

# Planning Committee

Town Hall, Colchester  
15 March 2012 at 6.00pm

## **This committee deals with**

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

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

# Information for Members of the Public

## Access to information and meetings

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

## Have Your Say!

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

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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. The legal context for this framework is for the most part set out in the Equality Act 2010.

# COLCHESTER BOROUGH COUNCIL PLANNING COMMITTEE 15 March 2012 at 6:00pm

## Members

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

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

## Agenda - Part A

(open to the public including the media)

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

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

## Pages

### 1. Welcome and Announcements

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

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

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

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

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

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

## **3. Substitutions**

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

## **4. Urgent Items**

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

## **5. Declarations of Interest**

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

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

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

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

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

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

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

public interest.

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

## **6. Minutes**

**1 - 3**

To confirm as a correct record the minutes of the meeting held on 1 March 2012.

## **7. Planning Applications**

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

1. 120208 1 Clara Reeve Close, Colchester, CO3 9XD (Prettygate) **4 - 11**

Alterations and subdivision of an existing dwelling/use of an existing extension as a separate 2 bedroom dwelling.
2. 091282 Pattens Yard, Nayland Road, West Bergholt, CO6 3DQ (West Bergholt and Eight Ash Green) **12 - 22**

Change of use from agricultural land to a landscape contractors yard and scaffolders yard and open storage of caravans (B8 and Sui Generis Uses).
3. 101541 Lower Park, Colchester Road, Dedham, CO7 6HG (Dedham and Langham) **23 - 41**

Full planning application for change of use of parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park, excluding riding or exercising within the parkland. The erection of a stable block with storage building and associated access and the construction of a swimming pool. Conservation area consent for the demolition of part remaining outbuilding.
4. 101543 Lower Park, Colchester Road, Dedham, CO7 6HG (Dedham and Langham) **42 - 47**

Conservation Area Consent for the demolition of part remaining outbuilding.
5. 111468 Fishponds Field, Shop Lane, East Mersea (Pyefleet) **48 - 58**

Change of use of land from agricultural land to mixed use

comprising agriculture and private equestrian use. Erection of an agricultural barn for the storage of hay and agricultural machinery.

6. 120158 Fieldings, School Road, Little Horkesley, CO6 4DJ (Fordham and Stour) **59 - 65**

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

- 8. Endorsement to change the cascade mechanism for the delivery of affordable housing proposed as part of the approved planning application 091563 // Area S2Sw of the Colchester Garrison Urban Village Development** **66 - 69**

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

## 1 MARCH 2012

- Present :-* Councillor Theresa Higgins (Chairman)  
Councillors Christopher Arnold, Peter Chillingworth,  
Stephen Ford, Peter Higgins, Sonia Lewis,  
Jon Manning, Philip Oxford and Laura Sykes
- Substitute Members :-* Councillor Marcus Harrington for Councillor John Elliott  
Councillor Mike Hardy for Councillor Jackie Maclean
- Also in Attendance :-* Councillor Henry Spyvee

(No formal site visits were undertaken for this meeting.)

### 118. Minutes

The minutes of the meeting held on 16 February 2012 were confirmed as a correct record, subject to the following paragraph being inserted immediately before minute no. 113 for application no. 111725 at 13 Park Road, Colchester:-

**Councillor Lewis was not present for the following item which, together with the application at minute no. 112, was determined under the en bloc arrangements.**

### 119. 112446 Land between 16-19 Magdalen Green and Former Day Nursery, Brook Street, Colchester, CO1 2WA

The Committee considered a planning application to replace an extant permission 081794 for a new vehicular/pedestrian junction to Brook Street to provide future access to a residential development at the former railway sidings. This application was a resubmission of 111570. The Committee had before it a report in which all information was set out, see also Amendment Sheet.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations. It was explained that in the intervening period since the extant permission had been granted, there had been a change in the material consideration pertaining to the proposal in that the site for the development had been included within an Air Quality Management Order, Area No.1 which included Magdalen Street and Brook Street. He also referred to paragraph 8.2 of his report which set out comments received from the Council's Air Quality Officer.

Jane Clarke addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She referred to the Air Quality Management Area (AQMA) in surrounding roads and expressed a wish that the application be refused. Although it might be considered that the construction of the road itself would not give rise to an impact on air quality, she believed that it would have a considerable impact on traffic, noise and dust from the activity of excavation

and of the movement of building materials. She believed the impact of the road and subsequent development could not be assessed in isolation. The residents in Brook Street were already subjected to considerable problems due to traffic congestion which would be exacerbated by the development.

Councillor Spyvee attended and, with the consent of the Chairman, addressed the Committee. He also referred to the air pollution in Brook Street, which was very narrow. Some homes had only small front gardens, but of the eighty properties, sixty opened directly on to the pavement. The outcome of the work on reducing air pollution was as yet unknown but he considered it would involve some restriction on traffic. He was of the view that the railway sidings development should gain access via George Williams Way. He drew the Committee's attention to the comment by the Council's Air Quality Officer regarding the need to wait for the completion of another development on the east side of Brook Street before assessing the air quality of the area. Officers had commented that air quality was a material consideration. He asked the Committee to reject the application on the grounds of increased air pollution and wanted all areas to work together on the future of this area.

The planning officer confirmed that the construction of the road by itself would not be harmful to the AQMA, and with appropriate controls in place the road was not considered to be so detrimental that it would warrant a refusal. Given all the material planning considerations his view was that this proposal was acceptable. The development of an air quality action plan would be required, regardless of any development.

Members of the Committee had a number of concerns including the potential for misuse of the road, for example for parking cars and burnt out cars; litter and fly tipping. There appeared to be no reason for building the road at this stage. There may be the possibility of alternative access routes into the site. Members queried whether it would be possible to prevent the road from being constructed until the development on the east side of Brook Street was built and the Air Quality Assessment had been undertaken. Ultimately, there was no way of knowing what burden this road would put onto the wider road network. Members were aware that discussions were ongoing on a development brief for the railway sidings site, and took into account that the AQMA was a material consideration. They considered that there was a strong case for a refusal on the grounds that building the road would be premature.

The planning officer explained that the report had been written on the basis of this being a development in isolation. However, members appeared to be of the opinion that it was inappropriate to allow this development in isolation from the housing development and as there was no question that the development would follow on from the road there would be a consequent impact on the AQMA. This would be a reason for refusal.

Members clarified that any refusal of this proposal should not be interpreted that it was a rejection of the whole development; they preferred to see a comprehensive development. Members also wanted the development brief to include alternative means of access other than that onto Brook Street.

*RESOLVED* (UNANIMOUSLY) that the application be refused for the following reasons:-

a planning approval for the road would be premature, given that both the scale and impact of the development of the railway sidings land and also the impact of the approved development on the land opposite on the AQMA was not known.

