

Planning Committee

Town Hall, Colchester
3 March 2011 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

Access to information and meetings

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

Private Sessions

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

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

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

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
3 March 2011 at 6:00pm**

Members

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

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

Agenda - Part A

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and members of the public should ask 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 off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes

1 - 8

To confirm as a correct record the minutes of the meeting held on 3 February 2011.

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. 100035 Severalls Hospital, Boxted Road, Colchester, CO4 5HG (Mile End) **9 - 36**

Variation of conditions and addition of conditions following granting of planning permission O/COL/01/1624.
2. 100502 Severalls Hospital, Boxted Road, Colchester, CO4 5HG (Mile End) **37 - 50**

Development to provide 248 residential units (Phase 1).
3. 102455 Priory Farm, Braxted Road, Tiptree, CO5 0QB (Tiptree) **51 - 58**

Subdivision of the existing dwelling into two separate residential units.
4. 102070 3 Roman Road, Colchester, CO1 1UR (Castle) **59 - 64**

Conversion of existing three bedroom house into two one bed flats and insertion of new conservation roof light to the rear elevation.
5. 102561 The Royal British Legion, The Quay, Wivenhoe, CO7 9BX (Wivenhoe Quay) **65 - 71**

Alteration to the front/south and side/west elevations of the Royal British Legion Building. Internal alterations to the ground and 1st floor rooms creating additional disabled w/c and kitchen moving and altering the existing staircase.
6. 110047 The Royal British Legion, The Quay, Wivenhoe, CO7 9BX (Wivenhoe Quay) **72 - 77**

Listed Building consent for the alteration to the front/south and side/west elevations of the Royal British Legion Building. Internal

alterations to the ground and 1st floor rooms creating additional disabled w/c and kitchen moving and altering the existing staircase.

7. 110032 Fairfields, 74 Chitts Hill, Colchester, CO3 9SX
(Lexden)

78 - 91

Proposed new vehicular access.

- 8. Reporting of planning application 1011541 and 101543 // Lower Park, Colchester Road, Dedham**

92 - 112

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 3 FEBRUARY 2011

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

Also in Attendance :- Councillor Nigel Chapman

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

176. Minutes

The revised minutes of the meeting held on 16 December 2010 were confirmed as a correct record. The minutes of the meeting held on 20 January 2011 were confirmed as a correct record, subject to the addition of a personal declaration of interest from Councillor Manning for minute no. 171 in respect of his acquaintance with the objector.

Councillor Andrew Ellis (in respect of having previously met with the applicant regarding an application elsewhere in his ward) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

177. 101590 Quality Hotel, East Street, Colchester

The Committee considered an application for minor changes to the external appearance to plots 19 to 23 within a development of twenty-three town houses and garages. The application requires a Deed of Variation to link this application to the original Section 106 Agreement, the effect of which is to vary Condition 44 to insert the amended drawing numbers, planning permission for F/COL/04/1273 refers. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to provide for a Deed of Variation to the original Legal Agreement for the site to link this planning application to the original Section 106 Agreement and its covenants.

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

178. 100805 Long Acre Bungalow, Colchester Road, Wakes Colne, CO6 2BY

The Committee considered an application for the demolition of an existing dwelling and the erection of a new dwelling and with an additional crossover, in accordance with revised plans received on 19 November 2010. The Committee had before it a report in which all information was set out.

Alistair Day, Principal Planning Officer, attended to assist the Committee in its deliberations.

Julian Bowden addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of both neighbouring properties. They were not against redevelopment of the site per se, but the proposed dwelling was unchanged from the earlier application and they considered it to be too large for the plot and unsuitable for the rural setting. At the earlier meeting the Committee had requested that the garage be appropriate for a large modern house, but the garage in this proposal was a small single garage which was not appropriate. He considered it would not be possible for a larger garage to be fitted into the plot. The applicant had been requested to consider changes to the bulk and design but this request had been rejected.

Andrew Davidson addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. Confirmation had been received from the Highway Department that the second access would be permitted. The proposed garage would not interfere with light to the kitchen window of Millbank. There were no plans to make the garage any larger than shown. The dwelling had been moved two metres to the north-west and the rear of the dwelling is now clear of the patio area of High View. The dwelling will be further away from both neighbouring properties and represents an increase in footprint by one third only. The Highways Department and Heritage Team were both in agreement with the proposal.

Members of the Committee were of the opinion that this revised application did not represent what the Committee had wanted, but acknowledged that it did comply with the council's policies. They noted that a single garage was now provided and that there was sufficient space to provide parking to the current standard. The new proposal would permit evening light to fall on the patio of the property to the east, and was now far enough away not to be overbearing. The proposal to remove permitted development rights was welcomed.

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

179. 102221 12 Morley Road, Tiptree, CO5 0AA

The Committee considered an application for the demolition of an existing dwelling and redevelopment of the site to provide a three/four bedroom two storey house with single storey rear projections. The Committee had before it a report in which all

information was set out, see also amendment sheet.

RESOLVED (UNANIMOUSLY) that subject to the receipt of an amended floor plan, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

180. 102462 11 Vine Parade, Wivenhoe, CO7 9HA

The Committee considered an application for the installation of an external roof mounted air conditioning condenser unit along the flat roof to the rear of the building. 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.

181. 101361 St Helena Hospice, Barncroft Close, Colchester, CO4 9JU

The Committee considered an application for a car park extension within the grassed area to the east of the site by the main entrance. 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.

182. 101541 and 101543 Lower Park, Colchester Road, Dedham, CO7 6HG

The Committee considered planning application 101541 and a companion listed building application 101543 for a swimming pool, stables and replacement storage barn. 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.

Alistair Day, Principal Planning Officer, and Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Neil Ward addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application on behalf of Park House and Park Cottage. He believed the proposal to be ill considered, poorly designed and contrary to the council's policies. He considered the design to be poor and thus contrary to DP1 and PPS1 and detrimental to the character of the parkland, the Area of Outstanding Natural Beauty (AONB), the Conservation Area and the countryside, and that the proposal would adversely affect the setting of the building. He stated that Park Cottage has views towards the site and the building would be visible; that the traditional Essex barn would be out of keeping with of the Georgian house. If

approved, he asked that additional paddock fencing was to be excluded.

Anne Fletcher addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. She stated that this proposal was the result of three years work with the borough council, the parish council and other bodies. They had reduced the number of stables and changed the design so that it was subservient to the main house. If the building was any further into the garden it would compromise the house. She referred to the removal of inappropriate straight lines of trees. She believed that there were many barns of a similar style in the Dedham Vale, and stated that the loft would be used for the storage of hay. She recognised that there were concerns but considered they had been addressed by changes to the plans or by conditions.

Councillor Garnett attended and, with the consent of the Chairman, addressed the Committee. He was of the opinion that there was no reason why this sort of activity should not take place in these grounds. He noted a number of conditions which were to be fulfilled prior to commencement of the development and he asked that the Committee ensure compliance with these requirements because it was a very open site. He believed that not enough had been made of the flooding problems. He preferred that the existing surfaced road be used during construction rather than a temporary haul road and supported the removal of the garage before any work commenced on the main building. He believed this scheme to be far better than the original scheme and asked that the Committee consider postponing a decision until all conditions had been tightened up.

Members of the Committee were generally supportive of the application as described; a pastiche design in the style of the house was considered inappropriate. A further condition was requested to ensure that the development site was not sold off. It was considered that the perimeter of the park was well wooded and even at this time of the year it was reasonably well screened. It was reasonable to expect an equine use in this rural location. There was only one house that would be able to see the development but it was believed that it could not be seen from the objector's house. The buildings were well designed and formed a neat yard and the Environmental Assessment had found the arrangements for the management of manure to be satisfactory.

It was explained that the buildings are much reduced in size from the original proposal. The style was not detrimental in this location and the complex was secondary to the house. The existing outbuildings planned for demolition set a precedent for development in that vicinity. The detrimental impact issue was whether the building had a detrimental impact on neighbouring properties and that of the setting of the listed building, Conservation Area and the AONB. The fact that the building could be seen from a neighbouring property did not automatically mean it had a detrimental impact and the officer's view was that it did not. Condition 15 prohibited additional paddock fencing and jumps, and any additional means of enclosure of the listed building would be controlled by planning application. Condition 6 ties the building to the enjoyment of the application property by the occupier and any change to that use would require a variation of that condition. In respect of a premature start, planning officers were aware of the potential for breaches of condition, however under

the new robust enforcement strategy any premature start without compliance with conditions would be dealt with by a summary harsh response.

RESOLVED (UNANIMOUSLY) that –

- (a) Planning application 101541 be approved with conditions and informatives as set out in the report.
- (b) Listed building application 101543 be approved with conditions as set out in the report.

Councillor Andrew Ellis (in respect of having previously met with the applicant regarding an application elsewhere in his ward) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

183. 101476 Land at former Mill Hotel, East Street, Colchester

The Committee considered an application for sixteen additional hard landscaped car parking spaces and associated soft landscaping. The Committee had before it a report in which all information was set out.

RESOLVED (UNANIMOUSLY) that –

- (a) Consideration of the application be deferred for completion of a Section 106 Legal Agreement to provide for a variation to the original legal agreement for the site to amend the public open space plan to take account of the proposed car parking spaces. This requires a change to the drawing number in the definitions section in paragraph 1.1 and an amended public open space plan to be inserted in the appendix.
- (b) Upon completion of a satisfactory Section 106 Legal Agreement, the Head of Environmental and Protective Services be authorised to grant consent with conditions and informatives as set out in the report.

Councillor Andrew Ellis (in respect of having met Councillor Steve Knight, Chairman of Great Horkesley Parish Council, in the course of his employment) declared a personal interest in the following item pursuant to the provisions of Meetings General Procedure Rule 7(3)

184. 102326 Land adjacent to Tile House, Tile House Lane, Great Horkesley, CO6 4EP

The Committee considered an application for a proposed community centre. The application is a resubmission of 100491. The Committee had before it a report in

which all information was set out, see also Amendment Sheet.

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

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

Graham Stehle addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. He believed this was a very contentious application with no support in the village, residents wanted a village hall and village green. He was concerned that the hall would accommodate up to 300 people which would generate noise and disturbance to residents, and was concerned that the noise survey was undertaken for a different application. Waste collections and badly parked cars already impede access. He was of the opinion that the design violated the Design and Access Statement by virtue of its height, and the amenity value of the green would be compromised by the location of a football pitch, restricting access by residents. He referred to a clause in the Section 106 Agreement which could impose a possible financial burden on the borough council if the £450,000 provided by Mersea Homes was insufficient to cover the building costs. He had not seen a business plan.

Great Horkesley Parish Councillor Steve Knight addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He referred to the village appraisal which had identified the lack of open space and public buildings which led to work undertaken to identify a suitable site. The site was accepted for inclusion in the local plan on the basis of the new hall and public open space benefits to the village. A development brief had been drawn up and adopted by the borough council as planning guidance for this site. These proposals and plans follow that guidance to the letter and take account of the wishes of residents. Following objections to the original plans and having worked with planning officers and residents, these revised plans had been developed. This proposed building was one third smaller than the original design.

Councillor Chapman attended, and with the consent of the Chairman, addressed the Committee. He fully accepted that these new facilities were needed, however there were many concerned residents. He supported the opening hours and considered the noise conditions to be satisfactory. However he remained concerned about the height of the building, 12.4 metres, and had concerns about the car parking provision in view of the potential for up to 300 people to be using the hall. He was opposed to a vast car park, but it was likely that people would arrive by car for a wedding, for example. Mersea Homes had suggested a Travel Plan which he supported.

The planning officer explained that the highway authority had raised no objections nor had they required the submission of a travel plan, and the borough council would not expect one for this scale of use. Parking for this use is a maximum based on the proposed floor space, a maximum twenty-seven spaces and an additional three spaces can be required to make it up to thirty spaces. This provision slightly exceeds the maximum parking standard for a D2 use, which is leisure with a wide scope, for

which parking provision is based on the floor area of the building. The road was designed to be suitable for fire appliances. The design and height was modelled on the style of a farm building because the site was close to the old farmhouse. The noise assessment is identical as that for the original proposal because the proximity to the nearest building has not changed. The Section 106 Agreement requires Mersea Homes to contribute £450,000 and the land for the construction of a community hall. In the event that any additional funding is required, there is a clause which requires the borough council to be responsible for making up any shortfall, but the parish council may have additional funding beyond £450,000. However, it was considered appropriate to defer the application in order to clarify this situation and consider whether the Section 106 Agreement should be amended.

Whilst members of the committee recognised that most village halls were inadequate in size and this hall would be a wonderful facility for the village, they too were concerned about the limited parking provision. It was considered that the hall would be similar to a leisure centre, and with two football pitches and two visiting teams, the car park as described would soon fill up and it should be looked at realistically. It was suggested a more flexible layout be investigated to enable more parking to be made available if required; possibly a grassed/hard standing overflow area. The committee also made reference to the Section 106 Agreement which appeared to refer to the borough council having funds available to contribute towards a larger community hall. They supported an investigation into this matter with the aim of removing any financial risk to the borough council. The committee supported a deferral for investigation into the Section 106 issues, and if this and the parking issue could be resolved satisfactorily they were content to delegate an approval to the Head of Environmental and Protective Services. Other suggestions included the provision of a business plan and an outside smoking area.

The planning officer acknowledged that the provisions of the Section 106 Agreement and the parking arrangements appeared to be the main issues. If the application was deferred for investigation into the Section 106 Agreement there would also be an opportunity to see if additional parking could be provided.

RESOLVED (UNANIMOUSLY) that –

(a) Consideration of the application be deferred for:-

- the applicant to submit a Travel Plan, including provision for overspill parking to include the additional three car parking spaces and cycle parking to the current standards,
- the application to be linked to the existing Section 106 Legal Agreement, and
- the case officer to review the requirements of the existing Section 106 Legal Agreement in respect of the borough council being required to contribute towards any shortfall in funding.

(b) Upon receipt of the a satisfactory Travel Plan, the linking of this application to the existing Section 106 Legal Agreement, and receipt of clarification that the borough council is not required to contribute towards any shortfall in funding, the Head of Environmental and Protective Services be authorised to grant consent with

conditions and informatives as set out in the report and on the Amendment Sheet.

185. Performance Monitoring // Planning Application Determination and Appeals Analysis 1 October to 31 December 2010

The Committee considered a report by the Head of Environmental and Protective Services setting out the performance of the service in respect of planning application determinations and an appeals analysis for the period 1 October to 31 December 2010.

Vincent Pearce, Planning Service Manager, attended to assist the Committee in its deliberations.

Members of the Committee believed that other local authorities had more appeals against decisions for refusal so that although the national average for appeal upheld rate was lower than the borough council's average for appeal upheld rate, the national average may represent a greater number of appeals upheld. The Planning Services Manager would look into the figures behind the national average.

It was explained that the council is more proactive in getting costs back on enforcement and prosecutions and it was now doing so on appeals where the appeal was considered to be vexatious.

RESOLVED (UNANIMOUSLY) that the performance record of the Planning Committee and Planning Services be noted and the Planning Services Manager and planning officers be commended for a good report and success rate.

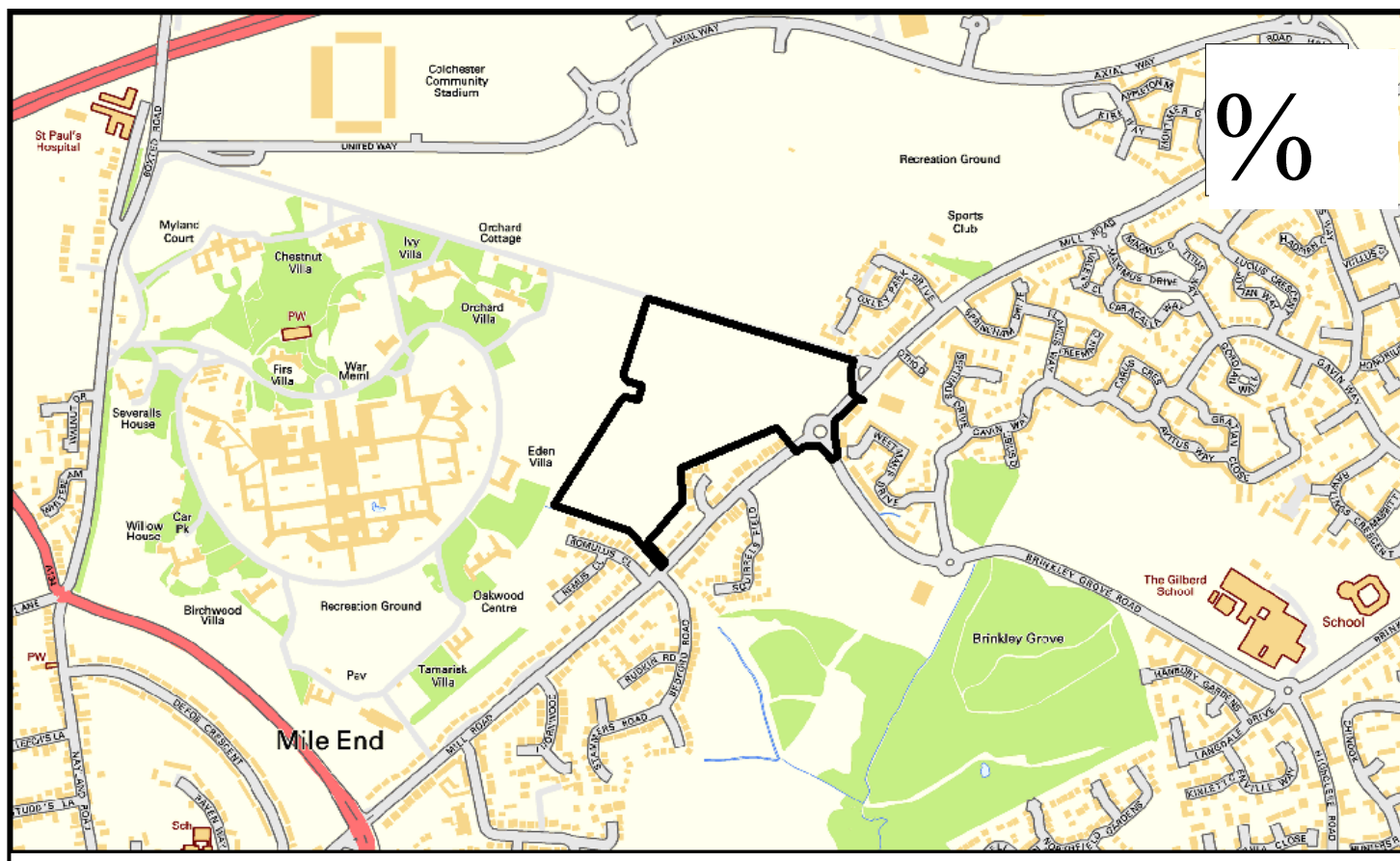
186. Performance Monitoring // Enforcement 1 October to 31 December 2010

The Committee considered a report by the Head of Environmental and Protective Services setting out the performance of the service in respect of enforcement matters for the period 1 October to 31 December 2010.

Councillor Chapman attended and, with the consent of the Chairman, addressed the Committee. He queried the notation of 'No further action' notation for enforcement action reference number 2859.

Geoff Kirby, Major Applications Support and Enforcement Manager, attended to assist the Committee in its deliberations. In response to Councillor Chapman's query he explained that the notation against enforcement action reference number 2859 was incorrect because action was in fact ongoing. He would ensure that for future reports, all notations would be checked before being published.

RESOLVED (UNANIMOUSLY) that the performance record of the Enforcement Team be noted and the Team be thanked for their achievements.



Application No: 100035

Location: Severalls Hospital, Severalls Hospital, Boxted Road, Colchester, CO4 5HG

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **3 March 2011**
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: Mr David Whybrow

OTHER

Site: Severalls Hospital, Boxted Road, Colchester, CO4 5HG

Application No: 100035

Date Received: 8 January 2010

Agent: Mr Roger Tustain

Applicant: Homes & Communities Agency

Development: Variation of conditions and addition of conditions following granting of planning permission O/COL/01/1624.

Ward: Mile End

Summary of Recommendation: Conditional Approval on the basis that the application is subject to linking to the amended S106 Agreements

1.0 Introduction/Synopsis

- 1.1 This is an application for removal or variation of conditions attached to outline planning permission O/COL/01/1624 which related to the entire Severalls Hospital site and proposed:

Residential development (approximately 1500 dwellings including conversion of some retained hospital buildings), mixed uses including community facilities, employment and retail, public open space, landscaping, new highways, transport improvements, reserved route of NAR3 and associated development.

- 1.2 Because the outline permission relates to the whole Severalls site, in order to facilitate the phased release of the land, some conditions which relate to the wider development need to be varied. The applicants emphasise that this does not result in any dilution of these conditions. At the same time the legal agreement accompanying the outline permission has been amended so as to alter the trigger points for various aspects of the agreement and allow the first phase (subject of reserved matters application 100502 – see following item) to proceed.
- 1.3 The application has attracted representations from Myland Parish Council, local Councillors and local residents which will be assessed in the body of the report. The recommendation is for approval.

2.0 Site Description and Context

- 2.1 For a description of the area of Severalls Phase 1, see the following item.

3.0 Description of the Proposal

- 3.1 It is proposed to vary 7 conditions of the outline consent, delete 1 and add 2, as detailed in the submission and reflected in those conditions set out at the end of this report (the full text of conditions may be viewed at the Council's website).

4.0 Land Use Allocation

- 4.1 Residential
North Colchester Regeneration

5.0 Relevant Planning History

- 5.1 O/COL/01/1624 – Residential development (approximately 1500 dwellings including conversion of some retained hospital buildings), mixed uses, community facilities, employment and retail, public open space and landscaping, new highways, transport improvements, reserved route of NAR3 and associated development – Approved 21 March 2006

6.0 Principal Policies

6.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Guidance 13: Transport
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
Planning Policy Statement 25: Development and Flood Risk

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

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

Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments
Affordable Housing

7.0 Consultations

7.1 The Highway Agency have commented in respect of changes to Conditions 8, 9 & 10 as follows:-

“I have the following comments to make on the proposed variation of conditions:

Condition 9 (part replacement of Condition 8)

The transport assessment undertaken to support the consent application highlighted the level of predicted trip generation and the concern that in the absence of the new A12 Junction 28 being in place, there could be overloading of traffic onto adjacent trunk road junctions as a result of increased congestion on the highway network in Colchester. Consequently a set of conditions were imposed to manage the level of trips generated as the development proceeds. My interpretation of the revised conditions essentially allows 475 dwellings to be occupied before the junction is open to traffic compared to 250 dwellings set out in the existing conditions.

In the current economic climate, it may be opportunistic that this number could be achieved by April 2011, the date by which the junction is due for completion. Consequently and bearing in mind there are no specific conditions contained in the current consent for active travel management (i.e. residential and other travel plans), the Highways Agency has no objection to this change provided some commitment is given to robust and effective travel planning measures is included with the revised conditions.

Removal Condition 10

It appears effectively that Condition 10 is replaced by the provisions contained in Condition 9. Whilst in principle this is the case, it should be noted that Condition 10 clearly was referenced by a series of drawings which set out in detail the highway requirements, whereas condition 9 simply refers to the various phases. The Highways Agency considers that the proposed changes should include reference to the relevant drawings, for the avoidance of doubt in later discussions on the level of mitigation to be provided.

I have no comments to make on the remaining proposed changes to the various conditions.”

8.0 Parish Council Response

- 8.1 Myland Parish Council support the application on the proviso that Condition 8 is amended as follows:-

“No more than 75 dwellings on Phase 1 of the development to be accessed from Mill Road shall be built until Phase 3 (which for the avoidance of doubt excludes the Busway corridor) of the NAR3, as illustrated by the Highways Phasing Plan Drawing No. SBA/N91641/PL003 has been completed. On completion of the NAR3 Phase 3 the access to Mill Road shall be closed to general traffic and its use restricted to public transport vehicles, emergency vehicles, taxis, motorcycles and cycles by the imposition of an appropriate control mechanism and thereafter general vehicle access to Phase 1 of the development shall be available solely from the NAR3 Phase 3 in accordance with the approved plans.

