's Monitoring Officer, Andrew Weavers.

Basic assumptions

- (1) The purpose of the planning system is to consider development proposals in the light of wider public interests.
- (2) To be successful, the planning system relies on councillors and officers acting in a way which is fair and is clearly seen to be fair.
- (3) Councillors have a special duty to their constituents, but their first duty is to the whole community of the Borough of Colchester. They must vote in the interests of the whole Borough where planning matters are concerned. They should bear in mind the Development Plan and all other relevant planning considerations. (The Development Plan means the County Structure Plan, the Borough Local Plan and emerging Local Development Framework documents.)
- (4) All Councillors are bound by the Council's Members Code of Conduct contained in the Council's Constitution. This Planning Procedures Code of Practice aims to complement what is contained in the Members Code of Conduct and if there is any unintended disparity between what is contained in this Code of Practice and the Members Code of Conduct, the latter will prevail.
- (5) Councillors are reminded that some breaches of this Code could potentially amount to allegations of criminal offences by individual Councillors; could result in judicial challenges to decisions by the Planning Committee; and/or could result in significant cost implications for the Council.

Colchester Borough Council Planning Procedures Code of Practice
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Section 1 - The role of Councillors

- (1) In making decisions on applications, councillors will:
 - act fairly and openly
 - approach each application with an open mind
 - carefully weigh up all the relevant planning considerations
 - avoid undue contact with interested parties
 - ensure that the reasons for decisions are clearly stated.
 - (2) The planning system exists to consider development proposals in the light of the wider public interest. Councillors must take into account the interests of the whole of the Borough of Colchester and act in a way which is fair and is clearly seen to be so.
 - (3) Councillors will not give instructions to officers, and they will not put pressure on officers to make a particular recommendation on an application. This behaviour would amount to a Councillor using his/her position improperly which would constitute a breach of the Members Code of Conduct.
 - (4) Councillors can expect officers to give them every help in answering questions on planning matters.
 - (5) Councillors who are members of the Planning Committee will be free to vote on planning applications in the way they consider appropriate, that is, without a Party 'whip'. They will also take account of all the relevant information, evidence and arguments. These will include the Development Plan and all relevant planning considerations.
 - (6) In the event that the Chairman of the Planning Committee is required to exercise his/her casting vote on an application, the Chairman will exercise his/her vote based solely on the planning merits of the application and the debate on the application by the Committee.
- NB: For more detailed guidance on Councillor/Officer relationships, please refer to the Council's Member/Officer Protocol in the Constitution.

Section 2 - The role of Officers

- (1) In making decisions on applications, officers will:
 - give professional and impartial advice
 - make sure that all the information is given that is needed for a decision to be made
 - put the application in context, in terms of the Development Plan and all other relevant considerations
 - give a clear and accurate written analysis of the issues
 - give a clear recommendation.
- (2) Officers will give advice only. The exception is if they have been given further powers under the Council's Scheme of Delegation to Officers, or when the Planning Committee gives specific delegated authority.
- (3) Officers are responsible for carrying out the decisions of the Planning Committee.
- (4) The Council endorses the Royal Town Planning Institute Code of Conduct in particular that Chartered Town Planners must not make or subscribe to any statements or reports which go against their own professional opinions.

Section 3 - Discussions with Applicants

- (1) The Council encourages officers to have meetings with prospective applicants before they make an application. To avoid misunderstanding, these meetings will only involve officers and only be held at the Council's offices or on site. The only exception to this is when the Planning Committee has passed a resolution that a pre-application meeting will involve councillors. The resolution must have been passed during a meeting with the public present.
- (2) Officers will make it clear at pre-application meetings that:
 - only officers' initial and provisional views can be given, based on the Development Plan, other Council policy and material considerations;

Colchester Borough Council Planning Procedures Code of Practice
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- no decisions can be made which would bind or affect the Planning Committee (or the Head of Environmental and Protective Services if he/she is delegated to make the decision).

All officers taking part in these discussions will make it clear that decisions on planning applications are taken either:

- by the councillors on the Planning Committee; or
 - under specific circumstances by the Head of Environmental and Protective Services or an officer specified using delegated powers as under the Scheme of Delegation to Officers.
- (3) The officer will make a written note of the meeting. If appropriate, the Officer will also send a follow-up letter if the prospective applicant has left documentary evidence with the Council. The Officer will also make a note of any telephone conversations.
- (4) If a pre-application meeting involves councillors, at least one officer will be present at all such meetings and a note of the discussion will be made. If an application is then made, the note will be made available for public inspection, as long as this is allowed under the usual rules about access to information.
- (5) Councillors will not take part in post-submission meetings with applicants or other parties, unless:
- section 5 of this code of practice allows this; or
 - the matter has been reported to the Planning Committee and the councillors concerned have been appointed by the committee.
- (6) A note of any discussions will be taken. This will be made available for public inspection, as long as this is allowed under the usual rules about access to information. At least one officer will be present at all such meetings.