**120. Proposed Deed of Variation to Section 106 Legal Agreement // Ballantyne Centre and land off Hawkins Road, Colchester**

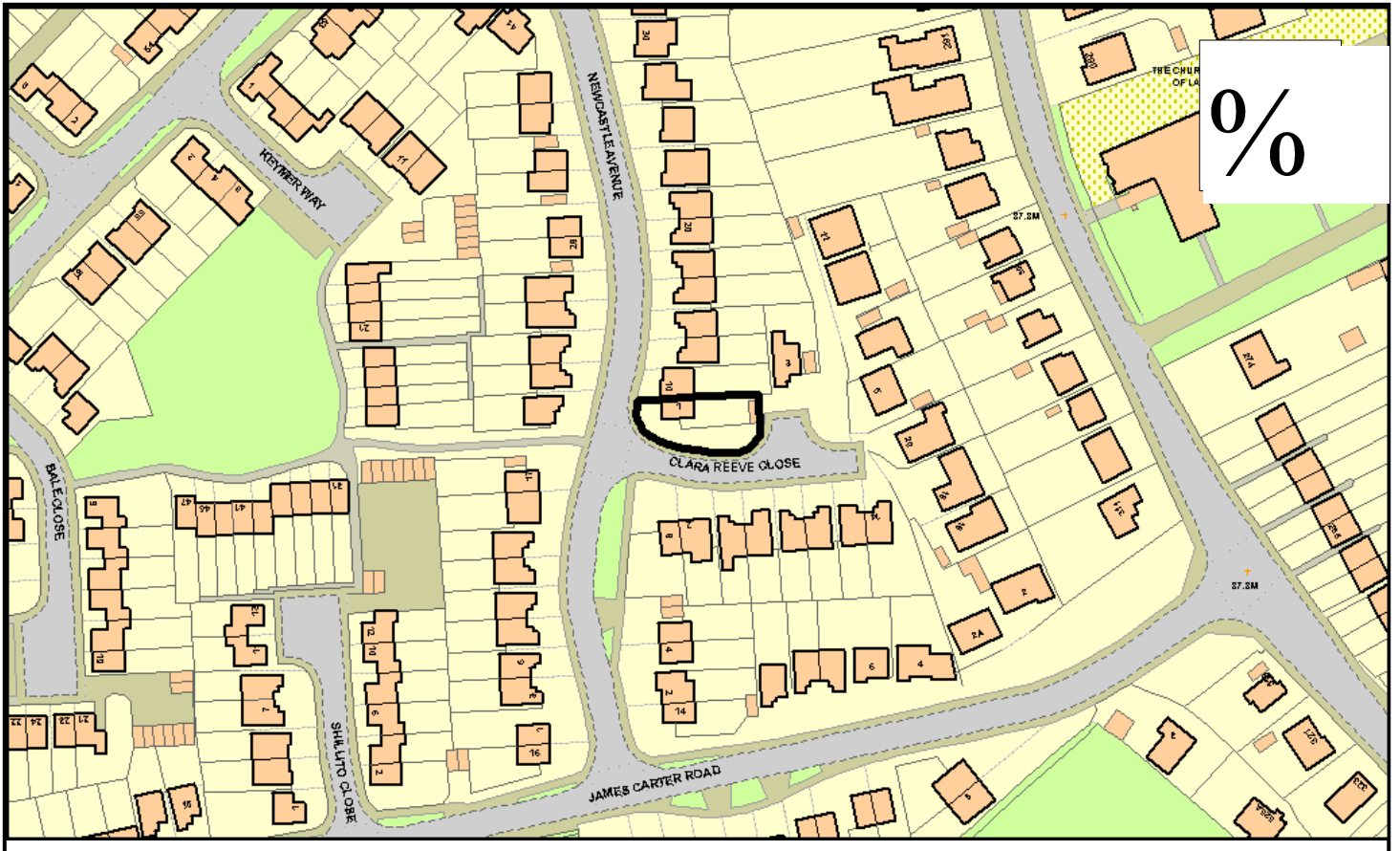
The Head of Environmental and Protective Services submitted a report seeking approval to endorse a Deed of Variation to a Section 106 Legal Agreement. The Deed of Variation would ensure that the maintenance and ongoing responsibilities for the play area were transferred from the Borough Council to a management company for reasons detailed in the report by the Head of Environmental and Protective Services. The Committee had before it a report in which all information was set out.

Bradly Heffer, Principal Planning Officer, attended to assist the Committee in its deliberations.

Kevin O'Connell, agent, addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the Deed of Variation. His company had provided correspondence from the management company to the Council containing confirmation that the play area had already been included in their budget for maintenance. They had followed that correspondence up with further confirmation and included a plan showing the extent of the areas they were covering which included the play area. He also gave details of the financial arrangements.

Members of the Committee were aware that both sides were in agreement and this part of the process was effectively a formality.

*RESOLVED* (UNANIMOUSLY) that the proposed Deed of Variation to a Section 106 Legal Agreement as described be approved.



**Application No:** 120208

**Location:** 1 Clara Reeve Close, Colchester, CO3 9XD

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

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# Committee Report

Agenda item

**7**

To the meeting of **Planning Committee**  
on: **15 March 2012**  
Report of: **Head of Environmental and Protective Services**  
Title: **Planning Applications**

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

**7.1 Case Officer: Mr David Whybrow**

**Due Date: 26/03/2012**

**MINOR**

**Site:** 1 Clara Reeve Close, Colchester, CO3 9XD

**Application No:** 120208

**Date Received:** 30 January 2012

**Agent:** Mr Steve Norman

**Applicant:** Mr & Mrs Hitchman

**Development:** Alterations and subdivision of an existing dwelling/use of an existing extension as a separate 2 bedroom dwelling.

**Ward:** Prettygate

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

## **1.0 Reason for Referral to the Planning Committee**

1.1 This application was called in by Councillor Mrs Lissimore for the following reasons:-

- Visual impact of parking.
- Garden size not in keeping with those in surrounding area.
- Small property not in keeping with those in surrounding area.

## **2.0 Synopsis**

- 2.1 The following report will consider the matters raised by the call in request together with issues raised in representations. It will describe the site and its setting, the proposal itself and any consultation responses received.
- 2.2 The planning merits of the case will be assessed leading to a conclusion that the proposals are acceptable and a conditional approval will be recommended.

## **3.0 Site Description and Context**

- 3.1 1 Clara Reeve Close is currently a semi-detached house on the Westlands Estate which stands at the junction with Newcastle Avenue. While the primary frontage is to Newcastle Avenue, vehicular access is from Clara Reeve Close.
- 3.2 The house is in brick and tile finishes and its rear garden is screened from Clara Reeve Close by a matching brick wall. The area is laid out largely on an open plan basis, typical of its 1970s vintage.
- 3.3 The dwelling has been extended to the side by a 2 storey addition approved in 2002 under Ref: F/COL/02/0689.

## **4.0 Description of the Proposal**

- 4.1 The above mentioned 2 storey side extension currently comprises hall, dining room and study with 2 bedrooms above. It is proposed to create a separate 2 bedroom unit with no further external change other than a new doorway to the front elevation of the existing dwelling and repositioned main door to the new dwelling. The existing garden wall is to be remodelled to provide parking facilities for the new property, together with an extended dropped kerb access.
- 4.2 A new boundary fence sub-divides the existing garden in order to provide a garden of 80 sq.m. to the existing house and 77 sq.m. to the proposed property.

## **5.0 Land Use Allocation**

- 5.1 Residential

## **6.0 Relevant Planning History**

- 6.1 F/COL/02/0689 – First floor side extension – Approved July 2002
- 6.2 F/COL/03/1986 – Retention of 85cm high timber open fence to front garden – Approved January 2004
- 6.3 080709 – Single storey side and rear extensions – Approved April 2008

## **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

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

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP16 Private Amenity Space and Open Space Provision for New Residential Development

## **8.0 Consultations**

8.1 Environmental Control have no objections but recommend the standard note regarding demolition and construction works.

8.2 The Highway Authority recommend approval with conditions regarding visibility splays, parking provision and travel packs.