Reason: To ensure that the highways infrastructure is suitable to serve the needs of the development and to safeguard the amenity and safety of existing residents and users of Mill Road.”

The Parish Council confirm that Condition 10 is superfluous and irrelevant.

9.0 Representations

- 9.1 Councillors Gerard and Beverley Oxford and Martin Goss object to the proposal for the following reasons:-

1. The detrimental impact the construction traffic would have on Mill Road and doubts over developers' ability to keep the road clear of mud would create a driving hazard.
2. The Mill Road/Brinkley Grove Road roundabout is already a congested area and is used by school children. Construction traffic will cause dangers for them and for other road users in view of traffic volumes and speeds.
3. All construction traffic should come from the Axial Way area.
4. Planning officers have previously indicated that Mill Road would never be used for construction traffic or a car entrance. It would be a bus gate. Although only 75 houses can be served from Mill Road this situation could go on for at least a year before the properties are occupied and sold.

- 9.2 Representations have also been received from 2 residents of Mill Road. They express similar opinions to the 3 Councillors and consider additional access for construction traffic from the roundabout will exacerbate an already appalling situation. It is considered essential that the new A12 connection is installed before any new house building is carried out in the area.

10.0 Parking Provision/ Open Space Provisions

- 10.1 N/A

11.0 Report

- 11.1 For the most part the requested variations seek to facilitate the phased release of the land, releasing the developer from the obligation to satisfy conditions relating to the entire site and specifically the brownfield parts of the former hospital. The issue that concerns those members and residents who have made representations in this case concerns original condition 7 and proposed condition 8 which would allow not more than 75 dwellings to be accessed from Mill Road prior to the formation of the access to the whole of this phase from NAR3. The original condition required all access from the completed first phase of NAR3.
- 11.2 The outline consent for residential development of the former hospital site was granted as one of a suite of applications which included a detailed consent for NAR3, highway infrastructure, including a new junction with the A12.
- 11.3 As Members will be aware that junction opened at the end of 2010 and the procurement process for the NAR3 infrastructure is also underway, with an expected completion date of March 2012.
- 11.4 The initial release of 75 dwellings from Mill Road is referred to as Phase 1A. Occupation of the 76th dwelling will require the permanent closure of the Mill Road access other than by public transport, cyclists, pedestrians and emergency vehicles. The 75 unit threshold is reinforced by the amended legal agreement.
- 11.5 Given the opening of the A12 junction the Highway Agency confirm that they have no objection to the change.
- 11.6 The Parish Council and others consider that the 75 dwelling threshold should apply to building completions rather than occupations, however as the threshold was established in highway terms on the basis of the traffic generated by 75 occupied dwellings, the agent requires the application to be determined as submitted. Officers consider this approach to be reasonable and approval is recommended.

12.0 Background Papers

- 12.1 O/COL/01/1624; ACS; DPD; PTC; CBC; NLR; HA

Recommendation – Conditional Approval (Amendments shown in bold) on the basis that the application is subject to linking to the amended Section 106 Agreements agreed earlier this year in anticipation of this application being approved and the A12 junction opening earlier than originally phased.

Conditions

1 - Non-Standard Condition

Prior to the commencement of development within each phase or part thereof as identified by the phasing scheme (required to be submitted in conjunction with the submission of reserved matters applications by the Section 106 legal agreement) details of the following shall be submitted to and approved in writing by the Local Planning Authority and shall be carried out as approved :-

- a) Details of the siting, design and external appearance of buildings, including a schedule of the types and colours of materials to be used in all external finishes.
- b) Means of access within each phase of development or part thereof, including traffic calming measures and parking provision for such buildings (including secure cycle parking provision).
- c) Landscaping, including planting specification and means of protection of existing trees and hedgerows during development.
- d) Details of foul and surface water drainage as part of the complete strategy for the Severalls Hospital/Cuckoo Farm Development for both works on and off site (including details of the proposed attenuation ponds, including siting and future maintenance proposals, shown by the Severalls Masterplan (Drawing No. 00.186/3M received 30 June 2003) .No works which will result in the discharge of surface/foul water from the site shall be commenced until the approved off-site drainage works have been Existing and proposed cross sections through the proposed site and adjacent properties. Finished floor levels of all buildings to be shown along with finished ground levels within the development site, and compared to existing ground and floor levels within adjacent sites.

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

2 - Non-Standard Condition

Application for reserved matters reserved by Condition 1 relating to the first phase of the development as identified by the phasing scheme shall be made to the Local Planning Authority before the expiration of four years from the date of this permission. All applications for the approval of reserved matters in relation to further phases shall be made to the Local Planning Authority before the expiration of ten years from the date of this permission. The first phase of development shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the matters reserved by Condition 1, whichever is the later. In respect of subsequent phases the development shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the matters reserved by Condition 1 in respect of that phase, whichever is the later.

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

3 - Non-Standard Condition

Before or concurrently with the submission of application for reserved matters in relation to Condition 1 above, within that phase of the site, as identified on the Phasing Plan attached (BM-26779-01), to which that reserved matters application relates, a programme of work shall be submitted to and approved in writing by the Local Planning Authority which shall include, where appropriate, the following and shall be carried out as approved :-

- a) A statement of intent with regard to retained health land as identified by the Severalls Masterplan Drawing No. 00.186/3M received on 30 June 2003.**
- b) Sound attenuation/noise mitigation measures to protect the occupants of the hereby permitted dwellings (both new build and within converted hospital buildings) and existing dwellings from road traffic noise that exceed the minimum noise level in noise exposure Category A in Annex 1 to PPG 24, Planning and Noise.**
- c) A detailed investigation and report by a suitably qualified engineer shall be undertaken with regard to proposed and existing/altered highway alignment, (the extent of the area to be investigated and content of the report which shall have first been agreed in writing by the Local Planning Authority) to ascertain the extent of differential settlement that could reasonably be expected to occur where specialist road construction techniques are proposed.**

Reason: To ensure a co-ordinated and comprehensive development of the site and to protect future and existing occupants from road traffic noise.

4 - Non-Standard Condition

The submission of reserved matter details in relation to Condition 1 shall be in substantial accordance with the Severalls Masterplan Drawing No. 00.186/3M received on 30 June 2003 and the Design Code dated August 2004 unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; and, the protection of existing trees by virtue of Tree Preservation Order 1/91.

5 - Non-Standard Condition

The development shall not exceed a maximum of 1500 Class C3 dwelling units (both new build and within converted hospital buildings) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any Order revoking or re-enacting that Order with or without modification) unless the Local Planning Authority first gives written approval to any variation upon submission of an application for planning permission.

Reason: To define the scope of this permission having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; the protection of existing trees by virtue of Tree Preservation Order 1/91; and, to ensure that the A12 trunk road will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on that road. The proposed improvement to the A1 2 trunk road has been assessed on the basis of a total of 1500 dwelling units. An increase in the total number of dwellings might invalidate the assessment.

6 - Non-Standard Condition

No development shall commence unless the Local Planning Authority first gives written approval to any variation, and until the following design details relating to the required improvement to the A12 trunk road have been submitted to and approved in writing by the Local Planning Authority: -

- a) How the improvement interfaces with the existing highway alignment and carriageway markings including lane destinations
- b) Full construction details relating to the highway improvement (this shall include any modification to existing structures or proposed structures, with supporting analysis)
- c) Full signing and lighting details
- d) Confirmation of full compliance with Departmental Standards (DMRB) and Policies (or approved relaxations/departures from standards)
- e) An independent stage 2 Road Safety Audit (taking account of any stage 1 Road Safety Audit recommendations) carried out in accordance with Departmental Standards (DMRB) and Advice Notes
- f) An Appraisal Summary Table (A.S.T.) in accordance with the requirements of the D.E.T.R. publication "A New Deal for Trunk Roads in England : Guidance on the new approach to appraisal - July 1998"

Reason: To ensure that the details of the proposed improvement to the A12 trunk road are satisfactory so that it will continue to fulfil its purpose as part of a national system of routes for through traffic, in accordance with Section 10(2) of the Highways Act 1980, and for the safety of traffic on that road.

7 -Non-Standard Condition

No development shall commence until Phase 1 of the Northern Approach Road Phase 3 as illustrated by the Highways Phasing Plan Drawing No.SBA/N20137/302, dated March 2004 has commenced and no dwellings shall be occupied until Phase 1 is completed.

Reason: To ensure that the junction with Northern Approach Road Phase IIA, Northern Approach Road Phase 3 and Mill Road is satisfactory in terms of highway capacity, safety and design.

8 - Non-Standard Condition

No more than 75 dwellings to be accessed from Mill Road shall be occupied until Phase 3 (which for the avoidance of doubt excludes the Busway corridor) of the Northern Approach Road Phase 3, as illustrated by the Highways Phasing Plan Drawing No. SBA/N91641/PL0003 has been completed. On completion of the NAR3 Phase 3 (which excludes the bus corridor) the access to Mill Road shall be closed to general traffic and its use restricted to public transport vehicles, emergency vehicles, taxis, motorcycles and cycles by the imposition of an appropriate control mechanism and thereafter general vehicle access to Phase 1 of the development shall be available solely from the NAR3 Phase 3 in accordance with the approved plans.

Reason: To ensure that the highways infrastructure is suitable to serve the needs of the development.

8a - Non-Standard Condition

Prior to the commencement of Phase 1 of the development as identified on drawing BM-26779-01, an appropriate control mechanism to restrict the use of the Mill Road access to public transport vehicles, emergency vehicles, taxis, motorcycles and cycles will be submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the highways infrastructure is suitable to serve the needs of the development.

9 - Non-Standard Condition

No more than 475 dwellings in total on Phase 1 and 2 of the development (as per BM-26779-01) shall be occupied until Phase 1, 2 3 and 4 of the Northern Approach Road/Phase 3 as illustrated by the Highways Phasing Plan Drawing No. SBA/N91641/PL0003 has been completed.

Reason: In the interests of highway safety and to provide adequate visibility for drivers and to ensure the safety of pedestrians and vehicles.

9a - Non-Standard Condition

The following works shall be completed prior to the occupation of any dwellings on Phase 2 of the development as identified in the attached Severalls Phasing Plan (BM-26779-01):

- A footway/cycleway along Boxted Road between the existing Boxted Road Link/Nayland Road/Boxted Road/Ford Lane roundabout junction and the A12 Trunk Road/Boxted Road bridge.

CONDITION 10 DELETED AS NOT RELEVANT

11- Non-Standard Condition

Notwithstanding the submitted details, no development on Phase 2 of the development (as identified on plan BM-26779-01) shall commence on site until details of the reconstruction of the existing Severalls Hospital junction with Boxted Road have been submitted to and approved in writing by the Local Planning Authority. The submission of details shall include specifications and method statement and a programme of implementation together with a date for completion. The development shall be completed in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that the access /junction is satisfactory in terms of highway capacity, safety, design, quality of materials and finished work.

12 - Non-Standard Condition

No development shall commence within each phase of development or part thereof until details, including specifications and method statement, of all proposed roads, footpaths and other shared surfaces within that phase of development have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that all proposed roads, footpaths and other shared surfaces are satisfactory in terms of highway capacity, safety, design, quality of materials and finished work.

13 - Non-Standard Condition

No dwelling or building within each phase of development or part thereof shall be occupied until that part of the service road that provides access to it and the public highway has been constructed in accordance with the details approved in writing by the Local Planning Authority in connection with Conditions 11-15.

Reason: In the interests of highway safety and to ensure that all proposed roads, footpaths and other shared surfaces are satisfactory in terms of highway capacity, safety, design, quality of materials and finished work.

14 - Non-Standard Condition

Each road junction shall be provided with a clear ground sight splay on both sides, in accordance with details to be submitted pursuant to the reserved matters application relevant to the phase of development or part thereof. Such sight splays shall be provided before the road is first used by vehicular traffic and thereafter retained free of any obstruction.

Reason: In the interests of highway safety and to provide adequate visibility for drivers and to ensure the safety of pedestrians and vehicles.

15 - Non-Standard Condition

Where a forward visibility splay is required on the bend of a road, it shall be provided in accordance with details to be submitted pursuant to the reserved matters application relevant to the phase of development or part thereof, and shall take account of the need to retain existing trees within the site splay. Such sight splays shall be provided before the road is first used by vehicular traffic and thereafter retained free of any obstruction.

Reason: In the interests of highway safety and to provide adequate visibility for drivers and to ensure the safety of pedestrians and vehicles.

16 - Non-Standard Condition

The footpath and cycle routes within each phase of development or part thereof illustrated by the Severalls Masterplan (Drawing No. 00.186.3M received on 30 June 2003) shall be laid out and surfaced in accordance with details (including details of any 'no dig' construction) that shall first have been submitted to and approved in writing by the Local Planning Authority. The footpath and cycle routes shall be available for use concurrently with the occupation of the first dwelling or building within the phase of development or part thereof to which it relates unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that adequate provision is made for pedestrians and cyclists having regard to national and local policies to promote sustainable forms of development.

17 - Non-Standard Condition

No movement of heavy goods vehicles or plant shall occur to, from or within the site associated with site clearance, demolition or construction works (including the use of plant, machinery or power tools) other than between the hours of 07:30 hours to 18.30 hours on weekdays and 07.30 hours and 13:00 hours on Saturdays, and not at any time on Sundays and/or Public Holidays unless the Local Planning Authority first gives written approval to any variation.

Reason: In order to protect local amenity.

18 - Non-Standard Condition

Details of all construction accesses, lorry/construction routes and any haul road provision relevant to each phase of development or part thereof that are required in connection with site clearance, demolition or construction shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of any works within that phase or part thereof. The development shall be implemented in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: In the interests of highway safety and to protect local amenity.

19 - Non-Standard Condition

No development shall take place in each phase or part thereof until a method statement relating to the means of site clearance, demolition or construction and implementation of the approved development has been submitted to and approved in writing by the Local Planning Authority. Such method statement shall include:

- details of vehicular parking areas/service areas, construction site compounds and material and top soil storage
- nature of and methodology for all necessary works (including proposed 'no-dig - construction' techniques) within protected areas including tools/plant to be used and protective measures taken (to accord with BS 5837:1991)
- details of on-site supervision whilst construction work is taking place, together with the method of communication with the Local Planning Authority.

Reason: To ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; and, the protection of existing trees by virtue of Tree Preservation Orders 1/91 and to protect local amenity.

20 - Non-Standard Condition

In respect of each phase of development or part thereof no site clearance, demolition or construction shall commence until arrangements for the control of dust and mud have been made to prevent, as far is reasonably practicable, the deposit of dust on nearby property; and the accumulation of mud on the highway. Such arrangements shall be agreed in writing with the Local Planning Authority prior to commencement of each phase of the development or part thereof and shall be implemented in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: In the interest of highway safety and in order to protect local amenity.

21 - Non-Standard Condition

Prior to the commencement of each phase of the development or part thereof (including demolition and site clearance works), an investigation into existing noise levels affecting that phase shall be carried out. In areas where it is considered by the Local Planning Authority that disturbance to noise sensitive receptors could occur, a strategy for monitoring and recording noise levels and a scheme for mitigating potential disturbance shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: In order to protect local amenity.

22 - Non-Standard Condition

Prior to the commencement of any piling works that may be necessary in each phase of the development or part thereof, an agreed method of installation that minimises noise and vibration to nearby residents will be agreed in writing with the Local Planning Authority. The works shall be carried out in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: In order to protect local amenity.

23 - Non-Standard Condition

No demolition shall occur within each phase of the development or part thereof until such time as a method statement and a programme of work has been submitted to and agreed in writing by the Local Planning Authority stipulating, amongst other things, the extent and timing of such operations within each phase and details of site security. The Local Planning Authority will be consulted specifically regarding the demolition techniques for buildings constructed from or containing asbestos-based products to ensure that the release of fibres into the environment is kept to the lowest practicable level. Details shall also be provided of methods of recording those architectural artefacts, features and fixtures of interest together with details of those that can be retained, stored and re-used.

Reason: In order to protect local amenity.

24 - Non-Standard Condition

No demolition shall occur nor any other site works commence in each phase of development or part thereof until the relevant areas within the site have been enclosed by a continuous solid fence in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and the continuous solid fence as agreed, shall remain in place until clearance/building works have been completed unless the Local Planning Authority first gives written approval to any variation.

Reason: In order to protect local amenity.

25 - Non-Standard Condition

No demolition shall occur and no site clearance or development shall commence within each phase of development (as identified on plan BM-26779-01) or part thereof until the details of protection of those buildings to be retained as identified by the Severalls Masterplan (Drawing no.n0.00.186.3M received on 30 June 2003) have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: In order to protect those buildings identified to be retained by Drawing No 00.186/3M received 30 June 2003, and having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; and, the protection of existing trees by virtue of Tree Preservation Order 1/91.

26 - Non-Standard Condition

No development shall commence within each phase of the development (as identified on plan BM-26779-01) or part thereof until a scheme to deal with the contamination of the site within that phase has been submitted to and approved in writing by the Local Planning Authority.

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

27 - Non-Standard Condition

The scheme of contamination required to be submitted by Condition 26 above shall accord with the Council's guidance relating to site contamination and remediation issues (Land affected by contamination - Planning guidance for applicants and developers) and shall include an investigation and assessment of the extent of any contamination and the measures to be taken to avoid the risk to the public; buildings; environment and the future occupants of the dwellings and buildings hereby permitted.

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

28 - Non-Standard Condition

No development shall commence within in each phase of development or part thereof until the measures approved in the remediation scheme relating to that phase or part thereof have been implemented. A validation report shall be produced by a suitably qualified person and submitted to the Local Planning Authority to verify that the agreed remediation scheme has been successful.

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

29 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), and before any such works are commenced within each phase of development or part thereof, details of the design, location and external materials for any structures/buildings (either above or below ground) required by any of the statutory undertakers (or their agents) shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; the protection of existing trees by virtue of Tree Preservation Order 1/91 and in order to safeguard visual amenity.

30 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or re-enacting that Order), no satellite dishes or other antennae shall be fixed or erected to any building which is shown to be retained by the Severalls Masterplan (Drawing No. 00.186.3M received 30 June 2003) without the prior written approval of the Local Planning Authority upon submission of an application for planning permission.

Reason: To safeguard the visual amenity of the area by preserving the special architectural qualities of those buildings that have been identified as being worthy of retention.

31 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no telecommunications structures/masts or equipment shall be constructed or erected without the prior written permission of the Local Planning Authority on the submission of an application for formal planning permission.

Reason: To ensure that the development proceeds in a co-ordinated and comprehensive manner having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; the protection of existing trees by virtue of Tree Preservation Order 1/91 and in order to safeguard visual amenity.

32 - Non-Standard Condition

Any lighting of the development shall be located, designed and directed or screened so that it does not cause avoidable intrusion to adjacent property, constitute a traffic hazard or cause light pollution. ("Avoidable intrusion" means contrary to the Guidance Notes for the Reduction of Light Pollution issued by the Institute of Lighting Engineers published 2000).

Reason: To reduce the undesirable effects of light pollution on the amenity of the occupants of nearby property and to mitigate against adverse impacts to wildlife.

33 - Non-Standard Condition

No external lighting fixtures or moveable lighting for any purpose (including areas of public open space) shall be constructed, used, or installed whether for temporary or permanent use in each phase of development or part thereof until details of all external lighting proposals within that phase of development or part thereof have been submitted to and approved by the Local Planning Authority, and no lighting shall be constructed or installed other than in accordance with those approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To reduce the undesirable effect of light pollution on the amenities of the occupants of nearby property and to mitigate against adverse impacts to wildlife.

34 - Non-Standard Condition

Prior to the development in each phase of development or part thereof, details of refuse storage facilities and facilities for the collection of recyclable materials within that phase shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that adequate facilities are provided for refuse storage and the collection of recyclable materials.

35 - Non-Standard Condition

No works or development shall take place within each phase of development or part thereof until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (reference must be had to BS 1192:part4). These details shall include, as appropriate:

- existing and proposed finished contours and levels
- means of enclosure (including details of all walls, fences and railings)
- car parking layout
- other vehicular and pedestrian access and circulation areas
- hard surfacing materials (for all private, non-adoptable and adoptable accesses, footpaths, courtyards, parking areas and forecourts)
- a scheme indicating the provision of public art
- minor artefacts and structures (e.g. street furniture, play equipment, refuse or other storage units, signage and lighting)
- proposed and existing functional services above and below ground (e.g. drainage, power and communication cables, pipelines etc indicating lines, manholes , supports etc)
- retained historic landscape features and proposals for restoration

soft landscaping details shall include:

- planting plans
- written specifications (including cultivation and other operations associated with plant/grass establishment)
- schedules of plants, noting species, plant size and proposed numbers/densities
- implementation timetables

Reason: To safeguard the provision of amenity afforded by appropriate landscape design and having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; and, the protection of existing trees by virtue of Tree Preservation Orders 1/91.

36 - Non-Standard Condition

All approved hard and soft landscape works shall be carried out within each phase of development or part thereof in accordance with the 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 within each phase or part thereof. 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 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 satisfactory standard of landscape having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; and, the protection of existing trees by virtue of Tree Preservation Orders 1/91.

37 - Non-Standard Condition

Prior to the commencement of development in each phase of development or part thereof any areas within that phase identified by Drawing No 00.186/3M (or subsequently identified by the approved Phasing Scheme) for use as play areas, public open space and allotment sites shall be demarcated and a sign shall be displayed advising of the intended use of the land in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority. The means of demarcation and signs shall be erected in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that areas of open space are provided in accordance with adopted Local Plan Policy and that new or prospective residents are aware of intended provision of such facilities.

38 - Non-Standard Condition

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawings as contained within Andrew Martin Associates, Environmental Statement, Addendum 5 'Impact' on Trees July 2004 or the Local Planning Authority first gives written approval to any variation.

Reason: To safeguard the continuity of amenity afforded by existing tree and hedgerows and having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II) and the protection of existing trees by virtue of Tree Preservation Orders 1/91.

39 - Non-Standard Condition

Prior to commencing works within each phase of development or part thereof which may affect trees and hedgerows on or overhanging the site, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- the design and layout of foundations together with specifications and method statement
- the design, layout, specifications and method statement (including any areas of 'no-dig' construction) of vehicular/pedestrian/cycle routes (including both new and existing routes)
- the positions, dimensions and levels of service trenches, ditches, drains and any other excavations,

and the development within that phase or part thereof shall be completed in accordance with the approved details.

Reason: To safeguard the continuity of amenity afforded by existing tree and hedgerows and having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II) and the protection of existing trees by virtue of Tree Preservation Orders 1/91.

40 - Non-Standard Condition

All existing trees, shrubs and other natural features not scheduled for removal by the approved drawings, as contained within Andrew Martin Associates, Environmental Statement, Addendum 5 'Impact on Trees' July 2004 shall be safeguarded during the course of all works within each phase of development or part thereof (in accordance with BS 5837 : 1991). No work shall commence within each phase or part thereof until all such trees, shrubs and natural features are protected in an area behind a fence line to a standard to be agreed by the Local Planning Authority (in accordance with BS 1722 : part 4). All agreed protective fencing shall be maintained during the course of works on site within that phase or part thereof. No access, works or placement of materials or soil shall take place within the protected areas without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within the site in the interest of visual amenity and having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II) and the protection of existing trees by virtue of Tree Preservation Orders 1/91.

41 - Non-Standard Condition

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 adjoining land.

Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of visual amenity and having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II) and the protection of existing trees by virtue of Tree Preservation Orders 1/91.

42 - Non-Standard Condition

All trees and hedgerows on or overhanging the site shall be protected from damage as a result of works on site in accordance with BS 5837: 1991. All existing trees shall be monitored and recorded for a least five years following contractual completion of the relevant phase of the approved development or part thereof. In the event that any trees and or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Any tree works agreed shall be carried out in accordance with BS3998.