Section 4 - Role of Informal Briefings

- (1) To assist in the decision making process, officers will undertake informal briefings where appropriate to discuss underlying issues/policies relating to major development proposals.
- (2) These shall not extend to detailed discussion on any proposal the subject of a current planning application which has yet to be determined by the Planning Committee.

Section 5 - Lobbying

- (1) It is quite common for applicants and others to want to discuss a proposed development with councillors before an application is decided. This can help councillors better understand the issues involved. However, to avoid compromising their position before they have received all the relevant information, evidence and arguments, councillors and in particular members of the Planning Committee will:
- not meet an applicant, or any other person in connection with a planning application, alone
 - not make it known in advance whether they support or oppose a proposal
 - not express an opinion which could be taken as support for, or opposition to, a proposal
 - not organise support or opposition for a proposal or lobby other councillors (except when speaking before the committee)
 - limit their reply to giving procedural advice
 - direct lobbyists or objectors to the case officer
 - inform the Head of Environmental and Protective Services and the Chairman of the Planning Committee about the existence of any lobbying interests.
- (2) Councillors who are **not** members of the Planning Committee may express support for a particular body of opinion before the matter is considered by the committee. But they must make it clear that they will not reach a final view on a proposal until all the relevant information, evidence and arguments have been put before them.
- (3) A councillor who had previously expressed support for a particular body of opinion as referred to in Paragraph (2) above who is subsequently substituted onto the Planning Committee will not be able to speak or vote on any item that they have expressed support for in advance. This will also apply if any item is referred to full Council for a decision.
- (4) Any member of the Planning Committee (or councillor who is substituted onto the Planning Committee) whose impartiality has been compromised by them expressing a final view on an application prior to the Committee considering the matter will need to consider whether to participate in or withdraw from the decision-making process. Any councillor who finds his/herself in this position should seek advice from the Monitoring Officer.

- (5) Councillors must avoid putting themselves in a position that could lead to the public thinking that they are receiving preferential treatment for themselves, friends or relatives, or for any firm or body they are connected with. The Council's Members Code of Conduct gives more information about this.

Section 6 - Reports to Planning Committee

- (1) Committee papers will normally be available at least five clear working days before the meeting.
- (2) All applications presented to the Planning Committee for decision will have a full written report from officers. This will include:
- the substance of any objections
 - the views of people who have been consulted
 - a clear explanation of the Development Plan, site and related history
 - any other material planning considerations
 - a reasoned consideration of the proposal
 - a clear recommendation.
- (3) Any relevant planning information which is received after the written report has been prepared and prior to 5pm on the day preceding the Planning Committee meeting will be presented to the Committee by officers. Any representations received after 5pm, the specified cut off time will not be presented to the Committee. In the event of significant new information being received after the specified cut-off time, the Head of Environmental and Protective Services may recommend that the Planning Committee defers consideration of the application.
- (4) If the circumstances of an application change between the preparation of the report and its discussion by the Planning Committee, the Head of Environmental and Protective Services may remove any item from the agenda of the meeting.
- (5) If an application is decided in the way an officer's report recommends, the decision will be worded as in the report. Any amendments that officers or councillors put forward at the Committee meeting will be taken into account.
- (6) If councillors disagree with officers' professional advice, the reasons for

rejecting a report's recommendation must be clearly stated at the meeting and recorded in the minutes. In this situation, councillors need to be sure that their decisions are based on sound planning reasons. Councillors must be aware that they may have to justify their decision at any appeal and may be held accountable by local residents.

- (7) Applicants and third parties will be entitled to speak at the meeting, as allowed by the Council's "Have your Say" planning procedure.
- (8) There will be an officer from the Council's Corporate Management at all meetings to make sure that procedures are properly followed.

Section 7 - Disclosure of interests – Councillors

- (1) The law and the Council's Members Code of Conduct set out rules and guidance for councillors on declaring their interests. Councillors must follow these rules and guidance and also review their own situation regularly. Under the Council's Code of Conduct impropriety must be avoided, and also any appearance of or grounds for suspicion of improper conduct. Where there is the possibility of an allegation of bias or predetermination, councillors must seek advice from the Monitoring Officer.
- (2) Councillors who are unsure whether an interest should be declared must seek the advice of the Monitoring Officer, or the Democratic Services Officer at the meeting.
- (3) Councillors are discouraged from receiving hospitality from people with an interest in a planning proposal. In accordance with the Council's Member's Code of Conduct councillors are required to register any gift or hospitality over the value of £25 on their Notice of Registerable Interest within 28 days of its receipt and declare the nature and existence of the gift and hospitality at the relevant committee meeting for a period of 3 years from the date of receipt.
- (4) Any member of the Planning Committee who has expressed a final view on an application will not participate in the determination of that application. If they do not wish to make representations in accordance with the Council's Member's Code of Conduct then they will leave the room for the duration of the discussion and vote on the application. If they wish to make representations they may do so from the public gallery (only if the public are so entitled) and must leave the room once they have finished their representations or the Committee decides that they have finished. They must not remain in the room when the vote is taken on the application.
- (5) If a councillor has acted in such a matter as to give rise to an allegation

of bias or predetermination they must seek advice from the Monitoring Officer prior to seeking to make any representations or participation at Planning Committee.