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 Representations objecting to the proposals have been received from 3 local residents. The following is a summary of their concerns:-

- Terraced development is out of keeping with area as are car parking bays as proposed. The exceptionally small 2 bedroom house is similarly out of character in an area of family housing, will appear overcrowded and detrimental to the area.
- Will generate additional traffic and parking requirement in an already congested area and reduce on-street parking space currently used by Clara Reeve Close residents with knock-on effect for Newcastle Avenue, a bus route.
- Precedent for similar disproportionate proposals on corner plots.
- Increased vehicle pollution.
- Will downgrade and devalue my adjoining semi-detached property.  
*Officer Comment: Not a planning consideration.*

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

## **10.0 Parking Provision**

10.1 The submitted proposals provide for the retention of existing garage plus 1 space for the existing dwelling and 2 further spaces for the proposed house. Conditions recommended by the Highway Authority will ensure that spaces are of satisfactory dimensions and access is laid out in a safe and convenient manner.

## **11.0 Open Space Provisions**

11.1 As described earlier in the report the submitted scheme provides for amenity space provision which exceeds the following adopted standards as set out in Policy DP16:-

- One or 2 bedroom dwellings – a minimum of 50 sq.m.
- 3 bed houses - a minimum of 60 sq.m.

In addition the application is accompanied by a draft Unilateral Undertaking in respect of recreation and open space contributions.

## **12.0 Air Quality**

12.1 N/A

## **13.0 Report**

13.1 This site lies within a residential area where there is no basic land use objection to new residential development. In this case the proposal involves no significant change to the building itself and current parking and amenity space requirements are achieved. To the extent that the building is not being physically altered the proposal will have little visual impact on the wider area and will not increase overcrowding as suggested in the representations. As such it is not considered that approval here would create a precedent for other corner plots to be similarly developed. Rather, any future cases would be dealt with on their particular merits.

13.2 With regard to the objectors' concerns that on-street parking space will be lost as a result of these proposals, it should be noted that properties in the area generally benefit from either integral or detached garaging plus on-plot parking space. While on street parking is not to be encouraged, under current parking standards, smaller infill and similar schemes can be expected to deliver limited visitor provision in the highway.

## **14.0 Conclusion**

14.1 In the light of the foregoing report this is a scheme that can be implemented without detriment to the site and its surroundings, in compliance with established amenity space and parking requirements.

## **15.0 Background Papers**

15.1 PPS; Core Strategy; CBDP; HH; HA; NLR



## **15.0 Recommendation**

15.1 Upon the completion of the Unilateral Undertaking submitted with the application, planning permission be granted subject to the following conditions:-

### **Conditions**

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

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

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

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

The development hereby permitted shall be carried out entirely in accordance with approved unnumbered drawings entitled "plan as proposed" and "site layout" as submitted.

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

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking and re-enacting that Order with or without modification), no development within Classes A to E of Part 1 of the Schedule of the Order (any extension, outbuilding, garage or enclosure) shall take place without the prior written permission of the Local Planning Authority.

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

#### **4 - Non-Standard Condition**

All new materials to be used in external work including boundary walls shall match those of the existing building as closely as possible unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the works harmonise with the existing building and safeguard the visual amenity of the locality.

#### 5 - Non-Standard Condition

Prior to occupation of the development, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2 metres by 17 metres to the west, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.

Reason: To provide adequate intervisibility between vehicles using the access and those in the existing public highway in the interest of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### 6 - Non-Standard Condition

Prior to occupation of the development a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must be form part of the vehicular surface of the access.

Reason: To provide adequate intervisibility between the users of the access pedestrians in the adjoining public highway in the interest of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### 7 -Non-Standard Condition

Prior to occupation of the development the vehicular parking facilities, as shown on the submitted plans shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.

Reason: To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### 8 - Non-Standard Condition

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

Reason: To avoid displacement of loose material onto the highway in the interest of highway safety to accord with Policy DM1 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

#### 9 - Non-Standard Condition

No vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety to accord with Policy DM8 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

## 10 - Non-Standard Condition

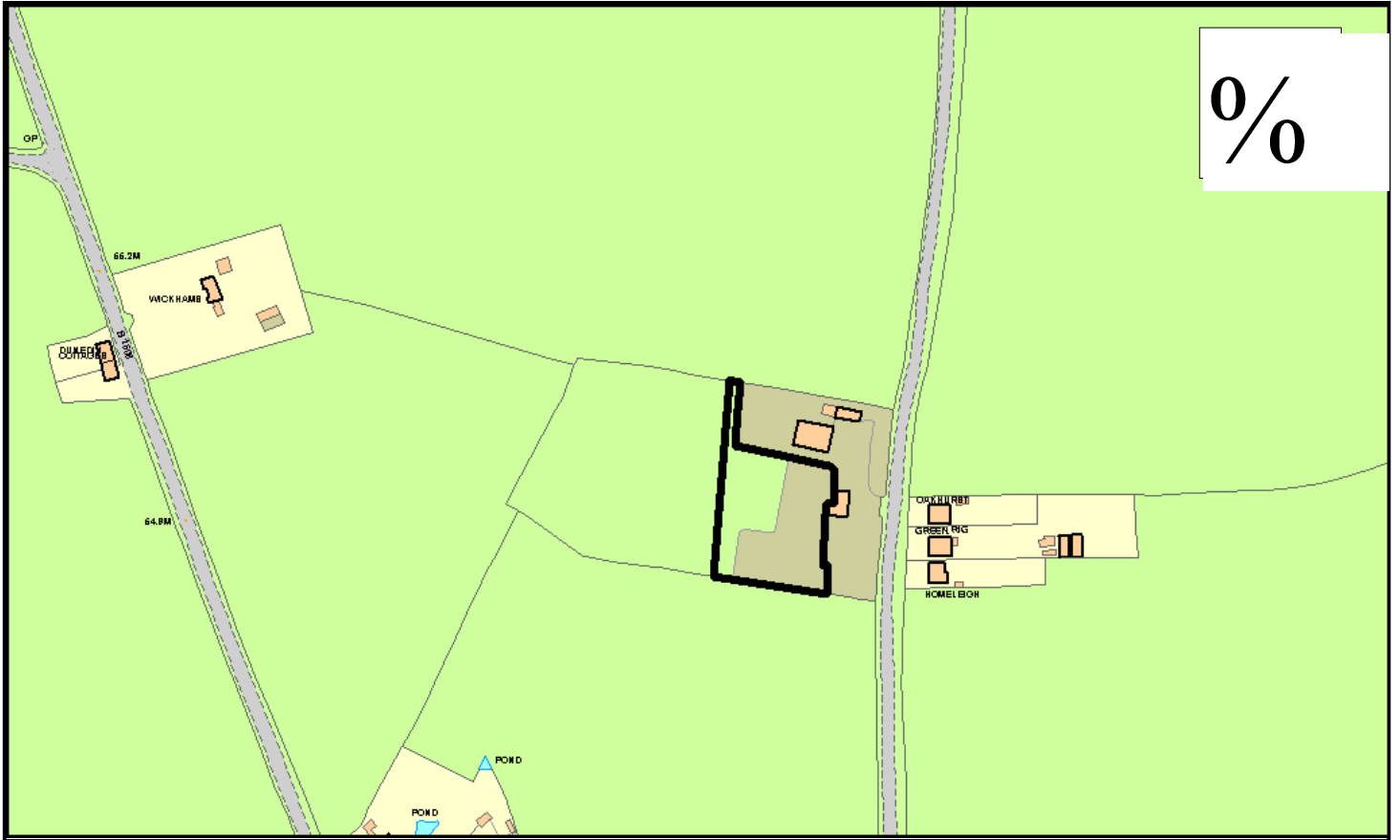
Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport in accordance with Policies DM9 and DM10 of the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