Reason: To safeguard the continuity of amenity afforded by existing tree and hedgerows and having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II) and the protection of existing trees by virtue of Tree Preservation Orders 1/91.

43 - Non-Standard Condition

All natural aquatic features (including drainage ditches) and associated vegetation within each phase of development or part thereof shall be retained unless otherwise approved in writing by the Local Planning Authority and shall be protected from physical disturbance in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the continuity of amenity and nature conservation value afforded by existing trees, hedgerows and water features, having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II), the protection of existing trees by virtue of Tree Preservation Orders 1/91 and habitats.

44 - Non-Standard Condition

No site clearance, demolition or construction works within each phase (as identified on plan BM-26779-01), shall take place until an investigative survey has been undertaken to establish the presence of invertebrates within that phase of the site to which that reserved matters application relates. The survey shall be undertaken in accordance with details that shall have first been approved in writing by the Local Planning Authority and shall include details of the timing of the survey work. The survey shall identify details of any necessary mitigation measures (including methodology, timescale for completion, and long term maintenance and monitoring plan). The mitigation measures shall be implemented in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that the impacts of the development on protected species are investigated at the appropriate time of year and to properly mitigate against the predicted impacts.

45 - Non-Standard Condition

No site clearance, demolition or construction works shall take place within the application site until details of mitigation measures (including methodology, timescale for completion and long term maintenance and monitoring plan) have been submitted to and approved in writing by the Local Planning Authority to protect and enhance the habitat of bats, barn owls and wax cap fungi.

Reason: To ensure that the impacts of the development on protected species are investigated at the appropriate time of year and to properly mitigate against the predicted impacts.

46 - Non-Standard Condition

The Local Planning Authority shall be notified not less than 10 working days before the commencement of any work on site (within each of the relevant phases of development) and the developer shall allow access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow the observation of excavations in order to record items of interest.

Reason: To ensure that any remains of archaeological importance are properly recorded.

47 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General permitted Development) Order 1995 (or any Order revoking or 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, alteration, outbuilding, garage or enclosure) shall take place without the prior written approval of the Local Planning Authority on submission of an application for planning permission.

Reason: To safeguard the amenities of the area having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; the protection of existing trees by virtue of Tree Preservation Orders 1/91, in the interest of visual amenity and in order to secure high quality townscape/built environment.

48 - 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 gate, fence, wall or other means of enclosure shall be erected, constructed or placed within the curtilage of any dwelling forward of any wall of that dwelling which fronts onto a highway without express planning permission from the Local Planning Authority.

Reason: To safeguard the amenities of the area having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; the protection of existing trees by virtue of Tree Preservation Orders 1/91, in the interest of visual amenity and in order to secure high quality townscape/built environment.

49 - Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no hard surfaced areas shall be constructed without the prior written permission of the Local Planning Authority on submission of an application for planning permission.

Reason: To safeguard the amenities of the area having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; the protection of existing trees by virtue of Tree Preservation Orders 1/91, in the interest of visual amenity and in order to secure high quality townscape/built environment.

50 - Non-Standard Condition

No use within the commercial/mixed use areas as identified by the Severalls Masterplan Drawing No. 00.186/3M received 30 June 2003 shall operate and no deliveries shall be taken or dispatched from these areas outside the hours of 08:00 and 18:00 on weekdays and Saturdays nor at any time on Sundays or Public Holidays without the prior written approval of the Local Planning Authority on submission of an application for planning permission.

Reason: To safeguard the amenities of nearby property.

51 - Non-Standard Condition

The uses within the commercial/mixed use areas as identified by the Severalls Masterplan Drawing No. 00.186/3M shall be limited to Classes A1 Retail, A2 Financial and Professional Services, A3 Cafe/Restaurant, and B1 Light Industrial, Office and Research and Development as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification. Notwithstanding the above (this condition) the Local Planning Authority may permit residential use on the upper floors where this can be shown not to prejudice the prescribed uses set out here and where planning permission has been duly granted.

Reason: To safeguard the amenities of nearby property.

52 - Non-Standard Condition

No Class A3 Cafe/Restaurant Use, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order), shall commence operation within the commercial/mixed use areas as identified by the Severalls Masterplan Drawing No. 00.186/3M received 30 June 2003 until there has been submitted to and approved in writing by the Local Planning Authority full details of equipment to be installed for the extraction and control of fumes and odours together with a code of practice for the future operation of that equipment. The use shall not take place other than in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that such uses do not harm the local environment and the amenities of the area by virtue of air pollution or odours.

53 - Non-Standard Condition

The amount of gross floorspace of any individual facility provided within the commercial/mixed use areas as identified by Drawing No. 00.186/3M shall not exceed 300 square metres unless the Local Planning Authority first gives written approval to any variation.

Reason: To define the scope of this permission and to prohibit the provision of large, single retail/office facilities on this site that would compromise the role of Colchester town centre as a shopping facility and create a non-sustainable form of development.

54 - Non-Standard Condition

Prior to the commencement of development in any phase or part thereof the area identified for use as a primary school, by Stanley Bragg Architects drawing no. 5516-07-a dated November 2003 shall be demarcated and a sign shall be displayed advising of the intended use of the land in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority. The demarcation and sign shall be erected in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that the primary school site is reserved to provide the necessary educational facilities relevant to the development and that this fact is evident to new or prospective occupiers in the vicinity.

55 - Non-Standard Condition

Prior to the commencement of development of the hereby permitted primary school the following details shall be submitted to and approved in writing by the Local Planning Authority

- access arrangements (vehicular, cycle and pedestrian)
- external finishes
- boundary enclosures
- hard and soft landscaping (including trees to be retained)
- parking and servicing areas (including secure parking for cycles)
- refuse collection and recycling facilities.

The development shall be completed in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters and having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; the protection of existing trees by virtue of Tree Preservation Orders 1/91.

56 - Non-Standard Condition

Prior to the commencement of development in any phase the area identified by the Severalls Masterplan Drawing No 00.186/3M received 30 June 2003 for use as a community building shall be demarcated and a sign shall be displayed advising of the intended use of the land in accordance with details that shall have been submitted to and agreed in writing by the Local Planning Authority. The demarcation and sign shall be erected in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: To ensure that the community building site is reserved in order to provide the necessary community facilities relevant to the development and that this fact is evident to new or prospective occupiers in the vicinity.

57 - Non-Standard Condition

Prior to the commencement of development of the hereby permitted community hall the following details shall be submitted to and approved in writing by the Local Planning Authority

- access arrangements (vehicular, cycle and pedestrian) external finishes
- boundary enclosures
- hard and soft landscaping (including trees to be retained)
- parking and servicing areas (including secure parking for cycles)
- refuse collection and recycling facilities
- sound insulation against internally generated noise
- extraction equipment

The development shall be completed in accordance with the approved details unless the Local Planning Authority first gives written approval to any variation.

Reason: The outline application as submitted does not give particulars sufficient for consideration of these reserved matters and having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II); the presence of a listed building; the protection of existing trees by virtue of Tree Preservation Orders 1/91.

58 - Non-Standard Condition

The hereby permitted community building use shall not operate before 08:00 hours and after 23:00 without the prior written approval of the Local Planning Authority.

Reason: To safeguard the amenities of the occupants of nearby property.

59 – Non Standard Condition

The level of internally amplified sound shall be restricted by the installation and use of a noise-limiting device the details of which shall first have been submitted to and approved in writing by the Local Planning Authority and shall be installed in accordance with the approved details.

Reason: To safeguard the amenities of the occupants of nearby properties.

Informatives

1. Section 106

The developer is advised that this application is the subject of a Section 106 Legal Agreement.

2. Design Code and Design Issues

The developer is advised that the application is accompanied by a Design Code dated August 2004. The submission of reserved matters must take fully into account the guidance within the Design Code in order to ensure that the development proceeds in a co-ordinated and comprehensive manner, having regard to, amongst other things, the status of the site as an Historic Park and Garden (Grade II) and the protection of existing trees by virtue of Tree Preservation Order 1/91.

The developer is advised that in conjunction with Condition No. 30 above, the Local Planning Authority will seek to ensure that any flatted/apartment accommodation provided within those buildings proposed to be retained are served by communal satellite equipment wherever appropriate.

Where buildings shown to be retained have been or are subsequently damaged by fire or any other cause the presumption of the Local Planning Authority is that they will be restored or rebuilt in facsimile.

3. TPO/Trees

The developer is advised that the site is covered by Tree Protection Order 1/91. Any works to trees not expressly authorised by the grant of this planning permission will require the separate consent of the Local Planning Authority. Failure to secure the necessary consent prior to gaining the approval of the Local Planning Authority may result in prosecution.

The applicant/developer is advised, that details of replacement planting shall include a minimum of two replacements in lieu of any one tree lost.

The developer is advised that where special road construction techniques are required to protect and ensure the retention of existing trees the Highway Authority may seek to secure extended maintenance periods of a minimum of 5 years by way of a separate agreement under the Highways Act.

4. Highways

All highways related details shall be agreed in conjunction either with Essex County Council Highway Authority or the Highway Agency as appropriate.

The number and standard of parking spaces, including disabled, cycle and motorcycle spaces, shall be in accordance with the Essex Planning Officers Association, Vehicle Parking Standards, August 2001 (or any document superseding this).

The developer is advised that all materials must be stored clear of the public highway, public footpaths and bridle ways at all times.

5. Materials storage

The developer is advised that all materials must be stored clear of the public highway, public footpaths and bridle ways at all times.

6. Environmental Health Issues

No burning of refuse, waste materials or vegetation shall be undertaken on the application site in connection with the site clearance, demolition or construction of the development.

The developer is advised to have regard to Appendix 26 of the Environment Impact Assessment 'Construction and Disruption Impacts' Denis Wilson Partnership, Revised February 2003.

The developer is advised that it is desirable to achieve a daytime level for habitable rooms of less than 58dB(a) leq, 16 hour (facade levels) for first and higher floors. The most recent World Health Organisation recommended night time levels as an internal level are 30dB(a) leq, 16 hour. This level is therefore recommended for bedrooms. All levels represent a maximum.

The developer is advised that noise mitigation measures including sound attenuation fencing, bunding and landscaping should generally accord with the mitigation measures contained within the AERC Environmental Statement Order 2001 illustrated by Drawing no. BCAL/02 and summarised at page 11-21 paragraph 11.4.38 and the Environmental Noise and Vibration Assessment by AIRO revised in February 2003.

7. Drainage

The developer is advised that all drainage details submitted in relation to the above conditions must have regard to (EIA appendices).

The Local Planning Authority is advised by Anglian Water Services Limited that the foul drainage from this development can be accommodated in the existing foul public sewer to the west of the Colchester General Hospital.

The discharge of any trade effluent to the public sewerage system will require the prior written consent of Anglian Water as required under the provisions of the Water Industry Act 1991.

Foul water flows from any restaurant/kitchens should be passed through fat/oil interception facilities designed and constructed to the satisfaction of the Local Planning Authority.

The Local Planning Authority is advised by Anglian Water that the surface water drainage from this site can be accommodated at an attenuation discharge rate to be agreed with Anglian Water in the existing surface water public sewer to the west of the Colchester General Hospital.

The use of soakaways at this site should be proven adequate in accordance with BS6279:1983. However, should soakaways prove impracticable another method of disposal must be found by the applicant and approved by Anglian Water.

The Local Planning Authority is advised by Anglian Water that the adoption of sustainable urban drainage systems under Section 104 of the Water Industry Act 1991 will not be considered unless special circumstances or conditions prevail.

No habitable buildings should be located within 15 metres of the boundary of an adoptable pumping station.

The overall design strategy for foul and surface water sewers should be achieved by a gravity system wherever possible.

The Local Planning Authority is advised by Anglian Water that wet balancing ponds will not be adopted.

The developer's attention is drawn to the advisory notes contained within the Environment Agency's letter dated 30 November 2001.

The developer is advised that drainage details submitted in connection with the above conditions shall ensure that pool waters and backwash waters are discharged to the foul sewer and that surface water run off from impermeable parking areas are passed through an approved petrol/oil bypass interception facility before being discharged to any surface water sewer.

8. Landscaping

The developer is advised that landscaping details submitted in relation to the above conditions shall have regard to the Andrew Martin Associated, Environmental Statement, Landscape and Visual Assessment, March 2003 and Historic Landscape Assessment, March 2003 and to the landscape management scheme and ecological management scheme required in connection with the associated Section 106 Legal Agreement.

The developer is advised that those existing trees shown to be at high risk/low risk as illustrated by Andrew Martin Associates, Environmental Statement, Addendum 5 'Impact on Trees', July 2004 are presumed to be retained unless the Local Planning Authority first gives written approval to any variation. The developer must have regard in the first instance to the special methods of construction described within the Design Code dated August 2004 and the Andrew Martin Associates, Environmental Statement Addendum 5 'Impact on Trees', July 2004. The Local Planning Authority will not give approval for the removal of further trees unless and until justification has been provided by a suitably qualified arboriculturalist.

9. Wildlife

The developer is advised that bats have been recorded within the site. All UK native species of bat benefit from protection under the Conservation (Natural Habitats) Regulations 1994 and the Wildlife and Countryside Act 1981. English Nature advises that where the proposal adversely affect these species will require an application to DEFRA for a development licence in addition to any planning permission.

The developer is advised that in connection with conditions 44 & 45 above account should be had of the mitigation measures identified within those documents that form the Environmental Statement accompanying the application for planning permission and which include:

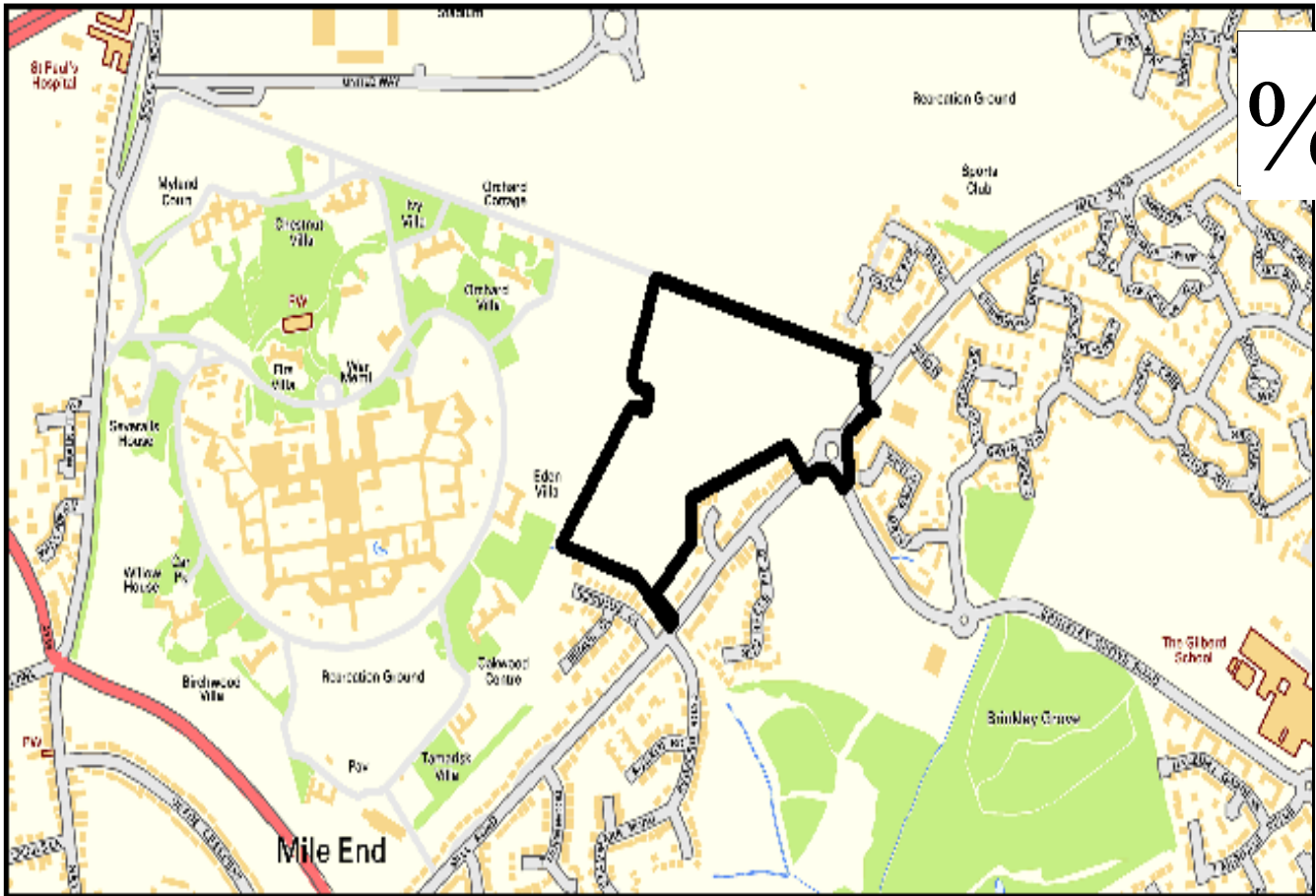
- Ecological Assessment, Epcad 2001
- Mycology Report (Addendum 2) December 2001
- Bat Survey (Addendum 3) March 2003
- Account should also be had to the Essex County Biodiversity Action Plan and Colchester Borough Council's Biodiversity Action Plan. The developer is advised that site clearance, demolition and construction work times that involve the removal of trees/hedgerows should take account of nesting seasons to cause least disruption to birdlife within the locality.

10.

General Informatives

(a) The developer is advised that in submitting reserved matters applications, where relevant, the design and layout should ensure the privacy of occupiers of residential properties in Romulus and Remus Close is safeguarded.

(b) The developer is advised that in submitting reserved matters applications, where relevant, the means of enclosure to the boundary between 190 Mill Road and Public Footpath 69 shall be in the form of a brick wall, the details of which shall be submitted to and approved in writing with the Local Planning Authority in connection with Condition 35 above.



Application No: 100502

Location: Former Severalls Hospital Site, Severalls Hospital, Boxted Road, Colchester, CO4 5HG

Scale (approx): 1:1250

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7.2 Case Officer: Mr David Whybrow

MAJOR

Site: Severalls Hospital, Boxted Road, Colchester, CO4 5HG

Application No: 100502

Date Received: 17 March 2010

Agent: Mrs Sharon Claughton

Applicant: HCA & North Essex Partnership

Development: Development to provide 248 residential units (Phase 1)

Ward: Mile End

Summary of Recommendation: Conditional Approval subject to receiving recommendation of approval from Highway Authority and final observations by the Engineering Manager

1.0 Introduction

1.1 This application follows on from the previous item and is a reserved matters submission for Phase 1 of the Severalls Hospital Development. Like the previous case, the application has generated a number of letters of representation.

2.0 Synopsis

2.1 The report gives a full description of the application site, the outline approval and the proposed scheme and goes on to consider consultation responses and representations. It is concluded that the submitted reserved matters are satisfactory and that conditional approval should be given. The application is the subject of a Planning Performance Agreement (PPA)

3.0 Site Description and Context

3.1 This is a 'greenfield' site of 2.7 ha bounded to the north by Tower Lane, to the south-east by Mill Road and the rear gardens of dwellings fronting Mill Road and Thomas Wakley Close and to the south-west by the rear gardens of bungalows at Romulus Way. The north-east boundary extends up to the route of the future NAR3.

3.2 Trees and hedges line Tower Lane with houses in Oxley Park and the rugby ground beyond. There is a sparse hedge to the Mill Road frontage in the area of the Brinkley Grove Road roundabout. A landscaped mound has been created to provide screening and noise attenuation to those Mill Road properties west of the roundabout. The houses in Mill Road have gardens of good size variously screened by hedges and fencing. Thomas Wakley Close houses have smaller gardens with a similar variation in the screening currently provided.

- 3.3 The land falls away to the south-west towards the gardens of Romulus Way. These are generally well screened by walls, fences and shrubs. Footpath access (FP69) is retained onto Mill Road in the extreme southern part of the site.
- 3.4 An established tree-lined ditch runs roughly north-south through the centre of the site with an area of thicket at its southern end. Footpath 69 continues along this line.
- 3.5 The parkland grounds of the former Hospital lie immediately to the west of the proposed line of the NAR3 and their formality contrasts with the more natural meadowland character of the application site.

4.0 Description of the Proposal

- 4.1 248 dwellings are proposed comprising 30 one and two bedroomed flats, 72 two bedroom homes, 96 with three bedrooms and 40 with four, equating to a net density of 31 dwellings per hectare. 25% of the units are affordable, proportionate to the overall mix and all homes will be constructed to Code for Sustainable Homes level 4 (44% more energy efficient than current Building Regulations require).
- 4.2 The application is supported by a Planning Statement, Design and Access Statement, Landscape Management Plan, Arboricultural Development Statement, Noise Impact Assessment, Ecological Survey, Ground Contamination Assessment and Drainage Strategy, all of which may be viewed on-line.
- 4.3 A further document "Review of the Reserved Matters Proposal against the Severalls Design Code" provides a commentary on how the reserved matters scheme accords with the Design Code requirements and Master Plan accompanying the outline consent. The Design Guide sought to achieve "a level of expectation about the quality of design and form of development to be brought forward at the site". This too may be viewed on the Council's website. The Review concludes that with the exception of the 4 items below, the scheme accords with the Design Code:-
- Buildings are not generally sited at the back edge of the public footway in order to create a defensible 1.5m zone between the back edge of pavements and residents' private space.
 - A car parking ratio of 2.17 car parking spaces per dwelling (as opposed to the original requirement of 1.5 per dwelling) responds to current adopted standards.
 - The central boulevard is considerably wider than the 1.1-1.25 height to width ratio stipulated in order that it can accommodate the land requirement for highway, swales and landscaping.
 - The materials palette is more contemporary than traditional. The original requirement was to reflect the Oxley Park development to the north. The proposed elevational treatments are more contemporary in character although the palette of coloured render and roof finishes used at Oxley Park have been partially extended into character areas within the proposed development to create a complementary visual character.

4.4 The Design and Access Statement is a substantial document that describes the key themes of the proposal as:-

- development that relates to the context of the wider Severalls site;
- development where the green infrastructure is accessible to all residents and builds upon the existing site capital to provide a well integrated bio-diverse network of open spaces and landscape both within and beyond the site;
- development that sets a standard for design and sustainability within the area, to be used as a benchmark of quality;
- development that delivers a contemporary interpretation of 'the Essex Design Guide' standard; and
- development that provides family housing within a family environment.

4.5 It creates 5 distinct character zones, each of which is divided into clusters or groups of dwellings where a consistent streetscape is derived through a continuity of basic external finishes with a variety of palettes within sub groups of homes maintaining visual interest. The zones are:-

1. The NAR3 frontage – higher close knit building groups of 2-3 storeys, including apartments with strongly landscaped gaps.
2. The Boulevard/Central Spine – provides primary access points to all streets. Enclosed by 2- 2½ storey houses in a regular rhythm of built forms.
3. Tower Lane – the northern green edge has a low key approach with more simple detached units or units with a country-style footpath approach and varied relationship of garden to public realm.
4. Mill Road and Home Zone – the tower is extended along the boundary and regular pattern of street frontages is broken to open up the centre space as a home zone providing semi-public space and parking within an area with good surveillance and sense of ownership.
5. Southern Neighbourhood – perimeter planning of buildings along streets is treated in its most suburban way. Low key streets are punctuated by memorable features at junctions and transitions.