Section 8 - Disclosure of interests – Officers

- (1) If an officer has an interest in any planning matter then they must declare this to their Head of Service/Planning Service Manager. This is recorded on the relevant application file and they must take no part in the processing of the particular matter.
- (2) No officer will, when exercising a power granted by the Scheme of Delegation to Officers, exercise that power in the case of an application where they have been responsible for writing the report and making the recommendation to the Planning Committee. In these circumstances the officer will refer the case to another officer for advice.
- (3) No officer will deal with any planning application within a radius of 2km of their own property.
- (4) Officers are discouraged from receiving hospitality from people with an interest in a planning proposal. If this is unavoidable, officers will declare its receipt, as soon as possible, in the relevant register of gifts and hospitality. Any concerns in this regard must be raised with the Monitoring Officer.

Section 9 - Applications submitted by Councillors or Officers

- (1) All applications which are submitted by or on behalf of councillors, former councillors or officers or their spouse/partners, will be reported to the Planning Committee for a decision. They will not be dealt with under the Scheme of Delegation to Officers. The Monitoring Officer will be informed of all such applications.
- (2) The councillor (in accordance with the Members Code of Conduct) or officer concerned will take no part in the processing or deciding of the application.

Section 10 - Training

- (1) All councillors must receive training in planning procedures. The subjects covered by the training will be decided by officers in consultation with councillors. A councillor who does not undertake this

training will be disqualified from the Planning Committee and from being a substitute for members of the committee who are unable to attend. They will also be disqualified from taking part in deciding an application referred to full council.

- (2) A programme of training will be available each year, covering issues of current importance as well as updating knowledge. From time to time, specialist training will be provided to cover particular topics or to look at matters in greater depth.

Section 11 - Complaints and compliments

- (1) Complaints and compliments about the Council's development control process will be dealt with under the Council's corporate complaints and compliments procedure.

Section 12 - Review of this Code of Practice

- (1) This code will be reviewed regularly to make sure that it reflects changes in the law, the Council's structure or other relevant considerations.

Schedule

Committee Site Visits Protocol

All sites are investigated and considered by officers as part of the normal process of determining applications. The results of these investigations will be reported to the Committee in the written report on the applications. This information should normally be sufficient for members to be able to make a decision on the applications.

- (1) There may be reasons when councillors may want to visit specific sites. This may be, for example, to understand local conditions and the relationship of a proposed development to the surrounding area as it may not be possible to see the full picture from the submitted drawings or from outside the site. Members of the Planning Committee requesting site visits should specify the reasons for the site visit and offer particular issues they want to look at on site.
- (2) A formal site visit will be held where it is clear there will be benefits from holding one, or if the Planning Committee asks for a site visit. A record will be kept of why visits are being held and who attended.
- (3) The only people invited to the site visit are members of the Planning Committee and officers of the Council. Whilst other parties may be present, no one other than the Chairman, members of the committee and officers may address the Committee on a site visit.
- (4) The applicant and any other parties who are present at the site visit as a result of publicity e.g. ward councillors, neighbours or objectors, will not be permitted to participate in the site visit or in the discussion or speak directly to members of the Committee.
- (5) If access to private land is needed, officers will get the agreement of the landowner before the visit.
- (6) On assembling at the site, the Chairman will advise those present of the purpose of the site visit and the procedure to be followed, so that all are aware that it is a fact finding exercise only and that no decision will be taken until the Planning Committee meeting.
- (7) There must be no discussion of the merits of the case, and all questions from councillors will be put through the Chairman. Questions should not be put directly to the applicant or to any other people present. In the event that further discussion between officers and the applicant/others present proves necessary in order to answer members' questions on factual matters, the Chairman may decide on a brief adjournment of the meeting to facilitate this process.

- (8) The visiting party will stay together as a group. No lobbying by applicants or objectors will be allowed and the public has no right to be in attendance. If an applicant or group persists in attempting to lobby, all councillors and officers will leave the site and the site visit will be abandoned.
- (9) When councillors on the Planning Committee are on site visits they must not make any comments that could give the impression that they had already formed a view on the merits of the application. No decision on the application will be made until a formal meeting of the Planning Committee, where councillors will have before them all necessary information to be able to make an informed decision. This will include a record of the site visit.

Site visits by individual councillors

- (1) Councillors are discouraged from visiting sites on their own, however if undertaken, councillors should:
- try to hear both sides
 - not commit themselves to one side or another
 - always declare their visits to the Planning Committee before the item is considered.
- (2) Councillors need to be aware that lobbying could prejudice their opportunity to speak and vote at any Committee meeting where a planning application is considered. Councillors may want to seek advice from the Monitoring Officer before making unaccompanied site visits.
- (3) Any councillor that does undertake a site visit on their own will not be acting as part of the Local Planning Authority and so will have no rights of access to any private land.
- (4) A note of any visit to a site outside of the Planning Committee must be made and passed to officers and will be recorded on the planning application file.

Our vision is for Colchester to develop as a prestigious regional centre

Our goal is to be a high performing Council

Our corporate objectives for 2006-2009 are:



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