### **Informatives**

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

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



**Application No:** 091282

**Location:** Pattens Yard, Nayland Road, West Bergholt, Colchester CO6 3DQ

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

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## 7.2 Case Officer: Jane Seeley

**OTHER**

**Site:** Pattens Yard, Nayland Road, West Bergholt, Colchester CO6 3DQ

**Application No:** 091282

**Date Received:** 2 October 2009

**Agent:** Edward Gittins & Associates

**Applicant:** Messrs P & M Culham

**Development:** Change of use from agricultural land to a landscape contractors yard and scaffolders yard and open storage of caravans (B8 and Sui Generis Uses)

**Ward:** W. Bergholt & Eight Ash Green

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

### 1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee because objections have been received from local residents and the parish council (NB the application was submitted prior to the current scheme of delegation being adopted and therefore it is necessary for it to be determined by Planning Committee)

### 2.0 Synopsis

2.1 This report describes the site and its current use and looks at the history and associated use of the adjacent land which is a Local Employment Zone (LEZ). Planning policy issues are considered and proposals for a legal agreement for the adjoining site discussed. Consultation replies and representations are detailed and these are also discussed in the main report section. Conditional approval is then recommended

### 3.0 Site Description and Context

3.1 The application site is to the rear/side of an 'L' shaped area of land and a number of buildings that have been used for storage/business use for many years. Access to the application site is via this 'L' shaped land. There is some fencing, mainly of a temporary nature, around the site. The boundary with the open countryside to the east is undefined. The site is divided into 2 areas by an unmade track running east-west. To the north of the track is an area which has been surfaced and used for scaffolding storage and an area proposed for touring caravan storage. To the south is a storage area for a landscaping business. The south boundary has some hedging with an oak tree.

- 3.2 Council records and aerial photography indicate that the L shaped land adjacent to the application site have been used for commercial purposes for many years, albeit this use has intensified since the 1990's. The land has been allocated as a Local Employment Zone and a planning permission to regularise a waste transfer site on a part of this site has been granted by Essex County Council.
- 3.3 The use of the application site for storage has occurred for some years, however aerial photography indicates that such use has commenced since 2000. In 2008 a planning application for the current use was refused as it was considered that the use was contrary to the adopted Core Strategy and the, then, relevant Local Plan policies.
- 3.4 A field to the west of the application site has been used for many years for the storage of touring caravans.
- 3.5 There are currently operator's licenses on the site which permit the operation of 8 vehicles.

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

- 4.1 This application seeks retrospective consent for the use of the site for landscape contractor's and scaffolder's yard and open storage of caravans. Originally the application site included a strip of land to the south of the site within the adjacent field. This has been deleted from the scheme.
- 4.2 There have been on-going complaints from the local residents regarding noise, particularly in the early hours and at week ends, dust and obtrusive lighting. It is considered that much of this nuisance is emulating from uses on the L shaped land rather than the application site. In order to impose some controls over the use of this land there have been lengthy discussions with the applicant's agents which have resulted in the submission of a unilateral undertaking which accompanies this application. This legal agreement will impose controls on the hours of operation on this land (Mon – Fri 07.00 – 18.00hrs Saturday – 8.00 -13.00hrs (with no activities or vehicle movements on Sundays and Bank/Public holidays)) and require the hard surfacing of the vehicular access.
- 4.3 The legal agreement will also control the caravan storage on the adjacent field, restricting the caravans to only a small part of the field within the application site. The current uses of the land can then be restricted within one area of the applicant's land and contained by a new boundary treatment.

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

- 5.1 Local Employment Zone

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

- 6.1 081822 - Change of use from agricultural Land to B1 and storage – Refused
- 6.2 090439 - Change of use from agricultural Land to landscape contractors yard and scaffolders yard – withdrawn

- 6.3 111572 - An application to Essex County Council for retrospective permission for the importation of inert waste (hardcore, concrete and soils), together with storage and recycling of the same prior to export from the site. Approved by ECC
- 6.4 120066 - An application to Essex County Council for retrospective permission for the importation of inert material (hardcore, concrete and soils), together with storage and recycling of the same prior to export from the site. Discharge of planning conditions 3,16,18,20. Not yet determined by ECC

## **7.0 Principal Policies**

- 7.1 The following national policies are relevant to this application:  
Planning Policy Statement 4: Planning for Sustainable Economic Growth  
Planning Policy Statement 7: Sustainable Development in Rural Areas  
Planning Policy Statement 10: Planning for Sustainable Waste Management  
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  
ENV2 - Rural Communities  
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  
DP5 - Appropriate Employment Uses & Protection of Employment (2010)  
DP9 - Employment Uses in the Countryside (2010)  
DP1 Design and Amenity  
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses  
DP21 Nature Conservation and Protected Lanes
- 7.4 Further to the above, the adopted Site Allocations (2010) policies set out below should also be taken into account in the decision making process:  
  
Local Employment Zone (LEZ) in the Site Allocations  
DPD and is shown as such on the LDF Proposals Map for West Bergholt.

## **8.0 Consultations**

- 8.1 Environmental Control:
- There have been complaints over a number of years about noise, vehicle movement, security lights and dust which relate to this site, much of which has fallen outside of action as it has not been proved to be a Statutory Nuisance.
  - If this application is approved there will be regulated hours in place for the whole of the site so that there should be no vehicles leaving the site or work being carried out at unsocial hours. This will also help to prevent security lights being triggered in the night and the hard surfacing of the access will cut down the dust.

8.2 ECC Highways - No objection

8.3 Landscape Officer:

Satisfied with the landscape content of the proposal subject to minor amendments which could be implemented under a required condition.

8.4 Arboricultural Officer:

Satisfied with the arboricultural content of the proposal

8.5 Museums:

- Given the nature of the site and its long history of use, there is no reason to disagree with the conclusions of this submitted Ecology Survey.
- The suggestions for mitigating against disturbance to nesting birds together with the erection of nest boxes, are to be welcomed and should be followed.
- There is see no reason to object to this application on protected species or wildlife grounds.

8.6 Natural England:

The application does not appear to fall within the scope of the consultations that Natural England would routinely comment on.

8.7 Spatial Policy:

- When first received the proposal was contrary to Policies ENV1 and ENV2. However since then that part of the yard has been allocated as Local Employment Zone.
- The Site Allocations document on page 19 outlines that Pattens Yard is to be allocated as a Local Employment Zone and this is to be limited to the lawful use of the site and well screened to reduce the impact on the landscape. The application site covers a larger area but there could be wider environmental, landscape and residential amenity merits in the application for the site including both allocated and non allocated land.
- The proposed landscape screen which is in accordance with the Site Allocations document and will have a positive impact on the landscape and reduce the impact of this site when viewed from the west.
- Currently land to the immediate west of the site is used for the storage of caravans; these are to be relocated to the part of the application site adjacent to the existing landscape contractors yard and scaffolders yard, outside of the LEZ allocation. Normally this action would not be supported but because the western boundary is to be built up with a landscape screen which will effectively conceal the site and provide a defensible barrier, this relocation of the caravans will have a positive impact on the landscape character of the area as well as restricting the sprawling nature of the site.
- LEZs are intended to provide a range of local employment opportunities; this is the case with Pattens Yard. Any future development will need to accord with Policy DP5.
- Satisfied with the proposals for the part of the yard allocated as a LEZ but stress that any redevelopment proposals must only take place on this part of the site and not stray into the part of the site which is not allocated. The application site is not allocated as a LEZ and is considered against countryside restraint policies and therefore development in this area has to be restricted in



accordance with Core Strategy Policies ENV1 and ENV2. Spatial Policy are keen to see this aspect of the application strictly controlled through condition to ensure that any outdoor storage use is ancillary to the main use of the site with no permanent buildings and is well screened by landscaping around the perimeter of the site to provide a defensible boundary. However in the circumstances the merits of the proposal are considered to outweigh the negative impact of development on this parcel of unallocated land adjacent to the LEZ.