5.0 Land Use Allocation

5.1 Residential
North Colchester Regeneration Area
Public Footpath 69
NAR3

6.0 Relevant Planning History

6.1 O/COL/01/1624 – Residential development (approximately 1500 dwellings including conversion of some retained hospital buildings), mixed uses, community facilities, employment and retail, public open space and landscaping, new highways, transport improvements, reserved route of NAR3 and associated development – Approved 21 March 2006

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Guidance 13: Transport
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
Planning Policy Statement 25: Development and Flood Risk

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage

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

Community Facilities

Vehicle Parking Standards

Sustainable Construction Open Space, Sport and Recreation

The Essex Design Guide

External Materials in New Developments

Affordable Housing

8.0 Consultations

8.1 As originally submitted the Highway Authority, the Trees and Landscape Officer and the Urban Design Officer all had raised a number of issues to be addressed before a recommendation of approval could be made. Negotiations involving all three have taken place resulting in the submission of revised drawings. Further meetings have been held in the lead up to writing this report and key comments are expected to be available prior to the Committee meeting although this report can identify the current position and expectations for further amendment. Any further comments received will be reported at the Meeting.

8.2 The Highway Authority has stated that they are in the processing of assessing the latest drawings however it is probable that it has resolved most if not all of the 19 outstanding points they had raised. Although this can not be confirmed yet, it has been suggested that anything remaining unresolved would be to a degree that could be agreed at a later date by use of appropriate planning conditions.

8.3 The 19 points previously raised by the Highways Authority were as follows:

1. There is still general confusion over what is being offered for adoption. No all footways/cycleways are shown on N91641-D006 however N91641-D003 shows footways and cycleways
2. On N91641-D003, to clarify, the link between the green link and the road next to the attenuation plot should be removed as this will not be considered for adoption. There is another link to the flats to the west of the green link that will not be adopted. Some of the footway/cycleway network is on public rights of way and therefore this needs to be indicated. The green link should be given priority along its route and should be shown as public highway along the entire length – it is shown as private as it crosses the entrance to the flats at the northern end
3. The turquoise shading on N91641-D003 is not identified on the key
4. There is a ped/cycle link through the landscaped area next to the rugby field as agreed at the meeting, but it is not shown on N91641-D006. This link (the section in front of plots 22-25) needs to be shown as linking directly into Tower Lane (which is to become a bridleway)
5. If the ped/cycle link shown as running in front of plot 15, 16 & 21 is also to be provided, it needs to link up with the existing public highway
6. The drawings need to be extended to show improvements to the existing PROW through to Mill Road (adjacent to Romulus Close)

7. The SUDS are shown as adopted – the attenuation ponds and other drainage facilities do not have shading. The Highway Authority may adopt them but need clarification on what is discharging into these ponds. This will attract a commuted sum for future maintenance
 8. There is over running on the entrance to the estate from Mill Road. The tracking drawing illustrates the tracking for a refuse lorry and not a public service vehicle. The radius needs increasing
 9. We are struggling with the idea of shared space, as the drawings still show the formal layout under the shading. This needs to be removed if our understanding is correct. We were expecting to see a continuous kerblines through each feature junction to identify the priority movement i.e. the type 2 road. This needs to be added to the drawings. Full design details will need to be provided for the pedestrian links/transitions through the 'feature junctions'. The footway routes within the 'feature junctions' need to be clearly defined with suitable materials
 10. Consideration needs to be given as to how pedestrians will cross the central landscaped area as they will do so
 11. The type of enforcement for the bus gate near Mill Road is not shown. It seems to indicate that this will be achieved via bollards which are not currently acceptable in Essex. This would need to be enforced by cameras
 12. Bus shelters, RTPI and high kerbs need to be shown on drawings to avoid any issue further along the line when these features are installed
 13. There is a visibility splay across the eastern attenuation pond which contains trees. The trees need to be relocated outside of this splay
 14. There are a number of visibility splays that are missing from the drawings. The splay outside plot 84 and 85 is unacceptable and the layout needs amending
 15. There are a number of tracking movements missing from the drawings. These need to be added
 16. There is still allocated parking shown within the adopted boundary. If an informal parking space, as discussed in the meeting, to avoid vehicles blocking the footway, then this needs to be shown as such to avoid confusion further down the line
 17. The status of the Home Zone requires further consideration – at present we would not want to adopt it, however were it changed to function more as a street, then we would consider it for adoption. However the APC will apply. A more detailed tracking plot to show wheel and body tracks need to be provided for the Home Zone Area. From the amended plan provided it would appear that there are no changes other than to the access to the parking court
 18. Full design details will need to be provided for the transitions from the Type 4 roads to the Type 6 roads
 19. The 3 unallocated resident parking spaces opposite plots 44/46 need to be moved to provide a minimum carriageway width of 4.8m. This is due to the close proximity of the Boulevard junction
- 8.3 The Environmental Control Team have considered the contaminated land assessment but required a supplementary phase of ground investigation to be carried out to further characterise potential pollutant linkages identified in the original report.
- 8.4 Anglian Water Authority indicates that the foul drainage from this development will be treated at Colchester Sewage Treatment Works that at present has available capacity for these flows. The proposed method of surface water drainage is not a public sewer and therefore outside Anglian Water Authority's jurisdiction (the Environment Agency are responsible authority). A number of informatives are recommended.

8.5 Environment Agency comment as follows on the issue of flood risk:-

“We have considered the information within the Drainage Strategy, dated February 2010, job number N91641. We understand that phases 1B and 1C will be brought forward following the construction of the mainline trunk sewer and outline details have been provided at this stage to show how these phases are likely to link to phase 1A which is currently being brought forward. The following comments therefore relate solely to phase 1A and we request to be consulted on all other phases.

It is intended that surface water generated within Phase 1A will be collected in pipes which will discharge to an attenuation pond which has been sized to provide 150m³ of storage. Surface water will then discharge back into the pipe network where water will be attenuated in 1200mm pipes before discharging to a 225mm pipe at manhole 32. The pipe will then discharge to another attenuation pond before discharging at the greenfield runoff rate of 3.71ls/ha to an existing watercourse.

In addition to the above surface water generated within the boulevard area shall be drained via swales to the drainage network which will then connect to the system as described above. The details submitted have shown that sufficient capacity will be provided using sustainable drainage principles to accommodate the 1 in 100 year storm whilst making the appropriate allowances for climate change.

Prior to the development of phases 1B and 1C a new trunk sewer will be constructed. It is intended that the surface water collected from Phase 1A will then also connect to the trunk sewer.

It is understood that maintenance of the drainage system will be undertaken by the developer for the first twelve months of the scheme where maintenance will then be transferred to the Council (see section 1.2.36 of the submitted FRA). If this is not the case and the Council will not be taking on the maintenance responsibilities then details of the body that intends to take responsibility for maintaining the system in the future should be agreed prior to development commencing.

We would recommend that you/your drainage engineers (*Officer Comment – discussions are currently in hand with Colchester Borough Council's engineering manager*) are satisfied that there is sufficient capacity within the existing watercourse which flows beneath Mill Road to accommodate flows from Phase 1A of this development. It is understood that there is a culvert beneath Mill Road and consideration should be given as to whether this would have the potential to increase flood risk if surface water flows from Phase 1A are directed to it. Section 1.2.34 of the submitted drainage strategy suggests that any existing restrictions to flow will be minimised by removing obstructions, clearing vegetation and cleaning the pipe below Mill Road. If it is considered that there is not adequate capacity within the receiving watercourse then an alternative arrangement of the disposal of surface water will need to be agreed.

This system provides a combination of sustainable drainage systems and a traditional system which will help cleanse water, reduce flood risk and provide amenity value.”

8.6 Further to consultation with the Environment Agency the Council's own Engineering Manager has been consulted and a meeting was held with the developers on 17 February 2011. At this meeting various works required were discussed and a schedule of works to be undertaken was verbally agreed. The written report confirming these works will be sent by the Engineering Manager after this report is written, but prior to the committee date. Therefore, the necessary planning conditions to secure the works will be reported via the amendment sheet, but the proposal is acceptable in principle.”

9.0 Parish Council Response

9.1 Myland Parish Council supports the scheme as long as the following queries are answered and conditions imposed:-

1. An up-to-date transport assessment is required as the outline application was lodged 9 years ago.

Comment of the Planning Service Manager:

[This application is submitted as reserved matters following the grant of outline planning permission in 2006. It is not reasonable or appropriate to require additional transport assessment work at this stage because the impact of the development has been calculated and mitigation included within the associated S106. The new A12 junction which has opened considerably earlier than expected in the S106 Agreement and the imminent completion of NAR3 are all mitigation works – as will be the provision of the segregated bus corridor in due course. Further traffic and transport impacts from other newly allocated sites (2010 Adopted Site Allocations Document) in North Colchester will have to be calculated when these sites come forward along with appropriate mitigation measures]

2. Tower Lane must be an all-weather trafficable surface for cyclists, pedestrians and disabled persons. Lighting should be considered.

Comment of the Planning Service Manager:

[Tower Lane is to be a designated Bridleway and the surface will be appropriate to that designation. Issues of lighting and surfacing will be resolved by condition]

3. The supporting documentation contains inaccuracies regarding open space, renewable energy and phasing.
4. 3-storey houses should not be placed alongside boundaries facing existing dwellings and the layout of the site adjacent to 298 Mill Road should be altered to avoid car parking area alongside boundary.
5. Buffer planting as shown in the Master Plan should be reinstated to rear of existing gardens and overlooking of Oxley Park gardens must be avoided.
6. Drainage and flood risk issues must be carefully investigated.
7. The use of the Mill Road access is of great concern and will significantly affect a very busy road and main school route. *[discussed in report]*
8. Conditions to include: noise attenuation measures; dust and fumes prevention; times of vehicle movements during construction periods and hours of work; no obstruction of footpaths and cycleways; no bonfires; no mud on road and footpaths; preferred routes on site for construction traffic and parking of contractors' vehicles on site.

9.2 In response to the submission of amended drawings, the Parish Council remain concerned at the drainage issue, the use of the Mill Road access and wish to maintain the route of Footpath 69. Their initial comments were also accompanied by a petition with 26 signatures indicating that the following issues must be resolved before the development is allowed:-

1. Density of Development – The density appears to be fluid and increasing in number. The development should not be overly dense in order to retain green, open space.
2. Height of Buildings – Dwellings are too high where they adjoin existing property. Large numbers of windows will overlook previously private gardens.
3. Distance from Existing Houses – The distance and relative height will affect the daylight reaching adjoining gardens.
4. Foul Drainage – The drainage and sewer system is of great concern with a lack of clear responsibility for maintenance.
5. Flood Protection – The site regularly becomes water-logged and the developer must confirm how run-off water is to be contained, controlled or channelled.
6. Landscaping/Boundary – The Design Code shows a green boundary to the rear of existing gardens. This seems to have disappeared along with much of the green areas within the development.
7. Tower Lane Footpath – It is imperative that suitable landscaping is installed to maintain the privacy of Oxley Park.

10.0 Representations

10.1 18 letters and e-mails have been received from residents in Mill Road, Thomas Wakley Close and Oxley Park and also from the Ramblers Association. These raise the following matters:-

1. Increased density by comparison with original plans. Reduction in green areas and wildlife corridors.
2. Plots 15/16 look directly into the rear of my garden in Oxley Park, overlooking my property in winter when trees are not in leaf.
3. The site is on heavy clay. The construction may affect soil structure resulting in drainage and subsidence problems.
4. A landscape belt is required between new dwellings and Mill Road properties as shown at outline stage.
5. Additional access for construction traffic off Mill Road roundabout will exacerbate traffic problems at a very busy junction.
6. Increased noise and dust pollution from site and associated construction work.
7. Houses of 2½ storey height in close proximity to existing gardens will intrude on our privacy, affect sunlight/daylight and create visual intrusion. Thomas Wakley Close houses have short gardens.
8. Development will affect Footpath 69. The Ramblers Association must know how the path will be altered.
9. Will there be adequate parking space?
10. Footpath beside 190 Mill Road needs firm proposals for screening, surfacing and maintenance.
11. The removal of mound adjoining 298 Mill Road will increase noise to adj. houses.

10.2 In respect of the amended scheme, further comments have been received, as follows:-

1. Appears to be no proposal to upgrade the already stretched infrastructure, especially water (flooding is a major issue), sewerage and overcrowded roads. There is no provision for schools, doctors, shops etc.
2. Houses are still too high with windows overlooking Thomas Wakley Close and a largely unbroken roof-line.
3. Covenant regarding boundary planting must be maintained and similar covenant used to prevent building over proposed garages.

Members will be aware that all representations and consultation responses may be viewed on-line.

10.3 Members are advised that two meetings were held at the Town Hall on the evening of 17 February 2011 at which representatives from the Scheme Architects, Broadway Malyan and the Homes and Communities Agency (HCA) were available along with Nelia Parmaklieva from the Planning Service to discuss the scheme with first representatives from the Parish Council and then with residents from the Thomas Wakley Close Area.

11.0 Parking Provision

11.1 The scheme has been produced to achieve a car parking ratio of 2.17 spaces per dwelling. This exceeds the outline permission's requirement formulated at the time of the old standards.

11.2 The table below shows the relative uplift in off-street parking beyond that required by the outline permission now incorporated in the scheme through negotiation.

Parking standard space s requirements	No. of spaces	Which standard?
248 units @ 1 space per unit	248	Old standard
248 units @ 1.5 spaces per unit	372	Old standard
248 units @ 2.17 spaces per unit	538	Actual
248 units @ 2.5 spaces per unit	620	New standard

Table 1: Parking analysis

11.3 This significant increase is considered beneficial and the fact that off-street parking exceeds that previously agreed in welcome. Members will also note a significant change in design approach to estate layout with this scheme which builds on steps taken more recently in the Port Lane development. The layout follows more of a grid format with wider streets in places and on street parking being encouraged where appropriate. This combined approach should avoid the parking problems associated with recent developments elsewhere when the old parking standards and layout approach were applied to schemes.

12.0 Open Space Provisions

12.1 This reserved matters proposal, as amended, reflects the provisions of the outline approval.

13.0 Report

13.1 Amended plans have been submitted as a result of extensive discussions involving the Highway Authority, the Trees and Landscape officer and the Urban Design officer in order to address their concerns. In relation, to specific matters raised in the representations attention is drawn to the following:-

1. A 2m wide surfaced footway is proposed alongside 190 Mill Road with a 1.8m brick wall providing screening to the adjoining house and garden. The existing ditch and culvert area maintained on its south-west side beyond a timber knee rail. For the most part the route of Footpath FP69 will be maintained. A minor diversion will be required in the south-west part of the site where the path avoids the proposed wetland area of attenuation ponds. This will be dealt with by way of a formal Order once permission is granted and is considered to be of benefit to residents of Romulus Way who currently have the footpath running directly alongside their rear boundary.
2. A landscaped strip has been reinstated to the rear of Mill Road and Thomas Wakley Close gardens within the gardens of the proposed dwelling supplementing existing vegetation and to be safeguarded by a covenant attached to the affected new properties. Back-to-back distances between these properties and those in Mill Road are at least 32.5 metres, considerably greater than the EDG minimum of 25 metres.
3. In relation to Oxley Park there is a front-to-back relationship between 2 storey properties but a separation of at least 27.5m is maintained with further filtering of intervening views provided by existing trees.
4. Revisions to the proposed layout adjacent 298 Mill Road have resulted in the omission of car parking spaces alongside the site boundary, a continuation of the landscaped strip around the garden of the existing property and better separation between dwellings. Although the owner of the property has expressed regret at the removal of earth mounding between the Mill Road roundabout and his house, new dwellings in this position will have the same sound attenuation properties.
5. Thomas Wakley Close is the area of closest relationship between existing and proposed housing owing to the relatively short gardens of those properties. The landscaping strip runs around this boundary and a minimum 25m back-to-back distance is maintained between the 2-2½ elements to these dwellings in accordance with accepted spatial standards. Furthermore the 2 house types utilised in this area, Types 3.4 and 3.7 are fenestrated such that rear walls at upper floor level contain limited windows, many serving landings and for the most part in the form of rooflights. Furthermore, the amended plans show the roofs to those houses turned through 90 degrees so that gables rather than ridge-lines are presented to the existing dwellings in order that a more articulated roofline produces variety and visual relief to existing residents. Additional sectional drawings have also been submitted to illustrate the relationship between the proposed and existing dwellings.

13.2 The report now turns to wider matters of design and layout, parking and highway layout and drainage.

Design and Layout

- 13.3 In the Description of Proposal the underlying principles of the scheme have been described at some length. The resultant development is a bold and distinctive scheme of contemporary appearance. The amended proposals were submitted with an updated Design and Access Statement, additional details of the proposed home zone and greater detail of feature buildings at strategic locations, materials and detailed elevational treatments, feature junctions and squares. The Urban Design officer and Landscape officer considers these satisfactory.

Drainage

- 13.4 A supplementary note on drainage is reproduced at Appendix 1. Essentially water from the site gravitates to the watercourse in the south-west part of the site and is then conveyed towards Highwoods Park via Bedford Road. The site itself is outside any identified flood zone. The drainage proposals include a piped system and provision of swales and retention ponds, including a southern wetland area, to promote SUDS. The SUDS features will deliver an attenuated surface water discharge at “greenfield” run-off rates with overflow devices incorporated into attenuation ponds to accommodate exceptional events.
- 13.5 The drainage strategy includes upstream and downstream cleaning out of the existing watercourse to ensure existing obstructions are removed. These are matters which were still under discussion with the Council’s Engineering Manager at the time of writing the report. His further comments will be available at the Meeting.

Highways and Parking

- 13.6 Discussions with Highway Authority have been carried out with a view to ensuring:-
- Bus priority is maintained through the site, along the central boulevard and the public transport route and bus gate arrangements are to be an appropriate specification.
 - Visibility splays at junctions are maintained clear of parked vehicles with footpaths set back behind the splays.
 - Pedestrian/cycle linkages are optimised.
 - Swept paths on bends ensure minimum kerb radii are maintained.
 - Convenient and adequately dimensioned parking is to be provided throughout the scheme. Parking spaces within adoptable areas cannot be part of the parking allocation to individual occupiers.

These matters were under discussion at the time the report was written but will be resolved in time for the Meeting.

14.0 Conclusion

14.1 As indicated above, discussions were ongoing at the time of writing this report to address outstanding matters raised by the Highway Authority and the Drainage Authority. It is anticipated that in view of the advanced stage of these negotiations such matters will be fully resolved before the Meeting. On this basis it is considered that the submitted reserved matters are satisfactory, will result in an exciting and innovative development which has evolved as a response to the particular features of the site, and has had proper regard to the outlook, privacy and amenity of existing residents.

15.0 Background Papers

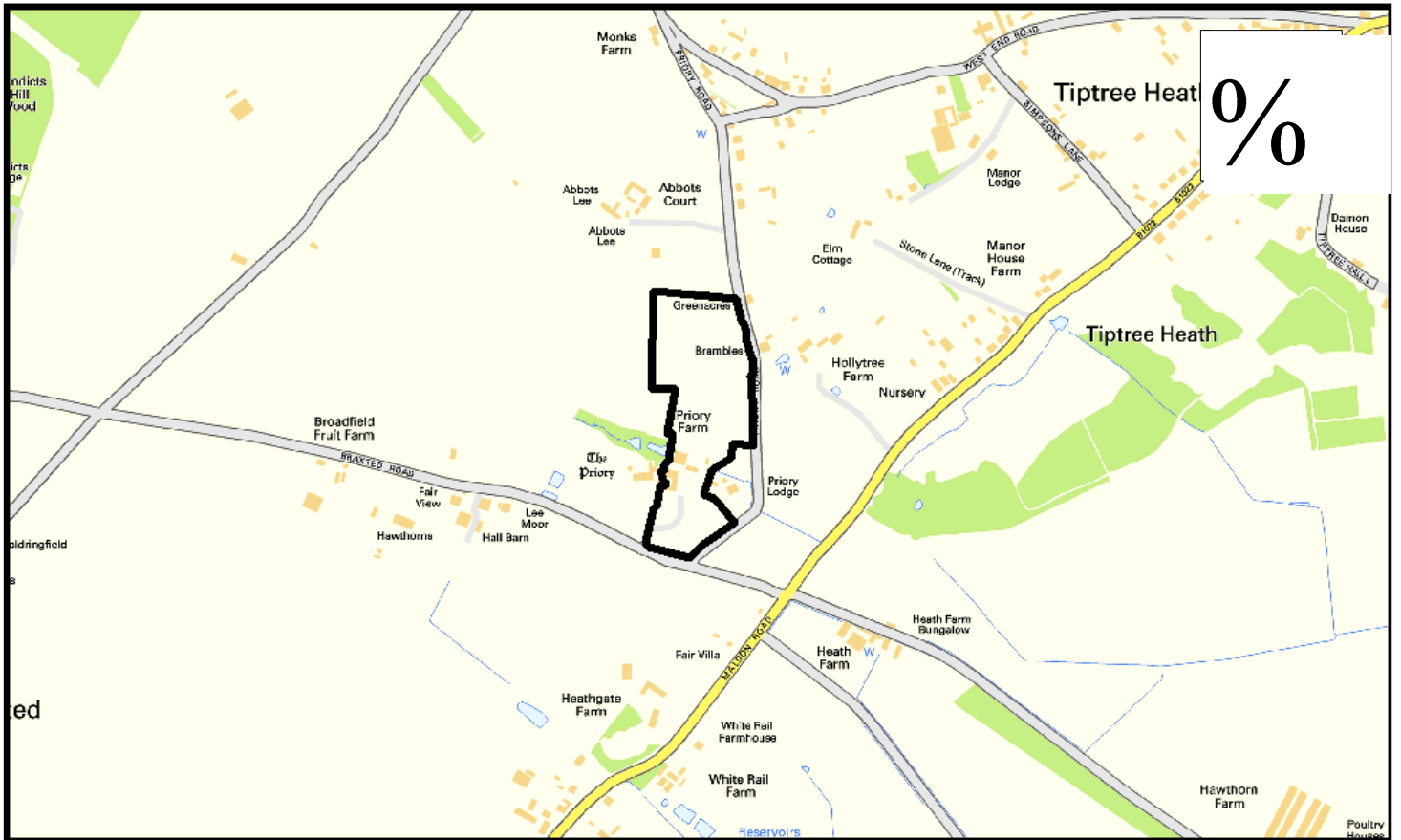
15.1 ACS; DPDPD; HA; NR; TL; AW; HH; PTC; NLR; O/COL/01/1624

Recommendation

Upon receiving a satisfactory recommendation from the Highway Authority and final observations by the Engineering Manager, it is recommended that reserved matters be approved on the basis that the application and consent are subject to linking to the amended S106 Agreements agreed earlier this year in anticipation of this application being approved and the A12 junction opening earlier than originally phased.

A full schedule of conditions will be available before the Meeting and will include:-

- Development to accord with outline approval so far as it relates to the site.
- Amended plans.
- Materials/surface finishes.
- Landscaping/tree retention
- Highway requirements/parking
- Drainage matters
- Contaminated land
- No further additional above proposed roof terraces



Application No: 102455

Location: Priory Farm, Braxted Road, Tiptree, Colchester, CO5 0QB

Scale (approx): 1:1250

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7.3 Case Officer: Simon Osborn

Expiry Date: 08.03.11

MINOR

Site: Priory Farm, Braxted Road, Tiptree, Colchester, CO5 0QB

Application No: 102455

Date Received: 11 January 2011

Agent: Raymond Stemp Associates

Applicant: Mr & Mrs B Upson

Development: Subdivision of the existing dwelling into two separate residential units.

Ward: Tiptree

Summary of Recommendation: Refusal

1.0 Introduction

1.1 This application is referred to the Planning Committee because the application was "called-in" by Councillor M Fairley-Crowe. The reason for the call-in is, 'Tiptree Parish Council are supporting it, for strong residential reasons. It is not following planning regulations.'

2.0 Synopsis

2.1 The application puts forward a case for subdivision of the existing dwelling on the basis that this will provide two smaller dwellings in a rural area, and this will meet the needs of the present elderly occupiers. Planning policies however, direct new housing towards defined settlement boundaries and only, exceptionally, outside these boundaries where it is to meet local affordable housing needs, or is for an agricultural worker, or where the design is of an exceptional innovative nature. Whilst the proposal would deliver 2 separate smaller houses in the countryside these would be market housing and not social affordable houses. The application is recommended for refusal.