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**

(NB - Given the time that has elapsed since the submission of this application the parish council were advised in January 2012 the application was shortly to be considered by this Committee and given the opportunity to make further comments. A further letter was sent in February advising that the description of the application input at the time of submission was incorrect and had been amended. All the documentation remained. Any further comments will be reported on the Amendment sheet)

9.1 The Parish Council previously stated that:

- Concerned about future unplanned spread of the activity.
- Clearly defined landscaped barrier required.
- Traffic restrictions to prevent excessive lorry movement on surrounding roads
- Supported LEZ conditional of future development being of high quality, this is an ideal opportunity to begin this process.

## **10.0 Representations**

(NB given the time that has elapsed since the submission of this application the neighbours/other respondents were advised in January 2012 the application was shortly to be considered by this Committee and given the opportunity to make further comments)

10.1 11 Letter/emails were received from 4 objectors raising the following issues:-

- Do not want agricultural land turn into landscaping/scaffolding yard.
- Can a guarantee be given that there will be no further expansion/other users?
- Whole site should be included in application - difficult to regulate if controls on different parts of the site vary.
- Hours of operation should be controlled to 7- 6 Monday to Friday, 7 to 1 on Saturdays and no weekend/bank holiday use.
- Lights are a nuisance at night.
- Noise and vehicular movements day and night and early hours every day.
- Dust problems.
- Problems from the site have caused ill health/depression.
- Lorries and skips in yard and on field to west are an eyesore
- Access should be relocated away from housing.

- Damage to verges and drives from vehicles using the access.
- Danger to pedestrians.
- Property devaluation.

#### 10.2 Colchester Civic Society:

The application does not overcome reasons for refusal of previous 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 parking standards require 1 space for 150sqm for Use Class B8:Storage and Distribution, including open air storage. There is adequate space within the site to provide this level of parking.

### **12.0 Open Space Provisions**

- 12.1 Not Applicable

### **13.0 Air Quality**

- 13.1 Not relevant

### **14.0 Report**

#### Policy

- 14.1 As identified in the Spatial Policy Team's comments above (section 8.1) the application site is outside of the LEZ and therefore its current use for storage purposes is contrary to Council Policy.
- 14.2 Commercial uses on the LEZ part of the yard have occurred for several decades, the spread of storage uses on to the application site is much more recent. Caravan storage has also occurred on the field to the west of the site for many years. With the exception of the part of the LEZ with planning permission for waste transfer, the west boundary remains undefined. Whilst currently the storage uses are occurring within the application site there have been occasions in recent years when the spread of storage to the west has been evident.
- 14.3 The landscaped west boundary proposed in the application will provide a defined, defensible boundary which will prevent the ad hoc spread of storage by users of the site. It will also provide screening of the site in long views from the west. Such screening is in line with the site allocation document requirements for the LEZ.

- 14.4 It is considered that the amenity concerns which are detailed below are primarily from the LEZ part of the yard. Given the history of commercial usage of this part of the yard it is your officer's opinion that the applicant could provide information to support a claim that the uses have occurred for at least 10 years and therefore a Lawful Development Certificate could be granted. In an attempt to provide some restrictions on site not covered by the ECC permission, particularly regarding hours of operation, it has been suggested that if planning permission is granted for the application site the applicant should agree to restricting the LEZ. This is acceptable to the applicant who has indicated that if it is resolved to grant planning permission he will sign a unilateral undertaking. This legal agreement will not only control the hours of operation (Mon – Fri 07.00 – 18.00hrs Saturday – 8.00 -13.00hrs (with no activities or vehicle movements of Sundays and Bank/Public holidays)) but will require the hard surfacing of the vehicular access and restrict caravan storage to within the application site.
- 14.5 The recent grant of planning permission by Essex County Council for part of the site includes various conditions to control the use on that part of the site. These included hours of operation in line with the proposed legal agreement
- 14.6 The ability to achieve these controls will have a positive impact on residential amenity and the landscape. Accordingly it is considered that there is justification for the grant of planning permission on a site where such uses would normally be resisted. Spatial Policy have indicated support for this approach.

#### Impact on the Surrounding Area

- 14.7 Given that the application site is to the rear of the LEZ its use for storage is not particularly noticeable from Nayland Road. Hedging along this road provides screening of the yard. There are long views of the areas of storage from Bures Road to the west, again roadside hedging does provide an element of screening. The proposed landscape boundary to the west of the application site will have a beneficial impact in these long views.

#### Impacts on Neighbouring Properties

- 14.8 There is a long history of complaints about Pattens Yard to Planning Investigation Team, Environmental Control, Essex County Council and at the time of planning application. These include concerns regarding noise, vehicular movements, dust and security lighting. As already indicated it is considered that much of this nuisance is caused by activities on the LEZ part of the yard. Noise monitoring undertaken by Environmental Control has identified that HGV movements in the early hours are particularly problematic.
- 14.9 If planning permission is granted for the application site, conditions restricting hours of operation can be imposed and the aforementioned legal agreement would require operation of the LEZ part of the yard, not controlled by the ECC permission, to be restricted to the same hours.
- 14.10 Light issues have been addressed by Environment Control and can be considered again if necessary. A condition to control light on the application site is suggested if planning permission is granted.

14.11 The dust problems are primarily from the access. The legal agreement will require this to be hard surfaced.

#### Highway Issues

14.12 Concerns have been expressed by residents and parish council concerning road safety; however ECC highways are not raising any concerns or suggesting any conditions

#### Ecology

14.13 The Site Allocations document indicated that there is a population of great crested newts close to the site; an ecological survey has been provided. This indicates that great crested newts are not present on the site. Advice from the Councils museums section is that there is no reason to disagree with the conclusions of this Survey or to object to this application. A condition to require that the use be in line with suggestions for mitigating against disturbance to nesting birds together with the erection of nest boxes is suggested.

### **15.0 Conclusion**

15.1 The ability to obtain some controls over the longstanding part of Pattens Yard, not controlled by the ECC permission, and to prevent ongoing caravan storage on the field to the west of the site is considered adequate justification for the grant of planning permission on land where policies would normally resist storage uses. Therefore the application is supported.

### **16.0 Recommendation**

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:

- a) Restrictions on the hours of operation of the Local Employment Zone part of the site to: Mon – Fri 07.00 – 18.00hrs Saturday – 8.00 -13.00hrs (with no activities or vehicle movements of Sundays and Bank/Public holidays)
- b) The hardsurfacing of the vehicular access to the Local Employment Zone.
- c) The restriction of caravan storage to an identified area and no further use of the field to the west of the site for caravan storage.

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 - Non-Standard Condition**

Within 2 months of the date of this permission details of tree and/or shrub planting and an implementation timetable shall be submitted to and approved in writing by the local Planning Authority. 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.

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

The fence indicated on the approved drawing PD/PY/A shall be erected within 3 months of the date of this permission and shall be retained thereafter.

Reason: In order to define the west boundary of the site in order to prevent the spread of the permitted use on o the land to the west of the site and to protect the visual amenity of the locality.

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

The development hereby permitted use shall be carried out in accordance with the following approved plans: PD/PY.A and the amended site plan submitted 13.10.2009.

Reason: For the avoidance of doubt and in the interests of proper planning.

#### **4 - Non-Standard Condition**

The hours of operation of the herby permitted uses shall only be during the following hours:

Mon – Fri 07.00 – 18.00hrs

Saturday – 8.00 -13.00hrs

There shall be no activity or vehicle movements on Sundays and Bank/Public holidays

Reason: In the interest residential amenity.

#### **5 - Non-Standard Condition**

Any lighting of the development (including resultant sky glow, light trespass, source intensity and building luminance) shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone E2 (rural).

Reason: In order to safeguard the amenity of the surrounding area by preventing the undesirable, disruptive and disturbing effects of light pollution.

#### **6 - Non-Standard Condition**

The hereby permitted use shall operate in line with the mitigating measures detailed in the submitted ecology survey.

Reason: In the interest of nature conservation and to safeguard protected species.

## 7 -Non-Standard Condition

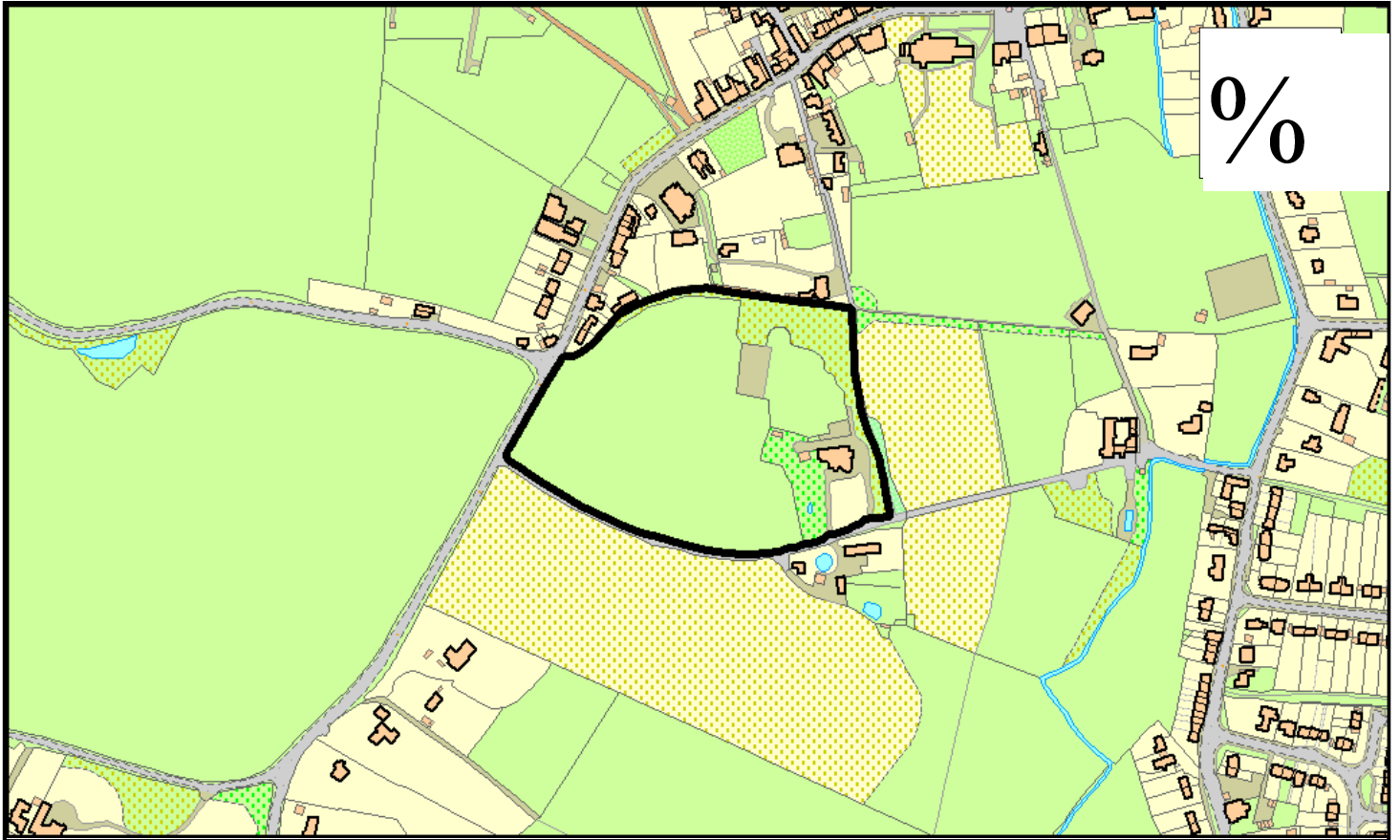
The maximum height of any items/structure stored on the site shall exceed 4m when measured from the adjacent ground level.

Reason: To protect the visual amenity of the locality.

### **Informatives**

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

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



**Application No:** 101541

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

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

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**7.3 Case Officer: Simon Osborn****OTHER****Site:** Lower Park, Colchester Road, Dedham, Colchester CO7 6HG**Application No:** 101541**Date Received:** 29 March 2011**Agent:** Mr Bryn Jones**Applicant:** Mrs Anne Fletcher**Development:** Full planning application for change of use of parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park, excluding riding or exercising within the parkland. The erection of a stable block with storage building and associated access and the construction of a swimming pool. Conservation area consent for the demolition of part remaining outbuilding.**Ward:** Dedham & Langham**Summary of Recommendation;** Conditional approval**1.0 Reason for Referral to the Planning Committee**

- 1.1 This application is referred to the Planning Committee because objections have been received and, when it was first submitted, the delegation arrangements at the time required referral.
- 1.2 The proposal as originally submitted was for an L-shaped stable block and storage building (the latter with a one-and-a-half storey form) facing out toward the parkland. The proposal was first brought to the Planning Committee at its meeting of 3<sup>rd</sup> February 2011; however, subsequent legal advice was given that the application as originally submitted was invalid, because it had been submitted as a householder application rather than a full application and the stable block did not sit within the residential curtilage. The full application was later scheduled to be heard by the Planning Committee at its meeting on 19<sup>th</sup> May 2011 and a Committee site visit was undertaken. However, the application was withdrawn from the meeting after further legal advice that the red-lined site area did not include all of the parkland to the west of Lower Park (within the ownership of the applicant) and yet there was a clear link to this area being used by the horses. The application was then further amended to include the change of use of the parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park (excluding for riding or exercising within the parkland). The application was scheduled to be heard by the Planning Committee one further time in June, but was withdrawn again following comments to the proposal from English Heritage, pending further consideration on the siting and design.



- 1.3 The latest proposals were submitted as a response to the comments of English Heritage. A revised DAS, Heritage Statement, and Arboricultural Method Statement were submitted with the drawings. The Local Planning Authority has undertaken a full consultation and notification procedure in respect of the revised proposals. *(Comments received to in respect of the earlier proposal have been referred to where they are still relevant).*
- 1.4 An application for the demolition of a derelict structure within the cartilage of the listed house has been submitted in tandem with the full application, and is the subject of the following report.