3.0 Site Description and Context

3.1 The application site is situated in the countryside, between the settlements of Tiptree and Witham, and located just within the south western boundary of the Borough. Priory Farm has a significant area of land. The residential property is principally single storey (apart from one first floor bedroom within a former barn) and is built around an inner courtyard. As well as the dwelling there are a range of other outbuildings, including a garage and other buildings utilised in connection with the applicant's business relating to horse boxes. There is a loose scatter of residential properties within the vicinity of the site, including an attached property to the west.

4.0 Description of the Proposal

- 4.1 The application seeks to divide the existing residential property into two dwellings. The existing property has 5-bedrooms. If permitted, the proposal will create one 2-bedroom property at the rear and one 1-bedroom property at the front. The inner courtyard would be split into two amenity areas divided by a new 6-foot high wall. Additional 6-foot high walls would be constructed around the external garage building and through the rear yard to create a separate curtilage for the rear dwelling.

5.0 Land Use Allocation

- 5.1 Countryside

6.0 Relevant Planning History

- 6.1 93/0404 – retention of dwelling without compliance with condition 1 of COL/1415/84, was approved in 1993 which removed the agricultural occupancy condition on the property.
- 6.2 97/1644 – new entrance to inner yard, approved 1997
- 6.3 F/COL/00/0335 – conversion of stable block to living accommodation, approved 2000
- 6.4 F/COL/04/1921 – erection of garage, approved 2004.
(NB: F/COL/02/1034 approved in 2002 is referred to in the DAS relating to the removal of the agricultural occupancy condition of COL/86/0610. This however relates to a dwelling now known as Priory Place, which although formerly associated with Priory Farm, is now a separate dwelling.)

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 7: Sustainable Development in Rural Areas
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
- SD1 - Sustainable Development Locations
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - UR2 - Built Design and Character
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA4 - Roads and Traffic
 - ENV1 - Environment
 - ENV2 - Rural Communities

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

DP1 Design and Amenity

DP11 Flat Conversions

DP12 Dwelling Standards

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP16 Private Amenity Space and Open Space Provision for New Residential Development

DP17 Accessibility and Access

DP19 Parking Standards

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

Backland and Infill

Community Facilities

Vehicle Parking Standards

Sustainable Construction Open Space, Sport and Recreation

External Materials in New Developments

8.0 Consultations

8.1 Highways Authority – comments to be reported if received

8.2 Environmental Control – no comments

8.3 Spatial Policy comment as follows:-

“The development site is located in the open countryside outside the settlement boundary of Tiptree. This proposal would effectively result in new housing in the open countryside.

PPS7 seeks to resist the provision of residential housing in the open countryside. Whilst the development site is not isolated, it is located in an existing farm complex in a rural location poorly served by public transport, in the open countryside. From this respect the site is considered isolated.

Paragraph 10 and 11 of PPS7 relates to the provision of isolated new houses in the countryside. Paragraph 10 states that new houses in the countryside require special justification before planning permission should be granted. Where new rural housing is planned it must demonstrate that it is needed to accommodate employees engaged in either agricultural or forestry related businesses. The development proposed is not needed to house such workers therefore the application does not satisfy paragraph 10 of PPS7.

Paragraph 11 of PPS7 also states that very occasionally the exceptional quality and innovative nature of the design of a proposed new house might provide special justification for granting planning permission. Again the application does not use low carbon or innovative materials, nor is the design groundbreaking therefore the proposal is not in accordance with national guidance in PPS7.

The Core Strategy sets out the Councils vision for housing provision up to 2023. There is a strong emphasis of directing housing principally towards Colchester Town initially, then larger towns and villages such West Mersea and Tiptree with much smaller housing growth targeted to the small villages in the Borough.

The housing hierarchy above has been drawn up to ensure that land is used efficiently and new houses are located at highly accessible locations close to centres where jobs services and community facilities are available and there is good access via public transport links. Housing issues are covered by policies H1-H5 in the Core Strategy. Policy H3 (Housing Diversity identifies the need to provide a diverse range of housing types and tenures to suit a range of households and meet community needs. This includes planning for the needs of an ageing population. Policy H4 covers affordable housing provision including in rural areas.

Policy ENV2 in the Core Strategy supports development outside settlement boundaries which constitutes an exception that meets local affordable housing needs. The current proposal is not considered to accord with policy ENV2 or the Housing policies H1-H4 for the following reasons. The Design and Access statement suggests that the proposal will satisfy policy H3 and ENV2 as it will provide lower cost housing in the countryside fit for older people. Whilst it would deliver 2 separate smaller houses in the countryside these would be market housing and not social affordable houses.

The housing policies need to be read together to understand the overall aspirations of current policy in relation to housing provision across the Borough. The Design and Access Statement provided to support the current proposal seems to have considered policies in isolation and consequently the proposal is not always in accordance with current policy national or local.

Paragraphs 5.2 and 5.3 of Development Policy DP11 recognises the need to provide a balanced housing mix to ensure that there is sufficient mix for young families and others requiring a modest home. It however also recognises that the intensification in the use of a property may raise issues in terms of accessibility of its location. This is particularly true of proposed conversions of existing dwellings outside defined settlement boundaries. DP11 states that such developments are not considered sustainable and will be resisted. Sustainability is also considered in terms of accessibility to services, shops, community facilities and the adequacy of public transport links. The Design & Access Statement confirms that the nearest services and facilities are located in Tiptree /Witham however no reference is made to public transport links to the site. This location is likely to be poorly served by public transport thus increasing the reliance on the private car undermining the sustainability of this proposal further.

The proposal allows only 2 parking spaces per property with no allowance for visitors. The 2009 parking standards is 2.25 cars per residential development however it seems that this be rectified within the site without too much difficulty.

Policy DP1 is also relevant to this application in terms of avoiding landscape impacts, overlooking, amenity impacts, and design aspects of the proposal. There do not appear to be any policy conflicts regarding criteria (i) (iii) and (v) of DP1 with this proposal. I have not commented on design aspects at this stage as the key policy conflict with the proposal is that it would introduce new market residential properties into the open countryside which does not accord with the current policy approach in the LDF. “

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

9.0 Parish Council Response

- 9.1 The Parish Council have stated that they support this application and would request that the policy of not accepting any additional dwellings outside the village envelope be relaxed on this occasion due to the exceptional circumstances surrounding this application.

10.0 Representations

10.1 Two letters of support for the proposal were received from local residents.

11.0 Parking Provision

11.1 The proposal would provide at least two off-street parking spaces for both properties and therefore meets the requirements of Policy DP19.

12.0 Open Space Provisions

12.1 The 2-bedroom dwelling will be provided with private amenity space in the form of enclosed courtyards and the 1-bedroom will be provided with part courtyard space and space to the front of the dwelling in excess of the standards required by DP16. A unilateral undertaking toward public open space, sports and recreation facilities has been put forward in accordance with adopted requirements.

13.0 Report

13.1 The Design and Access statement submitted with the application puts forward a case for subdivision on the basis that this will provide two smaller dwellings in a rural area, and this will meet the needs of the present elderly occupiers. The fact that the property is mainly single storey in nature is also put forward as a factor.

13.2 PPS3 (Housing) paragraph 9 states, 'The Government's key housing policy goal is to ensure that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live. To achieve this, the Government is seeking:

- To achieve a wide choice of high quality homes, both affordable and market housing, to address the requirements of the community.
- To widen opportunities for home ownership and ensure high quality housing for those who cannot afford market housing, in particular those who are vulnerable or in need.
- To improve affordability across the housing market, including by increasing the supply of housing.
- To create sustainable, inclusive, mixed communities in all areas, both urban and rural.'

13.3 PPS7 (Sustainable Development in Rural Areas) paragraph 3 states, 'Away from larger urban areas, planning authorities should focus most new development in or near to local service centres where employment, housing (including affordable housing), services and other facilities can be provided close together. This should help to ensure these facilities are served by public transport and provide improved opportunities for access by walking and cycling. These centres (which might be a country town, a single large village or a group of villages) should be identified in the development plan as the preferred location for such development'.

13.4 PPS paragraph 9 states, 'In planning for housing in their rural areas, local planning authorities should apply the policies in PPG3. They should:

- (i) have particular regard to PPG3 guidance on the provision of housing in villages and should make sufficient land available, either within or adjoining existing villages, to meet the needs of local people; and
- (ii) strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans'.

Paragraph 10 states, 'Isolated new houses in the countryside will require special justification for planning permission to be granted'.

13.5 The thrust of government policy is that new housing should be provided in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. Isolated new houses in the countryside require special justification and the PPS provides just two such examples, in the case of an overriding agricultural need, or where a dwelling of exceptional innovative design is proposed.

13.6 The Council's adopted policies seek to ensure that new housing development is located within existing settlement boundaries or defined growth areas (Core Strategy Policy H1). Exceptionally affordable housing development (i.e. social rented or intermediate housing) will be supported on rural exception sites contiguous with village settlement boundaries (Core Strategy Policy H4 and ENV2). Developments that are car dependent or promote unsustainable travel behaviour will not be supported (Core Strategy Policy TA1).

13.7 It is noted that the proposal is for subdivision rather than new build; nonetheless this amounts to the creation of a new property in the countryside. The property is approximately 1km from the minor settlement boundary of Tiptree Heath and approx 2 kms from the main Tiptree settlement boundary. Occupiers of the dwelling(s) are likely to be dependent upon the car for access to community facilities and other services. The remoteness of the site from settlement boundaries means the proposal is considered to be contrary to adopted local and national policy.

13.8 The DAS refers to the property being of primarily single storey form and notes that this will be particularly suitable to elderly residents. The applicants fall within this category and the proposal will enable them to continue their retirement in a smaller property, having lived at the property for a significant number of years.

13.9 It is noted that the subdivision of the property into two is likely to reduce the value of each housing unit. Nonetheless, this will still be housing available on the open market, rather than affordable housing directed towards those who are unable to obtain a step on the housing ladder. The personal circumstances of the applicants are also noted. Nonetheless this is not considered sufficient to warrant an exception to the usual policy of restraint over new housing in the countryside.

14.0 Conclusion

- 14.1 The proposal amounts to the creation of an additional dwelling in the countryside and whilst the personal circumstances of the applicants are noted, this is not considered sufficient to warrant an exception to the usual policy of restraint.

15.0 Background Papers

- 15.1 PPS; Core Strategy; DPD; SPG; HA; HH; PP; PTC; NLR

16.0 Recommendation

- 16.1 REFUSE planning permission for the following reasons:

Policies H1 to H4 in the Core Strategy (adopted December 2008) directs new housing development towards existing settlements where jobs, services and community facilities are available and there is good access by public transport. Policy ENV2 in the Core Strategy supports development outside but contiguous to village settlement boundaries where it constitutes an exception to meet identified local affordable housing needs. In this instance the application site is in the open Countryside and not contiguous with the settlement boundary of Tiptree. The proposal to subdivide an existing dwelling into two units within this location is contrary to the aforementioned Council's adopted policies and, whilst the subdivision would deliver two smaller dwellings in the countryside, these would not be 'social affordable' Dwellings.



Application No: 102070

Location: 3 Roman Road, Colchester, CO1 1UR

Scale (approx): 1:1250

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7.4 Case Officer: Andrew Huntley

MINOR

Site: 3 Roman Road, Colchester, CO1 1UR

Application No: 102070

Date Received: 29 November 2010

Agent: Homa Design

Applicant: T Johae

Development: Conversion of existing 3 bedroom house into two one bed flats and insertion of new conservation roof light to the rear elevation.

Ward: Castle

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Introduction

1.1 This application is referred to the Planning Committee because objections have been received in regard to car parking.

2.0 Synopsis

2.1 The only issue that needs addressing is whether the fact that the provision of no off street car parking would warrant the refusal of planning permission as it would not accord with the adopted Car Parking Standards. This issue is addressed within the following report and it is concluded that planning permission should be granted.

3.0 Site Description and Context

3.1 The site is located at the northern end of Roman Road, near to Castle Road and the junction onto East Hill. The area is residential in character and is typified by two storey Victorian dwellings. The property on the application site is a three storey terraced building with the basement area looking like a separate flat. The ground and first floors are being used as a dwelling.

4.0 Description of the Proposal

4.1 The proposal seeks permission for the conversion of a single dwelling into two residential flats. The only exterior change to the building is the insertion of a rooflight and the blocking up of a small ground floor window on the rear elevation.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 None.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 5: Planning for the Historic Environment

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

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H3 - Housing Diversity
UR2 - Built Design and Character
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA5 - Parking

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

DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP11 Flat Conversions
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards

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

Community Facilities
Vehicle Parking Standards
The Essex Design Guide

8.0 Consultations

8.1 ECC Highways – No objections.

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

9.0 Representations

- 9.1 Two letters of objection have been received, one from the Ward Councillor. Both these objections relate to the increase on on-street parking pressures that this proposal would cause.

10.0 Parking Provision

- 10.1 The proposal does not provide for any off street parking provision and there is no scope for any to be provided due to the physical nature of this town centre site. The adopted car parking standards state that between two and three spaces should be provided. However, it must also be judged against its location and the fact that the existing dwelling has no off street parking. The site is in the centre of town, close to local amenities and has very good public transport links. In locations as sustainable as this, it is considered that a refusal on parking grounds would not be upheld at appeal, especially when considering that the existing dwelling has no off street parking. In addition, there is no firm evidence to confirm that two modest one bedroom flats would increase the parking pressures that do exist in this area, over and above that of a 3 bedroom dwelling. While having off street parking would be beneficial, it is not possible, and taking into account the site's location and the existing situation, the provision of no off street car parking is considered acceptable. Furthermore, even if there was scope for parking at the front of the property, such provision would have a detrimental impact on the character and appearance of the Conservation Area.

11.0 Open Space Provisions

- 11.1 A unilateral undertaking for open space provision has been submitted with this application.

12.0 Report

Design and Layout

- 12.1 The only physical changes to the building being proposed are the insertion of a conservation style rooflight on the rear elevation and the blocking up of a rear ground floor window. Both of these alterations are not visible from public viewpoint and would not harm the character or appearance of the Conservation Area.

Scale, Height and Massing

- 12.2 Not applicable as the proposal is for the conversion of the existing dwelling.

Impact on the Surrounding Area

- 12.3 The only impact on the surrounding area that needs addressing is the potential impact on on-street parking pressures. This has already been judged not to warrant the refusal of this application.

Impacts on Neighbouring Properties

- 12.4 This change of use will not have any detrimental impacts on neighbouring properties.

Amenity Provisions

- 12.5 While the existing garden is small, it is typical of the area and is considered acceptable in this town centre location and in proximity to the Castle Park.

Highway Issues

- 12.6 The Highway Authority has raised no objections to the proposal and car parking has already been considered earlier in the report.

Other Matters

- 12.7 The two objections received in respect of this application solely relate to the pressures of on-street car parking within Roman and Castle Roads. No other matters have been raised or need to be addressed.

13.0 Conclusion

- 13.1 While this scheme may lead to greater on road parking pressures, due to the sustainable town centre location of this site, which is close to amenities and has good transport links, it is considered that the subdivision of this property into two flats is acceptable. A refusal on parking grounds would be unlikely to be upheld at appeal.

14.0 Recommendation

1. APPROVE subject to the prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990. The Head of Environmental and Protective Services to be authorised to complete the agreement to provide the following:
 - *Open Space and Community Facilities*
2. On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to the following conditions:

Conditions

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

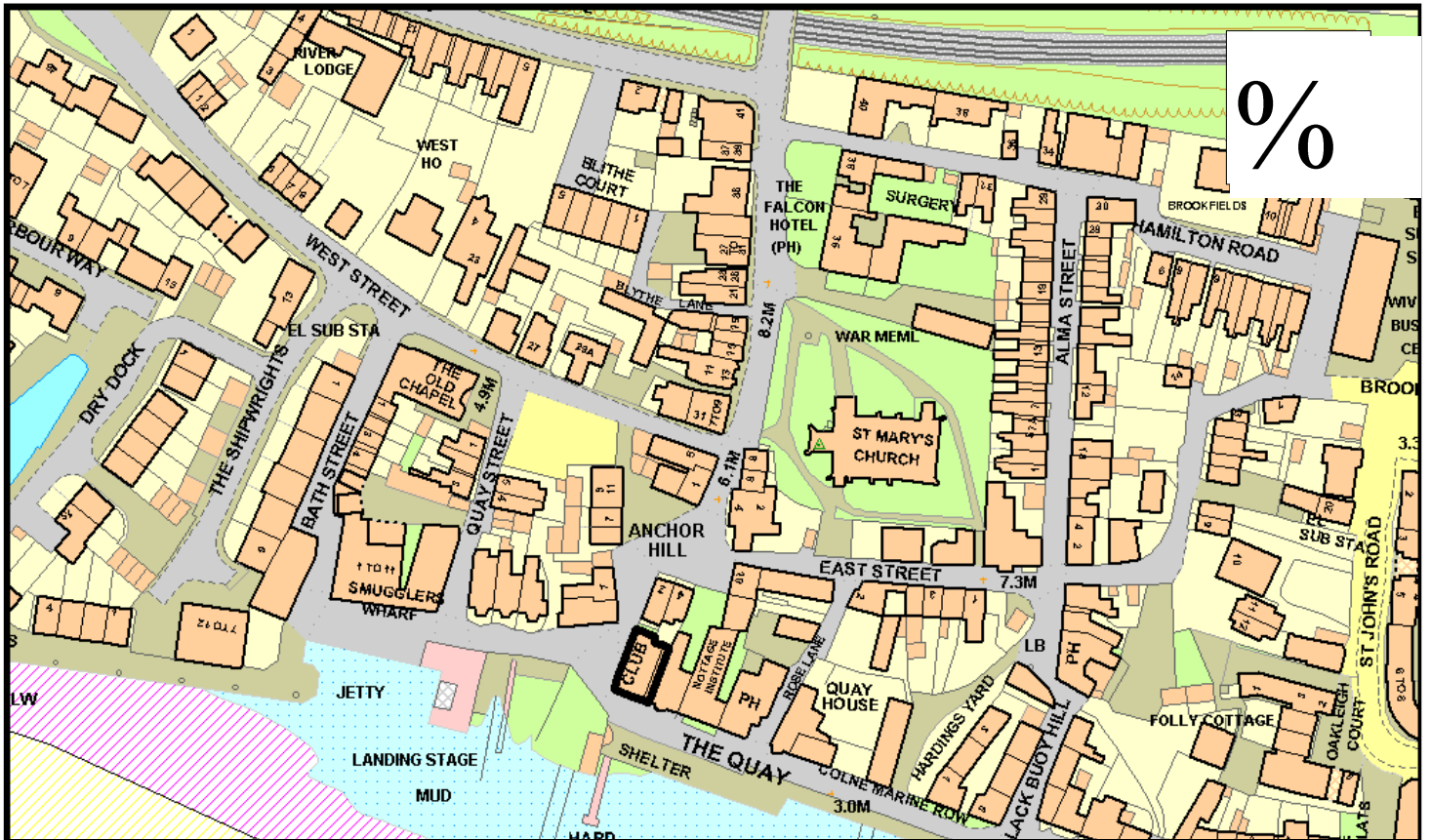
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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.

17.0 Informatives

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

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



Application No: 102561

Location: The Royal British Legion, The Quay, Wivenhoe, Colchester, CO7 9BX

Scale (approx): 1:1250

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7.5 Case Officer: Sue Jackson

Due Date: 09/03/2011

OTHER

Site: The Quay, Wivenhoe, Colchester, CO7 9BX

Application No: 102561

Date Received: 12 January 2011

Agent: Mr Mark Bielecki

Applicant: Mr Laurence Knox

Development: Alteration to the front/south and side/west elevations of the Royal British Legion Building. Internal alterations to the ground and 1st floor rooms creating additional disabled w/c and kitchen moving and altering the existing staircase.

Ward: Wivenhoe Quay

Summary of Recommendation: Conditional Approval

1.0 Introduction,

1.1 This application is referred to the Planning Committee as an objection has been received which is not overcome by the imposition of conditions and the application is recommended for listed building consent

2.0 Synopsis

2.1 The application is for planning permission for internal and external alterations to a grade II listed building.

3.0 Site Description and Context

3.1 The Royal British Legion occupies a building on the corner of The Quay and West Street within the Conservation Area. The building fronts the quay and is separated from the river by a public right of way. It is close to the ferry landing stage and a public shelter. The building is in a small row comprising a residential property attached to the application building, the Nottage Institute and the Rose and Crown PH.

3.2 The building is 2-storey constructed of brick with a painted brick front with a slate roof. A narrow flat roofed 2 storey element links the main building to the adjacent dwelling also a listed building. The side and front elevations contain sash windows and there is a first floor square bay window on timber brackets on the front elevation facing the river.

4.0 Description of the Proposal

- 4.1 The application includes external changes to the front and side elevations. An additional sash window is proposed on the side elevation. The most significant change is to the front elevation where it is proposed to re-position the entrance. The existing entrance doors are shown replaced by a window with boarding to ground level retaining the size of the opening. Doors to an existing store will provide the new entrance to the building.
- 4.2 Internal alterations include the removal of a section of wall to allow access from the “store area” to the building. Internal walls will also be partially removed to enable the re-arrangement of the internal space on both floors. The significant proposals are the removal of 2 staircases and the provision of new stairs to meet modern standards and provide access for the disabled to the first floor. One of the staircases is proposed to be installed on the party wall with the adjacent residential property.
- 4.3 The application includes a design and access statement and a heritage statement which provide full details of the proposed works and further information regarding the listed building. Full details are available on the web site.

5.0 Land Use Allocation

- 5.1 Residential
Listed building
Conservation Area
Flood risk area 2 and 3

6.0 Relevant Planning History

- 6.1 96/0377 removal of existing front gable and rebuilding in stock bricks approved

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 5: Planning for the Historic Environment
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
- SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR1 - Regeneration Areas
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
DP4 Community Facilities
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 English Heritage does not wish to offer any comment on this occasion. Recommend this application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice.
- 8.2 The Design and Heritage Unit are happy with the generalities of the application and their detailed response will be available for the committee meeting.

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

9.0 Town Council Response

- 9.1 No material planning considerations. Members welcome the renovation of this unique landmark on Wivenhoe Quay.

10.0 Representations

- 10.1 One letter of objection has been received raising the following objections

1. Whilst the application states the proposed alterations will take place to a brick building under a slate roof this is only partially true as between the Royal British Legion and the next door house (Storehouse) is a 2 storey wooden infill under a tar and felt roof and this structure uses the outside wall of Storehouse as its boundary and wall. The division between the 2 properties is very insubstantial and The Storehouse became very smoky when smoking was permitted in the bars. This wall may not be adequate to hang the stairs on and concerns are raised about its adequacy in terms of fire, noise and smoke. There has never been a stair case next to the party wall and as its use is not for domestic use there will be noise and disturbance to the adjacent property.
2. The repositioning of the entrance door will bring a potentially very busy door way closer to my main living room window The Storehouse is also a listed building with a curved glass bay window which cannot be replaced with modern sound proofing.
3. Storehouse has 5 windows on the first floor side elevation overlooking the felt roof of Royal British Legion felt roof noise and fire risk are a concern due to the proposed internal alterations and major problems may arise regarding building regulations.
4. Wivenhoe Quay is a very busy place used for many different activities and it is noted that an Impact Strategy has not been submitted with the application.

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

11.0 Parking Provision

- 11.1 The site has no parking provision and the application does not propose any parking.

12.0 Open Space Provisions

12.1 The application does not require any open space provision

13.0 Report

The main issues in determining this application are the impact on the listed building and on residential amenity

Listed building considerations

- 13.1 Policy HE6 of Planning Policy Statement 5 Planning for the Historic Environment states local planning authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset.
- 13.2 LDF Policy DP14 (Historic Environment Assets) states, 'Development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment in the first instance'.
- 13.3 The information submitted with the application confirms the stair-cases to be removed were installed in the 1950's and 1970's and the other internal works affect alterations carried out between these years. The additional window on the ground floor is required to provide additional light to a recreational function room. It is considered this window will not adversely affect the listed building or the conservation area. The works to the front elevation do not involve new openings and retain the existing ones where the doors are replaced with a window the existing size of the opening will still be visible. It is considered these works will not adversely affect the listed building or the conservation area. Whilst the new windows and door are considered acceptable in principle a condition requiring the submission of large scale drawings is recommended to ensure satisfactory details.

Residential amenity

- 13.4 The objections raised by the owner of The Storehouse are detailed above. The case officer and the applicant and agent have visited the neighbour's property.
- 13.5 Some of the issues raised relate to matters which will be dealt with under the building regulations.
- 13.6 Whilst no change of use is proposed the internal alterations, in particular the new stair case on the party wall, have the potential to cause noise disturbance to the neighbouring property and a condition is recommended requiring a scheme of sound insulation to be installed.

13.7 The other issue raised by the neighbour relates to the repositioning of the doorway. The front elevation has doors to a store area next to The Storehouse and the proposal involves this doorway being used as the entrance. The existing entrance also on the front elevation is approximately 1 metre away. The use of the entrance will bring activity both within the building and outside closer to the neighbouring property. However the buildings are located on The Quay which is a popular public area with a seating area and public shelter. It is noted that The Storehouse has enclosed a frontage area which prevents the public from walking immediately in front of its window and door. It is considered a condition requiring sound insulation should be imposed however it is not considered the repositioning of the entrance doors will be seriously detrimental bearing in mind the location of the properties.

14.0 Conclusion

14.1 It is considered the alterations are acceptable subject to conditions and will not affect either the listed building or the conservation area. Taking account of the location of the properties on a public quay it is considered the alterations will not seriously affect residential amenity.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; EH; DHU; NLR; PTC

16.0 Recommendation – Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

Prior to the commencement of development a scheme of sound insulation to the party wall shall be submitted and agreed with the local planning authority the agreed scheme shall be fully implemented prior to any other works taking place.

Reason: To protect the amenity of the residential property.

3 - C1.2 Making Good Any Damage

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

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

4 - C1.5 Additional Drawings to Follow

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

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

5 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans drawings nos. 2PS-RBL-0001 rev01, 002 rev 01, 0003 rev01, 0004 rev 01.

Reason: To avoid doubt as to the scope of the consent hereby granted.

Informatives

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



Application No: 110047

Location: The Royal British Legion, The Quay, Wivenhoe, Colchester, CO7 9BX

Scale (approx): 1:1250

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7.6 Case Officer: Sue Jackson

Due Date: 09/03/2011

OTHER

Site: The Quay, Wivenhoe, Colchester, CO7 9BX

Application No: 110047

Date Received: 12 January 2011

Agent: Mr Mark Bielecki

Applicant: Mr Laurence Knox

Development: Listed building consent for the alteration to the front/south and side/west elevations of the Royal British Legion Building. Internal alterations to the ground and 1st floor rooms creating additional disabled w/c and kitchen moving and altering the existing staircase.

Ward: Wivenhoe Quay

Summary of Recommendation: Listed Building Consent

1.0 Introduction

1.1 This application is referred to the Planning Committee as an objection has been received which is not overcome by the imposition of conditions and the application is recommended for listed building consent

2.0 Synopsis

2.1 The application is for planning permission for internal and external alterations to a grade II listed building.

3.0 Site Description and Context

3.1 The Royal British Legion occupies a building on the corner of The Quay and West Street within the Conservation Area. The building fronts the quay and is separated from the river by a public right of way. It is close to the ferry landing stage and a public shelter. The building is in a small row comprising a residential property attached to the application building, the Nottage Institute and the Rose and Crown PH.

3.2 The building is 2-storey constructed of brick with a painted brick front with a slate roof. A narrow flat roofed 2 storey element links the main building to the adjacent dwelling also a listed building. The side and front elevations contain sash windows and there is a first floor square bay window on timber brackets on the front elevation facing the river.

4.0 Description of the Proposal

- 4.1 The application includes external changes to the front and side elevations. An additional sash window is proposed on the side elevation. The most significant change is to the front elevation where it is proposed to re-position the entrance. The existing entrance doors are shown replaced by a window with boarding to ground level retaining the size of the opening. Doors to an existing store will provide the new entrance to the building.
- 4.2 Internal alterations include the removal of a section of wall to allow access from the “store area” to the building. Internal walls will also be partially removed to enable the re-arrangement of the internal space on both floors. The significant proposals are the removal of 2 staircases and the provision of new stairs to meet modern standards and provide access for the disabled to the first floor. One of the staircases is proposed to be installed on the party wall with the adjacent residential property.
- 4.3 The application includes a design and access statement and a heritage statement which provide full details of the proposed works and further information regarding the listed building. Full details are available on the web site.

5.0 Land Use Allocation

- 5.1 Residential
Listed building
Conservation Area
Flood risk area 2 and 3

6.0 Relevant Planning History

- 6.1 96/0377 removal of existing front gable and rebuilding in stock bricks approved

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 5: Planning for the Historic Environment
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
- SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
UR1 - Regeneration Areas
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
DP4 Community Facilities
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 English Heritage does not wish to offer any comment on this occasion. Recommend this application should be determined in accordance with national and local policy guidance and on the basis of your expert conservation advice
- 8.2 The Design and Heritage Unit are happy with the generalities of the application and their detailed response will be available for the committee meeting.

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

9.0 Town Council Response

- 9.1 No material planning considerations. Members welcome the renovation of this unique landmark on Wivenhoe Quay

10.0 Representations

- 10.1 One letter of objection has been received raising the following objections
1. Whilst the application states the proposed alterations will take place to a brick building under a slate roof this is only partially true as between the Royal British Legion and the next door house (Storehouse) is a 2 storey wooden infill under a tar and felt roof and this structure uses the outside wall of Storehouse as its boundary and wall. The division between the 2 properties is very insubstantial and The Storehouse became very smoky when smoking was permitted in the bars. This wall may not be adequate to hang the stairs on and concerns are raised about its adequacy in terms of fire, noise and smoke. There has never been a stair case next to the party wall and as its use is not for domestic use there will be noise and disturbance to the adjacent property.
 2. The repositioning of the entrance door will bring a potentially very busy door way closer to my main living room window The Storehouse is also a listed building with a curved glass bay window which cannot be replaced with modern sound proofing.
 3. Storehouse has 5 windows on the first floor side elevation overlooking the felt roof of Royal British Legion felt roof noise and fire risk are a concern due to the proposed internal alterations and major problems may arise regarding building regulations.
 4. Wivenhoe Quay is a very busy place used for many different activities and it is noted that an Impact Strategy has not been submitted with the application

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

11.0 Parking Provision

- 11.1 This is not relevant to an application for listed building consent.

12.0 Open Space Provisions

12.1 This is not relevant to an application for listed building consent

13.0 Report

The main issue in determining this application are the impact on the listed building

Listed building considerations

- 13.1 Policy HE6 of Planning Policy Statement 5 Planning for the Historic Environment states local planning authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset.
- 13.2 LDF Policy DP14 (Historic Environment Assets) states, 'Development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment in the first instance'.
- 13.3 The information submitted with the application confirms the stair-cases to be removed were installed in the 1950's and 1970's and the other internal works affect alterations carried out between these years.
- 13.4 The additional window on the ground floor is required to provide additional light to a recreational function room. It is considered this window will not adversely affect the listed building or the conservation area. The works to the front elevation do not involve new openings and retain the existing ones where the doors are replaced with a window the existing size of the opening will still be visible. It is considered these works will not adversely affect the listed building or the conservation area. Whilst the new windows and door are considered acceptable in principle a condition requiring the submission of large scale drawings is recommended to ensure satisfactory details.

14.0 Conclusion

14.1 It is considered the alterations are acceptable subject to conditions and will not affect either the listed building or the conservation area.

15.0 Background Papers

15.1 PPS; Core Strategy; CDPD; EH; DHU; PTC; NLR

16.0 Recommendation – Listed Building Consent

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

Prior to the commencement of development a scheme of sound insulation to the party wall shall be submitted and agreed with the local planning authority the agreed scheme shall be fully implemented prior to any other works taking place.

Reason: To protect the amenity of the residential property.

3 - C1.2 Making Good Any Damage

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

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

4 - C1.5 Additional Drawings to Follow

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

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

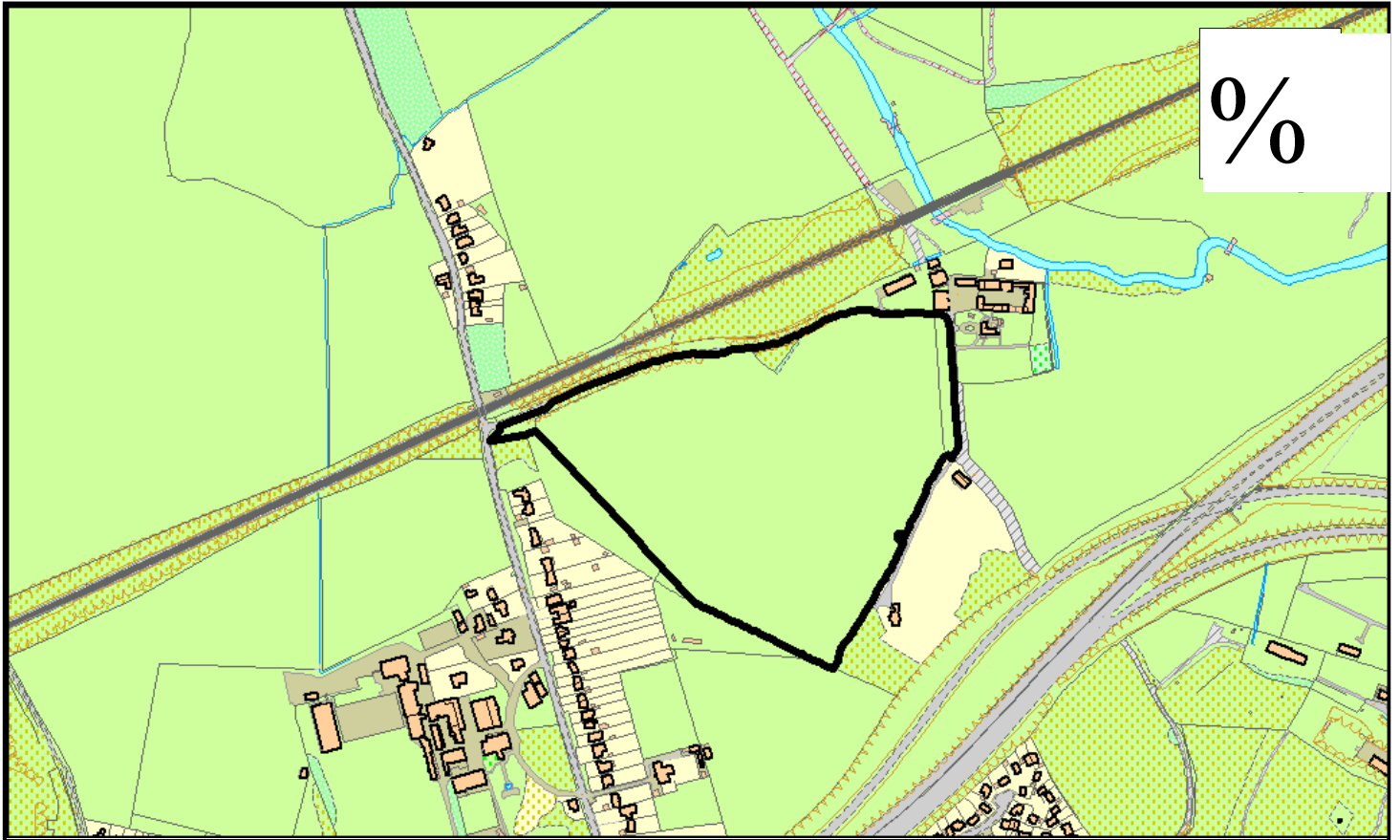
5 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans drawings nos. 2PS-RBL-0001 rev01, 002 rev 01, 0003 rev01, 0004 rev 01.

Reason: To avoid doubt as to the scope of the consent hereby granted.

Informatives

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



Application No: 110032

Location: Fairfields, 74 Chitts Hill, Colchester, CO3 9SX

Scale (approx): 1:1250

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7.7 Case Officer: Jane Seeley

Due Date: 16/03/2011

OTHER

Site: Fairfields, 74 Chitts Hill, Colchester, CO3 9SX

Application No: 110032

Date Received: 19 January 2011

Agent: Mr Raymond Stemp

Applicant: Mr John Kerry

Development: Proposed New Vehicular Access

Ward: Lexden

Summary of Recommendation: Conditional Approval subject to no objections being raised by the Arboricultural, Landscape Officer and local residents

1.0 Introduction

1.1 This application is referred to the Planning Committee on the advice of the Legal Services Manager & Monitoring Officer because Cllr Mrs Tod, whilst not the applicant, has an interest in the majority of the land to which it relates.

2.0 Synopsis

2.1 This report gives consideration to an application which proposes changes to an extant planning permission for a new access drive to a domestic dwelling. The visual impact of these changes is assessed in light of policy, representations and consultation responses. It is concluded that, provided the Arboricultural Officer considers that the impact on trees is acceptable, that the development does accord with policy and the impact on the landscape and amenity is acceptable. The recommendation is that, subject to receipt of satisfactory consultee responses and no new material planning matters being raised during the extend consolation period, that conditional planning permission be granted.

3.0 Site Description and Context

3.1 Fairfields (74 Chitts Hill) is an isolated property that was approved in 1968. The dwelling is positioned 350m due east of Chitts Hill and 50m north-east of the slip road from the A12 which approaches the Spring Lane roundabout. The existing vehicular access to the property from Chitts Hill is by means of an 800m length drive, which passes through Seven Arches Farm. The application site (relating to the proposed new drive) is located on the edge of an open field behind the line of established housing which fronts onto the eastern side of Chitts Hill.

4.0 Description of the Proposal

- 4.1 Planning permission was granted in 2008 for a new access drive from Cooks Lane, the existing driveway to Seven Arches Farm which takes access from Chitts Hill close to the level crossing facility. The drive runs through a small wooded copse at the south-eastern end; adjacent to the curtilage of Fairfield.
- 4.2 The current application as originally submitted proposed amendments to the access with Cooks Lane (including the provision of a cattle grid), gates to the south-east of the drive at the edge of the copse and the drive running to the south-east of the copse. Amendments have been received which indicate the drive running in a revised position to that already approved, the repositioning of the gates to within the copse, the provision of a turning circle in front of the gates and a hedgerow to the east of the track continuing to join with an existing hedgerow along the north-eastern boundary of the copse.

5.0 Land Use Allocation

- 5.1 No Notation

6.0 Relevant Planning History

- 6.1 14674/3 - Erection of house - approved 1968
- 6.2 081107 - Proposed 4.5m wide access drive - withdrawn 2008
- 6.3 081702 - Construction of new domestic access drive (Resubmission of 081107)

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Statement 23: Planning and Pollution Control
Planning Policy Guidance 24: Planning and Noise
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:

ENV1 - Environment
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):

DP1 Design and Amenity
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:

Vehicle Parking Standards

8.0 Consultations

8.1 County Highway Authority - no objection

8.2 Landscape Officer – no objection to originally submitted drawings; comments on revised scheme awaited

8.3 Arboricultural Officer – comments awaited

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

9.0 Representations

9.1 3 letters of objection received prior to re-consultation on revised scheme:

- Why is planning permission not just being sought for revisions to the existing planning permission?
- The description has been changed from a domestic access to a vehicular access.
- The existing access arrangements have been suitable for over thirty years; the new road is to appease a neighbour dispute; the justification for the development has varied during the different applications.
- Application 101420 was withdrawn at the suggestion of the planning officer; this included reference to the construction of 5 dwellings.
- Fail to see how the altered access will allow a safer and/or direct access to Chitts Hill; this access does not have good visibility and any changes have the potential to make the access more dangerous.
- 20 houses in Chitts Hill will suffer a loss of amenity.
- Trees mentioned in previous reports have been omitted; as has access within the curtilage of Fairfields.
- A cattle grid is not necessary; Fairfields is an arable farm and will cause a noise nuisance.
- The proposed gates and pillars are out of keeping; as is the use of use of tarmac for the access.
- Consider that the proposal is full of inaccuracies, misquotes and omissions; this appears to be any attempt to gain a further 3 years to commence the development. If the existing access is closed off how does the applicant access his property and why hasn't the existing permission been implemented?
- If permission is granted the conditions imposed on the existing permission should be imposed.
- A hedge should be planted along western boundary to shield the drive and vehicles from the houses on Chitts Hill.
- The road is close to several trees which will continue to grow and therefore they must be given adequate clearance.
- There are trees which are not shown on the drawings which may require protection.
- A tree protection condition should be included on any planning permission.

9.2 1 email commenting on revisions to current scheme:

- The turning head will allow vehicles to loiter along the road facing the exit enabling a rapid exit out on to the main road creating a security risk to the rear of housing in Chitts Hill.
- The proposed access joins with existing drive in the grounds of Fairfields, means that the owners of Seven Arches Farm would be able to drive all around the field, along the back of hosing on Chitts Hill heavy commercial vehicles / equipment.

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

NB - The consultation period for representations does not expire until 9 March 2010. Any further comments will be reported on the Amendment Sheet.

10.0 Parking Provision

10.1 There is adequate space within the curtilage of Fairfields to provide parking in line with adopted standards.

11.0 Open Space Provisions

11.1 Not Applicable

12.0 Report

12.1 The provision of a new access to Fairfields has been established by the grant of planning permission in 2008, by Planning Committee, contrary to Officer advice. The reference was 081702 and the Committee report is appended for information. (Appendix 1). Given that the permission is extant it is not appropriate to revisit the Policy concerns that were made at the time of the previous application. Accordingly in the following sections the discussion will focus on the proposed changes rather than the principle of the development.

Design and Layout

12.2 The access from the proposed drive to Cooks Lane is to be repositioned to take into account the existing topography. The extant scheme would involve the drive being constructed through a steep road side bank. By re-angling the access an existing sloping grass bank can be utilised. There are a number of trees close to the access; the Arboricultural Officer's views on the impact of the new track are awaited. The surfacing of the access is proposed as tarmac. Whilst Cooks Lane is predominantly concrete there some tarmac in the vicinity of the access. The choice of material may be influenced by advice from the Arboricultural Officer and therefore it is suggested that this be conditioned.

- 12.3 At the southern end of the drive, the route through the copse adjacent to the curtilage of Fairfields is repositioned and a gate and piers included. Again Arboricultural advice is awaited. However it does appear that fewer trees will be lost than under the extant scheme.
- 12.4 The inclusion of domestic style gates/piers at the edge of the field, as originally proposed, was unsatisfactory. The relocation of these structures into the copse, close to the domestic cartilage, is more satisfactory as it will relate more closely to the domestic usage of the site. Screening will be provided by continuing the hedge to the east of the drive so that it joins with an existing hedgerow to the north-east of the copse.

Impact on the Surrounding Area

- 12.5 The changes proposed by this application will not significantly alter the impact of the development in terms of long views from public vantage points. The access point will be more visible from Chitts Hill, however it is not considered that this will have such a negative impact on visual amenity as to warrant refusal.

Impacts on Neighbouring Properties

- 12.6 The installation of a cattle grid at the access has raised some concerns regarding noise. There is an existing cattle grid in Cooks Lane close to the entrance with Chitts Hill. The farmer at Seven Arches has a small flock of sheep and there are concerns that if they escaped they would be able to roam along the new drive.
- 12.7 The potential for noise disturbance from the new cattle grid has been discussed with Environmental Control. The advice is that a modern cattle grid on a domestic drive is unlikely to cause any significant noise nuisance.

Highway Issues

- 12.8 The wording of the Design and Access Statement has led to some confusion regarding the extent of the proposed works to Cooks Lane. The submitted drainage details illustrate that the new access is onto Cook's Lane and no changes are proposed to the junction of Cooks Lane and Chitts Hill. ECC Highways is not raising any concerns/objections to the development.

Other Matters

- 12.9 Security concerns were considered at the time of the grant of the extant planning permission. The revisions to the driveway within the copse and the provision of a turning area are not considered to be major changes in this regard. A condition, as per the extant planning permission to require the access to be to Fairfields only, should prevent access for vehicles from Seven Arches Farm
- 12.10 Reference in documentation supporting previous applications relating to the construction of dwellings on the site of Fairfields has created some local concern. This application does not propose any new dwellings. The granting of the extant planning permission and of this application, is not justification for subsequent residential development.

13.0 Conclusion

13.1 Given the extant planning permission which has established the provision of the access drive to Fairfields it is considered that the proposed development and in particular the changes to the access and the drive and gates/piers within the copse adjacent the residential curtilage is a reasonable development in planning terms. Therefore a recommendation of approval is made, subject to the receipt of satisfactory outstanding consultation responses and no additional material planning objections being raised.

14.0 Background Papers

14.1 PPS; DPD; Core Strategy; SPG; HA; TL; AO; NLR

15.0 Recommendation

15.1 That subject to no objection(s) being raised by the Arboricultural Officer, the Landscape Officer and no additional material planning considerations being raised by local residents, the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission after the expiry of the consultation period 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 shall be implemented in all respects strictly in accordance with the amended drawing number 10-6180-002A as hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - 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.

4 - Non-Standard Condition

The permission hereby granted relates to the construction of a new 3.5 metre wide domestic access only to serve Fairfields, 74 Chitts Hill, Colchester.

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

5 - Non-Standard Condition

The access hereby permitted shall be constructed from free-draining materials, without kerbs, and shall have a neutral colour finish, in accordance with details which shall first have been submitted to and agreed in writing by the Local Planning Authority. The access shall thereafter be retained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of rural amenity.