## **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 Lower Park a listed building. The architectural style of the proposed stable complex, as amended, more truly reflects the character of the listed building. The application is considered to be acceptable in its own right and having regard to this setting, and is recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The application site comprises a large listed house and private residential grounds, within a private parkland setting. The main house is a Grade II listed building, constructed of gault grey bricks and slates. The domestic garden to the property is generally to the north and west of the house, and includes a tennis court to the northwest and a large detached garage to the west. The garden is demarcated from the parkland to the west by the tennis court, a line of conifers and birches and, a low post and wire fence. To the north of the house and garden is an established belt of mature trees, which continue down the eastern side of the garden and separate the house from private parkland to the east, across which runs the Essex Way. The parkland to the west of the house is demarcated from the Colchester Road and a footpath to the north, known as Pennypot, by a line of the trees and there also mature individual specimen trees within the parkland. Vehicular access to the property is from Colchester Road to the West, with a long private drive finally approaching the house from the south. This drive also serves Park House and Lower Park Cottage (listed and 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 two single storey buildings to provide private stabling for up to 3 horses and associated carts/trailers, tractor store and feed store, together with a private outdoor swimming pool and the use of land within the ownership of the application for the keeping of horses. The amended proposals for the stabling and storage buildings are of conventional single storey height constructed of feather-edged boarding and grey gault bricks with a slate roof. The buildings, in contrast to the earlier proposals, face toward the domestic garden of Lower Park, with a fenced and gated compound enclosing a brick paved yard and providing separation from the garden. The buildings and courtyard in part lie

within the domestic garden but also within the adjacent parkland. These changes have been made to follow the advice of English Heritage. In addition, the advice to attempt to reference local architect Raymond Erith has also been taken onboard in the design of the equestrian buildings. An outdoor swimming pool is also proposed, sited entirely within the domestic garden, with a new path linking this to the nearest of the two proposed buildings, where indoor changing facilities are provided. The other main aspect to the proposal relates to the change of use of the parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park (excluding for riding or exercising within the parkland).

- 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 partly 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 An amended Design and Access Statement (DAS), Heritage Statement and Arboricultural Assessment were submitted with the revised proposals. A Landscape Impact Assessment was also submitted with the original proposal. Members wishing to learn more about the approach taken are directed to these supporting documents.

## **5.0 Land Use Allocation**

- 5.1 The site is within the Dedham Conservation Area, and within the Area of Outstanding Natural Beauty. In addition to these protective measures, Lower Park is a Grade II listed building sited outside the settlement boundary of Dedham. There are also two TPOs, 06/99 and 15/63.

## **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  
Dedham Village Design Statement

## **8.0 Consultations**

- 8.1 The Environment Agency have no objections to the proposal subject to a planning condition with regard to a scheme being submitted to prevent pollution of the water environment. The response advised various pollution preventive measures necessary in order to protect surface and ground waters from pollution.
- 8.2 The Dedham Vale Society objected to the proposal as contrary to DP22 and DP24, because it does not make a positive contribution to the special landscape character, nor support wider environmental, social and economic objectives as required by the Dedham Vale AONB and Stour Valley Management Plan.
- 8.3 The National Trust stated its concern regarding the cumulative impact of applications of this kind leading to a gradual degradation of the AONB, the difficulty of providing all year round screening, and the impact of lighting and fencing.
- 8.4 CPREssex objected to the proposal as contrary to DP22 and DP24.
- 8.5 The Suffolk Preservation Society objected to the application as contrary to DP14 and DP22 and national policies within PPS5 and PPS7. The country house has historically stood in isolation from the service complex to the south of the access road and this proposal adversely affects the historic setting of the listed building and the parkland and conservation area setting.
- 8.6 Environmental Control recommended conditions be imposed requiring the stables to be used for domestic purposes only and a scheme for the storage and disposal of manure to be submitted and approved by the LPA.

- 8.7 The Design and Heritage Unit stated, the latest drawings reflect the negotiation and direct engagement of English Heritage with our design officer. The scheme now shows a revised layout and placing of buildings that have a lesser impact on the AONB and maintain, if not improve upon, the required relationship and subordinate relationship to the house. The revised design of the two new buildings provides two distinct and well considered forms of outbuildings that are appropriate to the age and style of the main house. The amendments offer many improvements over previous versions and there is much to support from a design and layout perspective.
- 8.8 The Tree Officer agreed to the arboricultural content of the proposal subject to the retention of an arboricultural consultant to monitor the works and appropriate conditions.
- 8.9 The Landscape Officer stated, Colchester Borough's Landscape Character Assessment (CB LCA) identifies the attractiveness of Dedham as a 'key characteristic' (further supported under LDF policies DP22 (i & ii) & DP24 (iii)), to which the parkland setting of Lower Park forms a valuable element. It goes on to identify a strategic objective to conserve and enhance the landscape and identifies horse paddocks as potentially visually intrusive. Any fragmentation of the parkland associated with the development through increased equine usage (e.g. fencing or taping off) would necessarily have considerable visual impact as well as landscape impact; it is recommended therefore that this be conditioned against in order to retain the integrity and character of the parkland. However it is noted that the proposed development now encloses and screens the stable yard from the parkland and includes proposals to improve the parkland setting of Lower Park itself, principally through the planting of new/replacement parkland trees it could be argued this will help to meet the requirement of the policies and guidelines.
- The proposed parkland planting will need to be revised and confirmed as principally comprising well set single specimen trees characteristic to parkland setting rather than (or in addition to) the proposed woodland blocks, with the layout and detail implementation specifications addressed under planning condition rather than at application stage within the Westover Woodlands report and confirmation that these will be in accordance with the Council's standard landscape guidelines.
- Any lighting associated with the development confirmed within the DAS as being 'in accordance with E1 of the Institute of Lighting Engineers Guidance notes for the obstruction of obtrusive light'.
- In conclusion, I am satisfied with the landscape content of the proposal subject to the above. Recommend landscaping conditions."
- 8.10 English Heritage comments will be reported if received, however they have previously advised that they did not need to be reconsulted and may therefore not respond. It should be borne in mind that they have been involved in the negotiated amendments to the stable block after they previously recommended that the scheme as originally submitted should not be granted planning permission. At that time, English Heritage were stating that there is an obligation under section 72 of the 1990 Planning Act to consider whether these buildings, enclosures and surface changes would preserve or enhance the character or appearance of the conservation area. English Heritage previously considered that in their present location (since altered), and as laid out and designed (now amended) they would fail this test. They suggested that the uses proposed which include stables, cart lodge, tack rooms and haylofts are building forms in their own right. Rather than disguising them partly as a cereal barn (as originally

proposed), a considered design that related more to the character of the house and the parkland in terms of forms, details and materials would be more appropriate. Accordingly they recommend that further consideration be given to the above aspects of the proposal. Since these comments, they have directed the applicant to explore the work of Dedham architect Raymond Erith and to reference some of his styling.

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:

“The building is more suitable to fit within the setting of the garden of Lower Park but we still retain concerns that the stables are on what was originally part of Lower Park. We are still of the opinion that this could have been retained within the garden sited possible closer to the swimming pool. *(Officer Comment: see main body of report)*

The disposal of waste products from the stables is not mentioned or referred to on the drawings we have concerns regarding the control of pollution into the adjacent ditch/pond and thus on into the Blackbrook. We require assurances that all environmental agency conditions are adhered to in this case. *(Officer Comment: Environmental Control and the Environment Agency recommended that these be subject of planning conditions – see condition nos. 3-5);*

Regarding the demolition of the part remaining out-building we have expressed our opinion in the previous application.