6 - Non-Standard Condition

No means of access shall be taken from the A12 or the A12 slip road for any purpose, including construction purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

7 -Non-Standard Condition

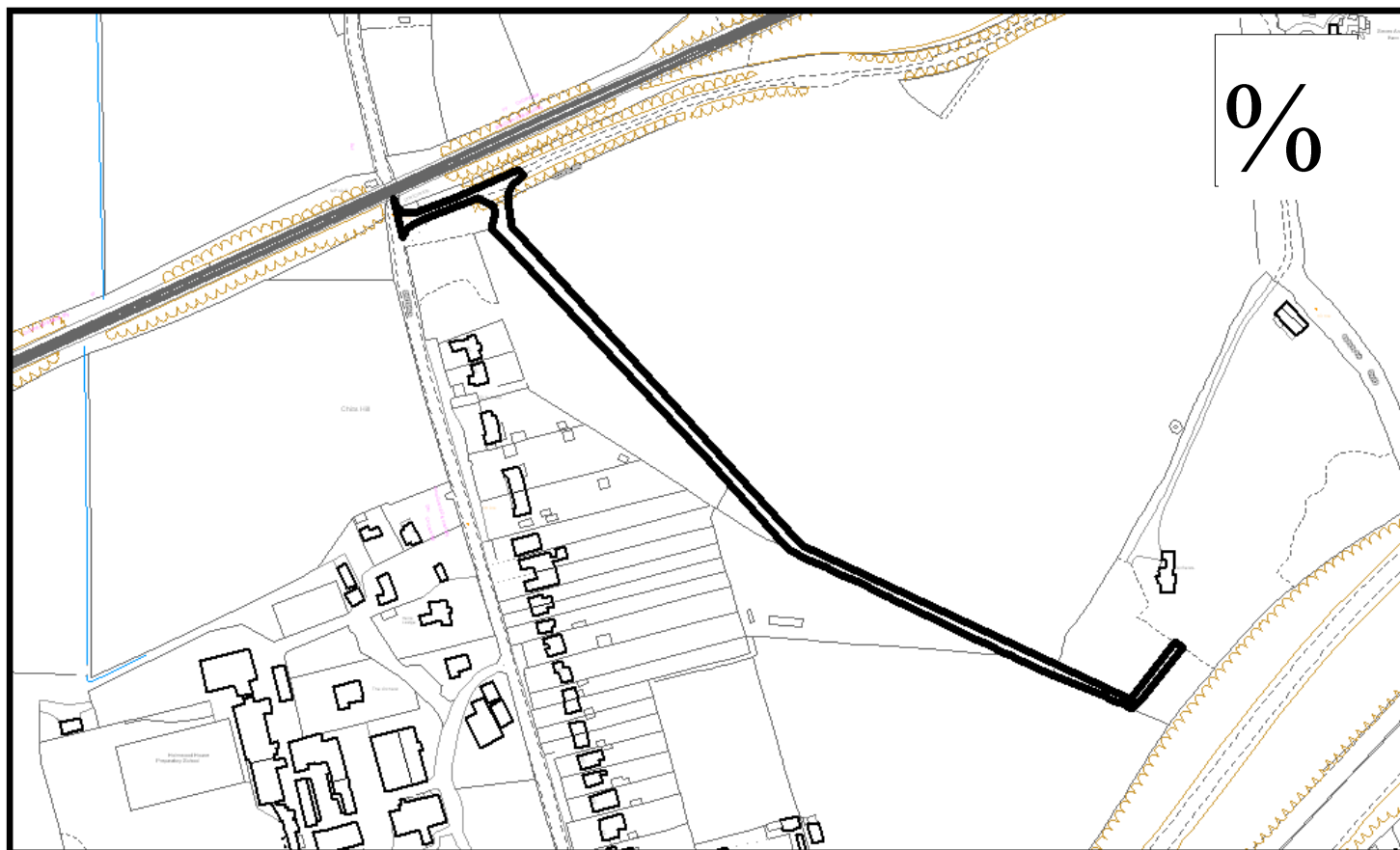
As may be recommended by the Arboricultural Officer

17.0 Informatives

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

(2) If any excavation works are undertaken that may affect the A12 or its slip roads, they should contact the Highways Agency Route Manager. (Contact details: Tajinder Sangha - 01234 796159 - email tajinder.sangha@highways/gsi/gov/uk).

(3) Any works affecting Chitts Hill highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Essex Highway Authority and application for the necessary works should be made initially by telephoning 01206 838600.



Application No: 081702

Location: Land West Of, Fairfield, 74 Chitts Hill, Colchester, CO3 5SX

Scale (approx): NOT TO SCALE

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7.4 Case Officer: Simon Osborn

EXPIRY DATE: 18/11/2008

MINOR

Site: Fairfield, 74 Chitts Hill, Colchester, CO3 5SX

Application No: 081702

Date Received: 22nd September 2008

Agent: Edward Gittins & Associates

Applicant: Mr John Kerry

Development: Construction of new domestic access drive (Resubmission of 081107)

Ward: Lexden

Summary of Recommendation: Refusal

1.0 Planning Report Introduction

1.1 This application was called-in by Councillor Mike Hardy on the grounds of the personal interest of Councillor Jill Tod, who has title over the land relating to the application.

2.0 Site Description

2.1 Fairfield (74 Chitts Hill) is an isolated property that was approved in 1968. The dwelling is positioned 350m due east of Chitts Hill and 50m north-east of the slip road from the A12 which approaches the Spring Lane roundabout. The existing vehicular access to the property from Chitts Hill is by means of an 800m length drive, which passes through Seven Arches Farm. The application site (relating to the proposed new drive) is located on the edge of an open field behind the line of established housing which fronts onto the eastern side of Chitts Hill.

3.0 Description of Proposal

3.1 The application proposes a new 3.5 metre wide domestic vehicular and pedestrian access to Fairfield (74 Chitts Hill). The proposed drive has a total length of approx 500m and will connect into the existing driveway to Seven Arches Farm, which takes access from Chitts Hill close to the level crossing facility. The proposed access also runs through a small wooded copse at its south-eastern end; an Arboricultural Impact assessment was submitted with regard to this. The proposed access will enable the occupants of Fairfield to access their property directly, thus by-passing the farm lane and Seven Arches Farm and a series of gated fields containing livestock. The DAS suggests this represents a workable solution and also will help to prevent loss of amenity to occupants of Seven Arches Farmhouse from the noise of vehicles passing by at night.

4.0 Land Use Allocation

4.1 Countryside Conservation Area

5.0 Relevant Planning History

5.1 14674/3 - Erection of house - approved 1968

5.2 081107 - Proposed 4.5m wide access drive - withdrawn 2008

6.0 Principal Policies

6.1 Adopted Review Colchester Borough Local Plan - 2004

DC1 - Development Control Considerations

CO1 - Countryside

CO3 - Countryside Conservation Area

CO4 - Natural Features

7.0 Consultations

7.1 The County Highway Authority stated no objection to the proposals, subject to an Informative.

7.2 The Highways Agency stated no objections, provided there are no direct access(es) onto the A12 or its slip road. The applicant should be made aware that if any excavation works are undertaken that may affect the A12 or its slip roads, they should contact the Route manager for the A12 (contact details given).

7.3 The Council's Landscape Officer considered that traffic using the access road would interrupt the openness of the landscape. Consequently, as a minor amendment to the application it should be proposed on plan that a native hedge/hedgerow trees be planted to the eastern side of the proposed access road for the total length of the road where it is exposed to the open field, in order to protect open rural views from Public Right of Way 17 by screening traffic movements. No objection subject to this amendment and a proposed planting condition.

7.4 The Council's Tree Officer considered that the trees recommended for removal are of limited amenity value and will not significantly impact the area, given the retention of the larger trees. Given the very close proximity to the trees being retained all works beneath the trees will require supervision by a competent and suitably qualified arboricultural consultant. Details of this supervision will be required. Planning conditions recommended.

8.0 Representations

8.1 Objections were received from 9 addresses in Chitts Hill. These raised the following matters:

1. The proposal is unnecessary - the present access could be provided with more lay bys and cattle grids installed instead of gates;
2. The original drive was constructed in the 1970s and has not apparently caused problems in the last 30 years; the new road is just to appease a petty neighbour dispute;
3. DAS implies vehicle intrusion from new access road will be minimal and yet also refers to the applicant making a number of journeys each day and to these causing a noise problem;
4. Access appears excessively wide at 3.5 metres;
5. The Tree Report for the previous application referred to a proposal to construct 5 dwellings within the curtilage of the present dwelling; concern that this is a back-door approach to future development;
6. Loss of habitat for wildlife including muntjac deer, partridges, pheasants, kestrels and badgers;
7. Loss of views and amenity to residential properties in Chitts Hill; planting a hedge on the eastern side of the access road will interrupt the openness of the landscape;
8. Security issues for rear gardens of properties in Chitts Hill which will be exposed to new access road;
9. Proposal is generally contrary to policies CO1 and CO3, which place strong emphasis on countryside protection; providing new access for a small number of vehicle movements is not sufficient justification.

9.0 Report

Policy Principles

- 9.1 Policy CO1 of the Local Plan seeks to protect the countryside for its own sake and Policy CO3 gives special protection to Countryside Conservation Areas. Policy CO4 gives protection to natural features such as trees.
- 9.2 The proposal involves the loss of some trees, although the Tree Officer has accepted these are not significant in public visual amenity terms given the presence of larger trees in the near vicinity.
- 9.3 The Landscape Officer has recommended an amendment to the submission, with the planting of a hedge along the eastern side of the proposed access. The agent has agreed to this in principle.
- 9.4 The proposal subject of this application has been reduced from a width of 4.5m in the earlier application to 3.5m for this. The proposal is approximately 500m in length and amounts to development in the countryside. The reduction in width and the proposed new hedge are the only amendments to the original application which was recommended for refusal at Committee on grounds of non-essential development in the countryside. No decision was taken as the application was withdrawn by the agent prior to the meeting.

Other Material Considerations

- 9.5 The proposal for a new access drive has clearly provoked alarm and confusion for many of the residents of Chitts Hill who have back gardens that face towards the proposed new driveway. In part this appears to have been caused by a statement in the Conclusion to the Arboricultural Report to the previous application that: "it is proposed to construct five new dwellings within the curtilage of the site". The Agent has since stated that this was an error and that the applicant has no aspirations to construct new dwellings on his land. This phrase has been removed from the new report. It is acknowledged that these fears have not been dispelled; however, allowing new residential development in the countryside is clearly contrary to policy. These fears are not considered to be material to the determination of this application because, even if planning permission was granted for the proposed access, this would not be a justification for subsequent residential development.
- 9.6 Residents of Chitts Hill have also raised a concern relating to security issues for their rear gardens (resulting from a new access road providing easy access), and a concern regarding loss of views. To some extent these concerns are understood, although the proposed drive will not be immediately adjacent to these gardens, and loss of view is not a planning consideration. It is considered that the impact of the proposal in terms of the volume of traffic that will be generated by a single dwelling will not unduly affect the residential amenity of these dwellings.
- 9.7 Residents have queried if the justification for improving accessibility for a single property is sufficient to override the general policy of protection in the countryside. They also query why improvements could not be made to the existing access; such as more laybys and the provision of cattle grids to keep livestock in rather than gates that need opening and shutting. It is noted that the access is proposed for reasons primarily of convenience.

Conclusion

- 9.8 It is acknowledged that the existing access to Fairfields is very lengthy and somewhat inconvenient, particularly as it requires going through two sets of gates that need to be opened and shut.
- 9.9 On the one hand, the provision of a new 500m length of access does not sit comfortably with the general policy of countryside protection. On the other hand, it is reasonable to consider whether the proposal causes material harm. The responses of the Council's Landscape Officer and Tree Officer, indicated that the impacts could to an extent be mitigated through the provision of a new hedgerow.
- 9.10 There are in effect arguments that can be put forward in support of a refusal and in support of approval. In the opinion of the planning officer, the key consideration is that the access is not essential development within this countryside location. On balance the recommendation is for refusal.

10.0 Background Papers

- 10.1 ARC; HA; Highways Agency; TL; NLR

Recommendation - Refusal

Non-Standard Refusal Reason

Policies CO1 and CO3 of the Adopted Review Colchester Borough Local Plan of March 2004 state that the countryside will be protected for its own sake and that special protection will be given to Countryside Conservation Areas. The proposal, for a private drive with a width of 3.5 metres and a length of 500m to serve a single dwelling, would be an alternative to an existing means of access and as such is not essential development that is appropriate for this countryside location. As such it is contrary to the aforementioned policies in the adopted Local Plan.

3 March 2011

Report of	Head of Environmental and Protective Services	Author	Simon Osborn 01206 508641
Title	Planning and listed building consents 101541 and 101543 previously presented to Planning Committee on 3 February 2011 Lower Park, Colchester Road, Dedham		
Wards affected	Dedham and Langham		

This report is presented to members as concern has been raised that the original reports to Committee were not sufficiently detailed with regard to the impact of the proposal upon historic assets

1. Decision(s) Required

- 1.1 Members are requested to confirm that the decisions to approve applications 101541 and 101543, which came before Committee at their meeting of 3rd February 2011, would not have altered in the light of the altered information contained within this report.

2. Background

- 2.1 Applications 101541 (which sought planning permission for the erection of a stable block with storage building and swimming pool) and 101543 (which sought listed building consent for the removal of a tumbledown building) were presented to the Planning Committee on 3rd February 2011 with recommendations of approval. Members resolved to approve both applications in accordance with the conditions and informatives set out in the report.
- 2.2 A letter dated 9th February 2011 was received from NWA Planning on behalf of Mr Muscote-Morris, the owner and resident of Park House, Lower Park, Dedham to inform the Council that Mr Muscote-Morris was considering seeking a Judicial Review of the Council's decision on the planning application. The reason given was because the Council had failed to take into account a heritage asset assessment as required under Policy HE6 of PPS5 and LDF Policy DP14 and that, in consequence, the Committee report failed to properly advise the Committee as to the identity of the historic assets, their significance and the impact upon them of the application proposals. Furthermore, that the report failed to advise the Committee of the statutory duty to pay special regard to whether the proposal preserves the setting of the listed building or preserves or enhances the character and appearance of the conservation area and whether the development meets these requirements. Moreover, the report failed to advise Members whether or not the proposals meet the requirements of LDF Policies DP14 and DP22 in relation to heritage assets and to making a positive contribution to the special qualities of the AONB.

2.3 The original reports to Committee set out the constraints to the site and referred to Lower Park being a grade II listed building and being within a Conservation Area and Area of Outstanding Natural Beauty and the report considered the impact of the proposal in the light of these constraints. The report also recommended Members to undertake a site visit before considering the application. At the meeting Alistair Day, the Conservation Officer, presented the application and was there to advise Members. Nonetheless, it is accepted that the main body of the report should have been more specific in tying the impact of the proposal to the historic assets of the locality and to relevant planning policy.

3. Reasons for Decision(s)

3.1 This report is presented in order to afford the Planning Committee the opportunity to consider the matters referred to in paragraph 2.2 in the light of a fuller assessment contained within this report.

4. Alternative Options

4.1 Members could, after reviewing the merits of the proposal, determine that had the committee reports been presented with greater clarity they would have refused the applications. Members would then need to consider whether the permission should be revoked.

5. Supporting Information

5.1 The previous committee reports for 101541 and 101543 are attached as an appendix.

6. Consideration

6.1 Policy HE6 of PPS5 states local planning authorities should require an applicant to provide a description of the significance of the heritage assets affected and the contribution of their setting to that significance. The level of detail should be proportionate to the importance of the heritage asset and no more than is sufficient to understand the potential impact of the proposal on the significance of the heritage asset. This information together with an assessment of the impact of the proposal should be set out in the application (within the design and access statement when this is required) as part of the explanation of the design concept. It should detail the sources that have been considered and the expertise that has been consulted. Local planning authorities should not validate applications where the extent of the impact of the proposal on the significance of any heritage assets affected cannot adequately be understood from the application and supporting documents.

6.2 A Design and Access Statement (DAS) was submitted with the application along with a Tree Survey and Landscape Impact Assessment. The DAS acknowledged the site is that of a grade II listed building, and situated within a Conservation Area and AONB. The DAS stated that the layout (of the proposal) was 'located sufficiently far from the listed building as to not detract from it or compromise its appearance'. The intention was to 'create an arrangement of traditional agricultural style buildings that are sympathetic and logical to the location'.

- 6.3 The DAS acknowledged the parkland setting and that a TPO was in place on the site. A tree survey, with associated tree protection measures, together with a landscape assessment and tree planting proposal were prepared in consultation with an arboricultural expert and submitted with the application. The Tree Report accepted that the 'proposed development encroaches slightly on the park, an important feature in the Dedham Vale AONB. However, it is located in a part of the site where it will have very limited visual impact'. The Landscape Assessment concluded, 'Lower Park is well screened by the landform and surrounding vegetation, and although surrounded by public rights of way, views into the site are restricted to occasional glimpses through hedges and tree belts. Thus the proposed development will have no significant impact on the local landscape as viewed from publicly accessible spaces. Furthermore, the design of the building is similar to a traditional Essex barn, not inappropriate in a pastoral setting'.
- 6.4 Although a specific "heritage statement" was not submitted with the application, Officers when validating the applications considered that the matters required to be considered were covered within the DAS and the accompanying Tree Report and the Landscape Impact Assessment.
- 6.5 LDF Policy DP14 (Historic Environment Assets) states, 'Development will not be permitted that will adversely affect a listed building, a conservation area, historic park or garden or important archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of specific historic, archaeological, architectural or artistic interest. In all cases there will be an expectation that any new development will enhance the historic environment in the first instance'.
- 6.6 LDF Policy DP22 (Dedham Vale Area of Outstanding Natural Beauty) states, 'Development will only be supported in or near to the Dedham Vale AONB that: (i) makes a positive contribution to the special landscape character and qualities of the AONB; (ii) does not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, including by increased vehicle movement; and (iii) supports the wider environmental, social and economic objectives as set out in the Dedham Vale AONB and Stour Valley Management Plan'.
- 6.7 The Historic Environment Record indicates that Lower Park is a Grade II listed building (along with the Coach House to the south and garden wall south of the Coach House). Lower Park. The list description for Lower Park records this as: 'early nineteenth-century house of complex plan, built in grey gault brick laid in English bond. Walls parapetted and roof slate. Of 2-storeys with attics and round-headed dormers, one in south hip of east range and 4 along each pitch. Windows small-paned hornless sashes. Ground-storey windows beneath straight gauged arches, 3 part sashes with mullions on south of semi-hexagonal south end of north-south range. Eaves-level string course dentilled in brick. East face of north/south range has a pediment, centrally, stone urns at returns of parapets, numerous gault chimney stacks. Southern elevations much altered'.
- 6.8 The proposed building is located along a line of conifers and silver birches on the edge of the garden curtilage to Lower Park and immediately to the south of a tennis court enclosure. It will be positioned 40m from the house (and the outdoor swimming pool is 35m away). The proposed building would also be sited 100m from the Coach House and further to the garden wall to the south. A further dwelling, known as Lower Park Cottage, is not listed in its own right but as pre-1948 is considered to be a curtilage-listed. The proposed building will be sited 100m from Lower Park Cottage.

- 6.9 The Council's Design and Heritage Team considered the proposal and considered that 'the proposed facilities for Lower Park appear in appropriate places within the site. The architectural style of the equestrian building would not be detrimental in this location and would appear as an appropriate building in the context of a large rural house. The swimming pool is in a discreet place'. The Council's Arboricultural Officer was satisfied with the proposals subject to conditions and the Landscape Officer required a condition requiring full details of proposed new planting. English Heritage advised they did not consider it necessary for this application to be notified to English Heritage.
- 6.10 The Dedham Vale AONB and Stour Valley Partnership acknowledged some changes had been made to an earlier application 090661 (which was withdrawn) but expressed disappointment that the height of the building had not been reduced from that shown in the original design. They suggested more consideration be given to landscape planting and that if the Council was minded to grant consent conditions should be imposed to ensure that any paddock fencing is not visually intrusive in the overall parkland landscape and that any exterior lighting should be carefully designed to reduce intrusion and keep light leakage to a minimum. The original report to the planning committee indicated that no additional paddock fencing was intended (other than to the stable courtyard and along the access driveway) and lighting was to be limited. These matters are dealt with by condition nos. 16 and 17 in the decision notice for the planning application (101541) and condition 12 requires details of proposed landscape planting.
- 6.11 The proposed building is intended to provide stabling for 3 horses, with a storage building to accommodate carts and trailers with a hay loft within the roof space above. The storage building is 5.8m in width (and 11.5m long), with eaves at a height of 2.5m and a roof pitch of 50 degrees, resulting in an overall height of 6.25m. The proposal has the appearance of a traditional barn and stables and proposes clay pan-tiles for the taller part of the structure and slate to the lower part, with stained boarding. The detail of the proposal is considered appropriate to the location at the interface of garden curtilage with more open parkland beyond. The proposed palette of materials is considered appropriate for the building and provides an appropriate contrast to the gault bricks on the main house. A view was expressed at the Committee meeting that the proposed building should be a brick-built formal Georgian stable; this was considered during consideration of the application, but the Conservation Officer felt that this might cause confusion with the historic buildings elsewhere on the site. Given the distance of the proposal from the original listed building and its design, it is the Officer recommendation that the proposal will not adversely affect the character and setting of either the listed building on this site, or that on the adjacent site to the south.
- 6.12 The proposal is sited within the Dedham Conservation Area and the Dedham Vale AONB. The Conservation Area extends well beyond the built limits of the historic part of Dedham village and includes the whole of the application site. The character of this part of the Conservation Area is rural in nature, with a mix of open fields, hedgerows and a loose scatter of mainly traditional buildings. Much of the application site, including the land to the south and east of the proposed building, can be described as parkland, with meadow land sweeping down from the Colchester Road populated by distinctive mature trees. The Dedham Vale AONB includes all of the Conservation Area and a much wider area beyond.

- 6.13 A private drive runs down from the Colchester Road through the parkland towards Lower Park, Coach House and Lower Park Cottage. There will be views of the proposed building from this driveway; it is not however, a driveway accessible to the public in general. There are, however, a number of public footpaths within the vicinity of the application site. These include a footpath known as Pennypot immediately to the north of the application site, the Essex Way path 150m to the east of the proposed building, and path which connects the Essex way with the Colchester Road 300m to the south of the proposed building. Tree belts along the northern and eastern margins of the application, comprising a mix of mature deciduous and evergreen trees effectively screen Lower Park from the Pennypot footpath and the Essex Way, and there is a lower field hedge between the site and the footpath to the south. A high bank with trees on along the Colchester Road to the west of the application site restricts views into the site from the road.
- 6.14 The Landscape Assessment gives full consideration to the impact of the proposal from these public viewpoints. This report was compiled during the summer months and concluded there would only be occasional glimpses into the parkland from these public perspectives. There would be of course be more glimpses during the winter months; however, the presence of evergreen species within the tree belts along the northern and eastern margins of the application site, effectively reduce these to partial glimpses. There would be more views toward the parkland from the footpath to the south during the winter months, but the proposed building will be 300m away and seen within the context of mature vegetation to the north and within a patchwork landscape of trees, hedgerows and other occasional buildings.
- 6.15 The proposed building does encroach within the parkland (half of the building is within the garden cartilage and half within the parkland), and the fenced courtyard fronting the proposed stables, together with the extended access drive are also situated within the parkland. It is acknowledged that there will be glimpses of the proposed building from a number of public perspectives within the Conservation Area and the AONB. Nonetheless, these views will be limited, at some distance away and seen within a patchwork landscape. The building itself is of traditional design and appearance and is the sort of building that might be associated with a rural area such as this. Accordingly, it is the Officer recommendation that the proposal will be sympathetic to the character and appearance of the conservation area and the AONB.
- 6.16 The Officer recommendation is that the proposed development will not adversely affect the setting of the listed building on either the application site or the listed building to the south. The design and location of the proposed building is considered to be sympathetic and appropriate to the rural area and more specifically will either preserve or enhance the landscape qualities of the Conservation Area and the AONB. Furthermore, it is considered the proposal will not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas, nor conflict with the wider objectives of the Dedham Vale AONB and Stour Valley Management Plan.

7.0 Conclusion

- 7.1 The Officer recommendation is that the proposals described within applications 101541 and 101543 are acceptable as they will not adversely affect the relevant historic assets (the setting of the listed buildings and the Dedham Conservation Area), they preserve or enhance the character and appearance of the Conservation Area and do not adversely affect the character, quality views and distinctiveness of the Dedham Vale AONB and public enjoyment of this area. The applications are considered to accord with the relevant LDF planning policies, particularly DP14 and DP22.

7.2 Members are requested to agree that the decisions to approve applications 101541 and 101543, which came before Committee at their meeting of 3rd February 2011, should stand in the light of the additional information contained within this report.

8. Strategic Plan References

8.1 Listen and Respond

9. Publicity Considerations

9.1 The applicant, NWA Planning and Mr Muscote-Morris have been informed that this report will be brought to committee.

10. Financial Implications

10.1 Revocation could result in a claim for compensation

11. Equality and Diversity

11.1 An Equality Impact Assessment has been prepared for the Council's Development Control function and is available to view on the Colchester Borough Council website by following this pathway from the homepage: Council and Democracy > Policies, Strategies and Performance > Equality and Diversity > Equality Impact Assessments > Environmental and Protective Services > Planning – Development Control.

12. Human Rights Implications

12.1 None

13. Community Safety Implications

13.1 None

14. Health and Safety Implications

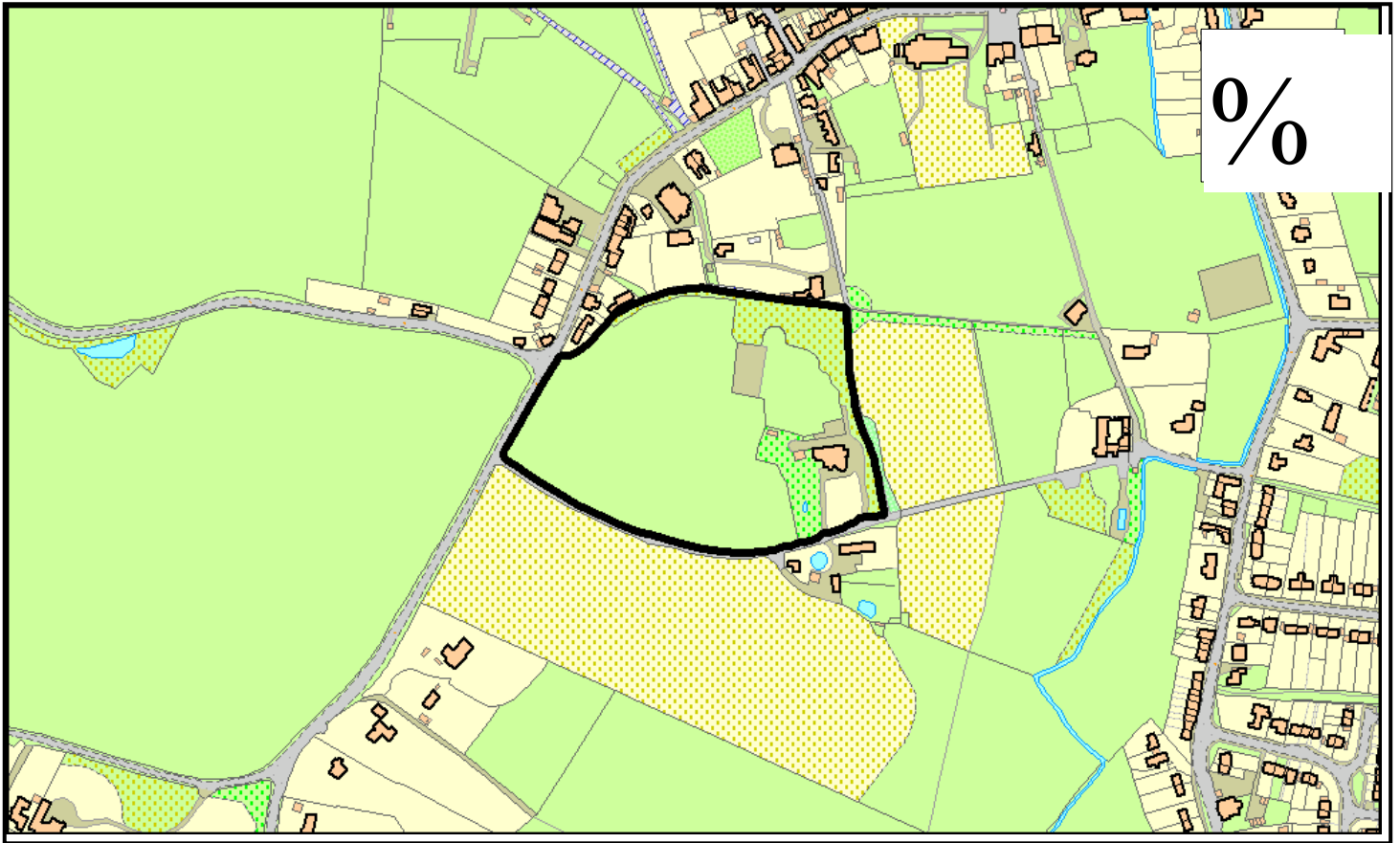
14.1 None

15. Risk Management Implications

15.1 If approved: possible challenge of decision by objector via a Judicial Review
If refused: appeal by applicant and compensation claim from a revocation of permission.

Background Papers

Officer's original reports, application plans and particulars.



Application No: 101541

Location: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Scale (approx): 1:1250

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7.6 Case Officer: Simon Osborn**OTHER**

Site: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Application No: 101541

Date Received: 23 July 2010

Agent: Mr Bryn Jones

Applicant: Mrs Anne Fletcher

Development: Swimming pool, stables and replacement storage barn.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received to the proposal.

2.0 Synopsis

2.1 The proposal is sited within a sensitive area, outside of the settlement boundary of Dedham, and within the Conservation Area and Dedham Vale AONB and close to a listed building. The architectural style of the proposed building is considered to be acceptable in its own right and having regard to this setting. The application is recommended for approval.

3.0 Site Description and Context

3.1 The application site comprises a very large listed house, constructed of Suffolk white bricks and slates, and grounds immediately adjacent to and partly within a distinctive parkland setting. The property is accessed from the Colchester Road by a long private drive, which also serves Park House and Lower Park Cottage (also listed or curtilage listed buildings), immediately to the south of the application site. The application site is within both the Dedham Conservation Area and the Dedham Vale AONB.

4.0 Description of the Proposal

- 4.1 The application seeks planning permission for the construction of a stable and storage building and an outdoor swimming pool. The proposed building has a reverse L-shaped form and will accommodate three horses within one side of the 'L', and a storage building for carts, trailers and hay within the other wing. The two wings are linked by an area that will provide changing facilities in association with the outdoor pool. The building is located partly within the domestic curtilage of the house and partly within the adjacent parkland. The proposed building faces outward, away from the house and 9m from the proposed pool, which will be located wholly within the domestic curtilage of the house. A courtyard is to be formed by the two wings of the building for use as a general yard area and wash down area adjacent to the stables. The three stables are to be formed within a single-storey wing constructed of natural brown feather-edged boarding under a slate roof. The storage building has a higher form (6.2m to the ridge) and will be constructed of black feather-edged boarding under a clay pantile roof. It is intended to store hay straw within the loft space with space beneath for carts/trailers and agricultural/garden machinery.
- 4.2 The courtyard to the proposed stable block/ storage building is to be accessed by extending an existing track from the driveway to the front of the house. The extension to the track will be within the parkland setting and around a small group of trees. This requires special precautions to ensure the root protection of these trees. An Arboricultural Assessment and Landscape Impact Assessment were submitted by the applicant. The proposal requires the removal of a line of small conifers and silver birches within the vicinity of the proposed building and around part of the boundary to the domestic curtilage. Some new planting within the adjacent parkland is also proposed as part of the application.
- 4.3 The proposal also includes the demolition of an almost derelict concrete block structure. Lower Park is a grade II listed building and as the proposal includes the removal of this pre-1948 structure, an application for listed building consent has also been made. This is the subject of the following Committee report.

5.0 Land Use Allocation

- 5.1 Conservation Area
Area of Outstanding Natural Beauty
Lower Park is a Grade II listed building
The site is outside the settlement boundary of Dedham.

6.0 Relevant Planning History

- 6.1 090661 – stable block with storage building and swimming pool, withdrawn 2009.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 7: Sustainable Development in Rural Areas

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
ENV1 - Environment
ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards
DP20 Flood Risk and Management of Surface Water Drainage
DP22 Dedham Vale Area of Outstanding Natural Beauty
DP24 Equestrian Activities
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 English Heritage stated we do not consider it is necessary for this application to be notified to English Heritage.
- 8.2 The Environment Agency had no objections to the proposal subject to a planning condition with regard to a scheme being submitted to prevent pollution of the water environment.
- 8.3 The Dedham Vale Society stated the size of the building was excessive and does not make a positive contribution to the landscape as required by Policy DP20.
- 8.4 The Dedham Vale AONB and Stour Valley Project stated that a single storey building would more easily be integrated into the landscape. Little information was available on proposed exterior lighting and fencing. Any new planting should reflect the parkland quality of the landscape.
- 8.5 The National Trust stated its concern regarding the visual impact of the building on the AONB and the setting of the listed buildings, loss of trees, and the impact of lighting and fencing.
- 8.6 The Council's Design and Heritage Unit considered that the proposal would appear as an appropriate building in the context of a large rural house and the architectural style would not be detrimental to the location or the setting of the listed building. Appropriate hard and soft landscape conditions should be imposed.

8.7 The Council's Tree Officer agreed to the arboricultural content of the proposal subject to the retention of an arboricultural consultant to monitor the works and to appropriate conditions.

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

9.0 Parish Council's Views

9.1 The Parish Council have stated that:

"The scale and appearance of the proposed building has been reduced as requested in the previous application no. 090661 and the whole unit is now more compact; however this proposal still intrudes into the park land as previously stated. The applicant has moved the proposal somewhat into the garden area but we feel it could go further minimising the impact into the park. With regard to screening of this proposed property a fuller screening proposal we feel would be more appropriate."

10.0 Representations

10.1 Five representations in support of this application were received and four objections. The following issues were raised by the objectors:

1. The proposed building is too large and out of keeping with the character of the area and the setting of the three listed buildings;
2. The proposed building will be visible from the road and footpaths;
3. Loss of trees;
4. Smells from horse manure;
5. Impact of lighting in the countryside;
6. Question validity of justifying barn on basis of demolishing the concrete block structure;
7. Waste water from the pool and stables should not discharge into neighbouring drainage system;
8. The building could easily be converted to residential/staff/holiday accommodation if it becomes redundant;
9. Pool house and pool should be located behind the main house.

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

11.0 Parking Provision

11.1 The existing house has a large area available for off-street parking, which is not visible from outside the site. The proposed facilities are to be constructed in association with the existing house and the proposal raises no parking provision issues.

12.0 Open Space Provisions

12.1 These facilities are proposed in association with an existing house, which has a large domestic curtilage, and the proposal raises no open space provision issues.

13.0 Report

- 13.1 Policy DP22 of the Development Policies DPD states that development will only be supported in the AONB where it makes a positive contribution to the special landscape character and qualities of the AONB and does not adversely affect the character, quality views and distinctiveness of the area. Policy DP24 on equestrian development seeks to ensure that it is related to an existing dwelling in the countryside, is of an appropriate scale, and will not result in sporadic development in the countryside.
- 13.2 The Council's DHU Team has commented that 'the proposed facilities appear in an appropriate place within the site. The architectural style of the building would not be detrimental in this location and would appear as an appropriate building in the context of a large rural house'. The existing house is barely visible from the Colchester Road and the surrounding footpaths, particularly in the summer months owing to the fall of the land from the Colchester Road and existing trees and shrubbery belts along the east, north and west boundaries of the application site. Whilst, a line of conifers and small birch trees are to be removed within the vicinity of the proposed new building, these do not form part of these belts of boundary vegetation referred to above. The proposed building will not be prominent from a public perspective and whilst there will be glimpses of it, particularly in the winter months, it is considered that it will appear as an appropriate building within its setting.
- 13.3 The Council's Arboricultural Officer is satisfied the proposed works will not cause significant harm to the trees to be retained. The line of conifers and silver birches to be removed to make way for the proposed building are not particularly appropriate for the parkland setting. Additional planting is to be provided within 4 locations within the adjacent parkland. The DHU Team are happy for these to be secured by planning condition.
- 13.4 A number of the concerns raised relate to infrastructure often associated with the keeping of horses, such as lighting, fencing and jumps. The applicant has confirmed no additional paddock fencing is intended to that shown on the drawing, nor is it intended to install jumps on the adjacent parkland. Lighting is to be limited to low wattage bulkhead type fittings located under the walkway of the stables at ceiling level to down light over the doors and the storage building is to have two 150 watt external fittings, mounted under the eaves with a covered top. These are all matters that can be controlled by planning condition. Planning conditions can also be used to secure the control of muck and water run-off.
- 13.5 The application has generated a significant level of public interest and it is recommended that Members undertake a site visit prior to determining the application.

14.0 Conclusion

- 14.1 The proposed building and the outdoor swimming pool are considered to be acceptable in terms of design and their relationship to the setting of the nearby listed buildings. The proposed structure will not appear as a prominent structure from a public perspective and it is considered that the proposal will not adversely affect the character, quality views and distinctiveness of the AONB. The application is therefore recommended for approval.

15.0 Background Papers

- 15.1 PPS; Core Strategy; DPD; SPG; EH; NR; DVS; OTH; DHU; AO; 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

The development hereby permitted shall be constructed strictly in accordance with the approved plan nos. 1712-2, 5192/03M, 5192/08E, 5192/09E and 5192/10D received on 23rd July 2010 and drawing nos. 5192/03/TEMP/N and 5192/03/LAND/N received on 6th December 2010, unless otherwise agreed in writing by the Local Planning Authority.

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

3 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, a scheme for the provision and implementation of pollution control to the water environment shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans/ specification in accordance with the times specified in the approved scheme.

Reason: To avoid pollution of the water environment.

4 - Non-Standard Condition

Prior to the commencement of the development hereby permitted, a surface water management scheme shall be submitted to and agreed in writing by the Local Planning Authority. The scheme as approved shall be implemented prior to the first use of the development.

Reason: To ensure satisfactory arrangements are made for the disposal of surface water drainage.

5 - A4.5 Stables - Scheme for Manure Storage and Disposal

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

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

6 - A4.3 Stables (domestic use only)

The building/s hereby permitted shall be used solely for the stabling of horses and storage of associated equipment and foodstuffs in connection with and for the private and personal enjoyment of the occupants of the application property. No commercial uses including a livery, riding school, industrial or other storage uses shall take place whatsoever.

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

7 -A4.4 Stables-Not to be Used as a Riding Establishment

The stables hereby permitted shall not be used for the purposes of a riding establishment within the meaning of the Riding Establishments Act 1964 or for any type of commercial livery use.

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

8 - 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.

9 - 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.

10 - 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.

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

12 - 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.

13 - C3.4 Samples of Traditional Materials

Samples of all materials to be used in the external construction and finishes of all parts of the proposed development, shall be selected from the local range of traditional vernacular building and finishing materials and shall be submitted to and agreed in writing by the Local Planning Authority before the development commences. The development shall be implemented in accordance with agreed details.

Reason: To harmonise with the character of existing development in the area.

14 - Non-Standard Condition

The development shall take place except in accordance with full details of the hard landscaping proposals, which shall first have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include the proposed fencing and surface treatment for the new access, the stable courtyard, and paving areas associated with the pool, shown in principle on drawing no. 5192/03/TEMP/N.

Reason: To safeguard the setting of the listed building and the Conservation Area.

15 - 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 additional paddock fencing or jumps shall be constructed or provided within the application site, without the prior approval in writing of the Local Planning Authority.

Reason: To safeguard the setting of the listed building and the Conservation Area.

16 - B3.3 Light Pollution

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

Reason: To reduce the undesirable effects of light pollution on the amenity of the countryside.

17 - Non-Standard Condition

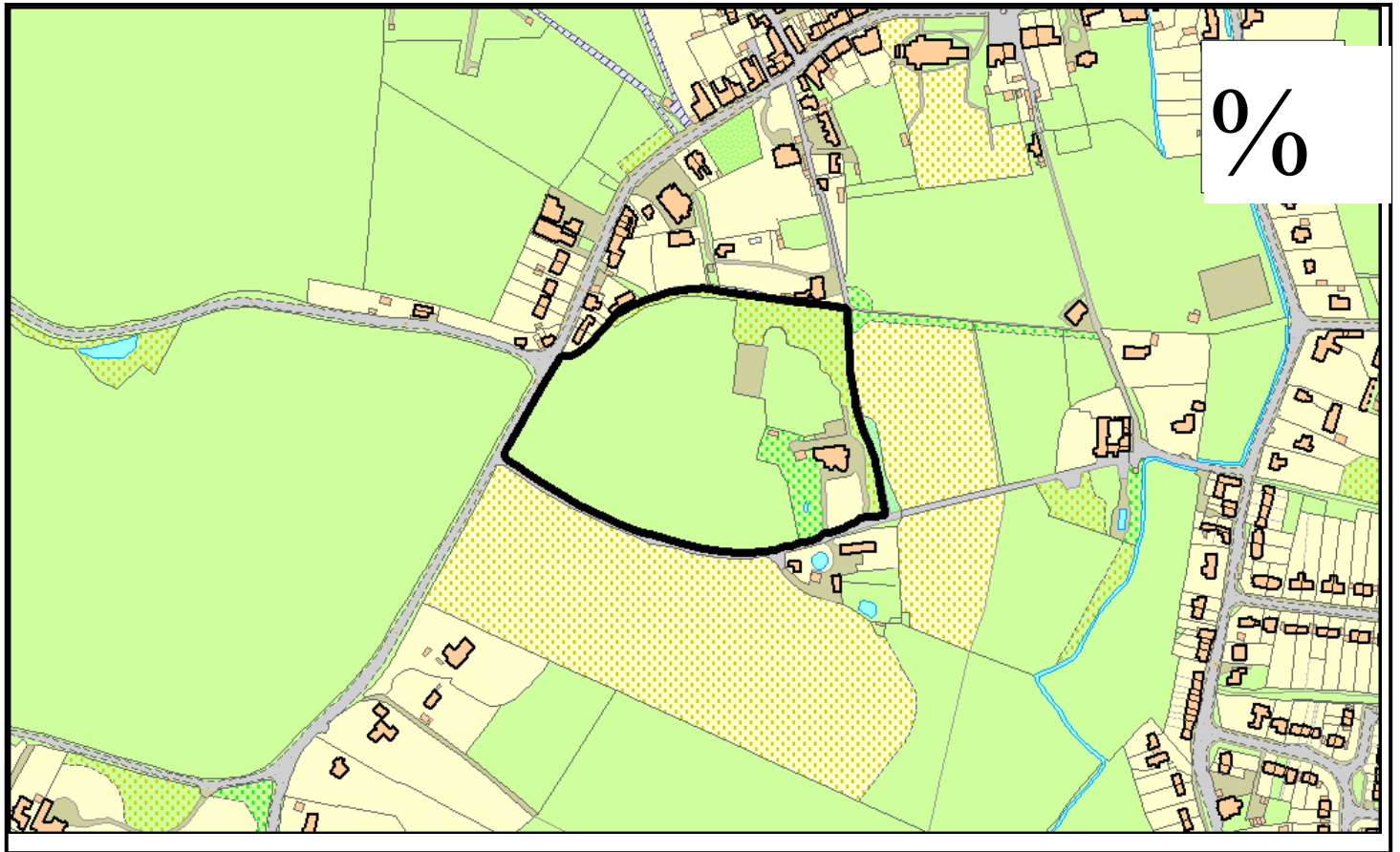
Prior to the first use of the development hereby permitted the existing block building (shown by dotted lines on drawing no. 5192/03/M) shall be demolished and removed from the site.

Reason: To safeguard the setting of the listed building and the Conservation Area.

Informatives

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

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



Application No: 101543

Location: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Scale (approx): 1:1250

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7.7 Case Officer: Simon Osborn**OTHER**

Site: Lower Park, Colchester Road, Dedham, Colchester, CO7 6HG

Application No: 101543

Date Received: 23 July 2010

Agent: Mr Bryn Jones

Applicant: Mrs Anne Fletcher

Development: Listed building application for swimming pool, stables and replacement storage barn.

Ward: Dedham & Langham

Summary of Recommendation: Listed Building Consent

1.0 Planning Report Introduction

1.1 This application is for listed building consent to demolish a pre-1948 curtilage building within the grounds of Lower Park and relates to the proposal for planning permission (101541) referred to by the previous report. The application is brought to the Planning Committee because objections have been received to the proposal.

2.0 Synopsis

2.1 The proposal is sited within a sensitive area, outside of the settlement boundary of Dedham, and within the Conservation Area and Dedham Vale AONB and close to a listed building. The removal of the remains of a concrete outbuilding is wholly acceptable and the application is recommended for approval.

3.0 Site Description and Context

3.1 The application site comprises a very large listed house, constructed of Suffolk white bricks and slates, and grounds immediately adjacent to and partly within a distinctive parkland setting. The property is accessed from the Colchester Road by a long private drive, which also serves Park House and Lower Park Cottage (also listed, or curtilage listed buildings), immediately to the south of the application site. The application site is within both the Dedham Conservation Area and the Dedham Vale AONB.

4.0 Description of the Proposal

4.1 The part of the proposal relating to the listed building consent application is the proposal to remove the remains of a concrete block detached outbuilding, which is said to be of pre-1948 construction.

5.0 Land Use Allocation

5.1 Conservation Area
Area of Outstanding Natural Beauty
Lower Park is a Grade II listed building
The site is outside the settlement boundary of Dedham.

6.0 Relevant Planning History

- 6.1 090661 – stable block with storage building and swimming pool, withdrawn 2009
- 6.2 101541 - stable block with storage building and swimming pool, pending.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 5: Planning for the Historic Environment
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
UR2 - Built Design and Character
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 English Heritage stated we do not consider it is necessary for this application to be notified to English Heritage.
- 8.2 The Environment Agency had no objections to the proposal subject to a planning condition with regard to a scheme being submitted to prevent pollution of the water environment.
- 8.3 The Dedham Vale Society stated the size of the building was excessive and does not make a positive contribution to the landscape as required by Policy DP20.
- 8.4 The Dedham Vale AONB and Stour Valley Project stated that a single storey building would more easily be integrated into the landscape. Little information was available on proposed exterior lighting and fencing. Any new planting should reflect the parkland quality of the landscape.
- 8.5 The National Trust stated its concern regarding the visual impact of the building on the AONB and the setting of the listed buildings, loss of trees, and the impact of lighting and fencing.
- 8.6 The Council's Design and Heritage Unit considered that the proposal would appear as an appropriate building in the context of a large rural house and the architectural style would not be detrimental to the location or the setting of the listed building. Appropriate hard and soft landscape conditions should be imposed.
- 8.7 The Council's Tree Officer agreed to the arboricultural content of the proposal subject to the retention of an arboricultural consultant to monitor the works and to appropriate conditions.

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

9.0 Parish Council's Views

9.1 The Parish Council have stated that:

“The scale and appearance of the proposed building has been reduced as requested in the previous application no. 090661 and the whole unit is now more compact; however this proposal still intrudes into the park land as previously stated. The applicant has moved the proposal somewhat into the garden area but we feel it could go further minimising the impact into the park. With regard to screening of this proposed property a fuller screening proposal we feel would be more appropriate.”

10.0 Representations

10.1 Five representations in support of this application were received and four objections. The following issues were raised by the objectors:

1. The proposed building is too large and out of keeping with the character of the area and the setting of the three listed buildings;
2. The proposed building will be visible from the road and footpaths;
3. Loss of trees;
4. Smells from horse manure;
5. Impact of lighting in the countryside;
6. Question validity of justifying barn on basis of demolishing the concrete block structure;
7. Waste water from the pool and stables should not discharge into neighbouring drainage system;
8. The building could easily be converted to residential/staff/holiday accommodation if it becomes redundant;
9. Pool house and pool should be located behind the main house.

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

11.0 Parking Provision

11.1 The existing house has a large area available for off-street parking, which is not visible from outside the site. The proposed facilities are to be constructed in association with the existing house and the proposal raises no parking provision issues.

12.0 Open Space Provisions

12.1 These facilities are proposed in association with an existing house, which has a large domestic curtilage, and the proposal raises no open space provision issues.

13.0 Report

13.1 The previous report for 101541 relates to the planning considerations with regard to the proposed swimming pool, stables and storage barn.

13.2 The remains of a concrete block detached outbuilding, which is said to be of pre-1948 construction are situated within the domestic curtilage of Lower Park. This has a footprint of 12m by 6m. Only part of the lower walls are intact and it has no viable use or visual merit; rather it is more of an eyesore. There is no objection to its removal; indeed one of the proposed conditions for the related planning application is that the structure is removed if the development subject of the planning permission is implemented.

14.0 Conclusion

14.1 The remains of this outbuilding have no merit and there is no objection to its removal

15.0 Background Papers

15.1 PPS; Core Strategy; DPD; EH; NR; DVS; OTH; NT; DHU; AO; PTC; NLR

Recommendation - Listed Building Consent

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.



Colchester Borough Council Development Control

Advisory Note on Parking Standards

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

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

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

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

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



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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