We require a condition if approved restricting the use of both structures to equine use singularly and solely to insure no other use can be made of the buildings. *(Officer Comment: see condition 6)*

If all the above matters can be resolved we have no further objections.”

## 10.0 Representations

10.1 Six representations in support of this application were received to the amended proposals and objections from, or on behalf of 2 parties (and a further 5 objections were received to the original proposal). The following issues were raised by the objectors:

1. The proposed built development could not be described as minor domestic development and is therefore non-essential development in the AONB. The amended proposals increase the footprint of the buildings. In particular size of machinery building not adequately justified.

*(Officer Comment: The stables and storage building are intended for the private use of the occupants of the house. Their impact on the AONB is considered further in the main body of report)*

2. The proposed building will be visible from the road, from National Trust land, Lower Park Cottage and other properties. Recent works to trees on the Colchester Road will have increased visibility into the site, particularly in winter months.

*(Officer Comment: see main body of report)*

3. Loss of trees;  
*(Officer Comment: The trees to be removed are a line of conifers and silver birch that do not reflect the parkland character of the site and arguably detract from the AONB)*
4. No consideration to alternative positions; for example the stables could be located to the north of the tennis courts closer to the access from the High Street.  
*(Officer Comment: see main body of report)*
5. Changing rooms would better be located by the pool than in the parkland.  
*(Officer Comment: this would introduce an additional new building closer to the listed house)*
6. Post and rail fence on western boundary will have an urbanising influence.  
*(Officer Comment: a post and rail fence is considered as an appropriate demarcation between the parkland and the domestic grounds of the house. Further details of enclosure are required to be submitted as part of condition 11)*
7. Unclear of the rationale behind octagon planting areas; these are not typical of existing parkland.  
*(Officer Comment: The landscape Officer agrees that single specimen trees are more appropriate. Further details of new planting are required to be submitted as part of condition 11)*
8. The derelict structure was only ever a hardstanding with a portable summer house (which was later relocated); it should not form a justification for allowing the new building.  
*(Officer Comment: The structure has no visual merit or usefulness and detracts from the parkland and AONB)*

10.2 Although not raised by objectors to the latest revisions, the following additional representations were previously raised:

9. Smells from horse manure; no details of mobile trailer for storage of horse manure;  
*(Officer Comment: Environmental Control and the Environment Agency have suggested this is dealt with by condition – see condition 5)*
10. Waste water from the pool and stables should not discharge into neighbouring drainage system;  
*(Officer Comment: The Environment Agency has recommended conditions be imposed to prevent pollution of the water environment and to control surface water drainage – see conditions 3 and 4)*
11. Impact of lighting in the countryside;  
*(Officer Comment: This is controlled by condition 17)*
12. The Heritage Statement/ Statement of Significance primarily explains the significance of Lower Park and largely ignores the Conservation Area, the parkland, Park House and Lower Park Cottage. The parkland forms part of the historic setting of Lower Park and the impact on the parkland has not been properly assessed.  
*(Officer Comment: see main body of report. The Statement should be proportionate and the LPA consider that this in conjunction with the Landscape Assessment are sufficient to understand the potential impact of the proposal on the heritage assets)*

- 10.2 A Heritage Impact Assessment was previously submitted by Purcell Miller Tritton on behalf of one of the objectors (Mr de Muscote Morris). The report concludes that the proposed development will have a moderately adverse impact, as the location of the buildings as well as their typology will detract from the setting of the main house and parkland. A copy of the full report and conclusions are available on the Council's website.

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 Air Quality**

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

## **14.0 Report**

### Policy Principles

- 14.1 Policy HE6 of Planning Policy Statement 5 for the Historic Environment (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.
- 14.2 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'.

- 14.3 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'.
- 14.4 LDF Policy DP24 supports proposals for equestrian development where they are related to existing dwellings, are satisfactory in scale and in keeping with the location and surroundings and do not have a detrimental impact on local landscape character.
- 14.5 The Village Design Statement refers to several houses being built within the nineteenth-century in the then fashionable white brick with slate roofs. Some of the larger houses of this period (e.g. Lower Park) involved extensive alterations and additions to earlier houses. The Statement indicates in general that any new building should be on a scale that does not intrude upon the surrounding environment and should be designed to the highest standard, drawing on the local vernacular and using traditional materials in keeping with other historic buildings in the area.

#### Design of Amended Proposals

- 14.6 The changes made to the design of the new buildings follows on from the comments of English Heritage to the original design. English Heritage suggested that "the uses proposed which include stables, cart lodge, tack rooms and haylofts are building forms in their own right. Rather than disguising them partly as a cereal barn, a considered design that related more to the character of the house and parkland in terms of forms, details and materials would be more appropriate".
- 14.7 The amended proposals for the stabling and storage buildings are of conventional single storey height constructed of feather-edged boarding and grey gault bricks with a slate roof. This more classical building style better reflects the architectural style and materials of the historic building (Lower Park). The reduction in height terms from the previous one-and-a-half storey building also helps to reduce their visual impact on the setting of the house and the park. The re-orientation of the buildings and their associated courtyard, so that they face toward the garden of Lower Park helps to hide the view of carts and trailers from the parkland.

#### Impact on the Grade II Listed Buildings

- 14.8 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). The list description for Lower Park describes this as an early nineteenth-century house of complex plan, built in grey gault brick laid in English bond with slate roof, of 2-storeys with attics and round-headed dormers; the southern elevations being much altered.



- 14.9 The proposed buildings will be positioned at least 40m from the house (and the outdoor swimming pool 35m away). The intention is that one building provides stabling for 3 horses, with an associated tack and feed store. The other building provides storage for a tractor, carts and trailers, and changing facilities associated with the outside pool area. The detailing of the buildings is considered appropriate to the main listed house.
- 14.10 The DAS stated that the separation distance (*from the listed building*) and the layout ensure that the proposal does not compromise the listed building or detract from it. The presence of equestrian related buildings is entirely appropriate to a house of this significance. The Council's DHU concur with this approach, stating that they will have an appropriately subordinate relationship to the house. Likewise, the swimming pool appears in a discreet place'.
- 14.11 The Statement of Significance received from the specialist, on behalf of the applicant, advised that the south and east elevations of the house have greater historic interest. The proposal relates to land to the northwest of the house. Inappropriate tree planting in the form of a line of leylandii conifers and silver birches on the edge of the garden curtilage to Lower Park will be removed to make way for the proposed stable and storage building. A small group of trees will be retained, situated between the proposed building and the house. These help to ensure that the proposed building will be discreetly situated in relation to the main house; the proposed building will in fact be at least 40m from the house (and the outdoor swimming pool 35m away). The Council's Conservation Officer has indicated the proposed buildings are appropriate to the house and the parkland/conservation area setting.
- 14.12 The proposed building would also be sited 100m from the Coach House and further to the garden wall to the south. Another 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. Given the traditional form of the buildings and its distance from the original listed buildings, 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.

#### Impact of Proposed Built Development on the Conservation Area and Dedham Vale AONB

- 14.13 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; some of the most attractive attributes of the Dedham Vale AONB are the extensive vistas especially from the valley sides, across large fields bounded mainly by hedges, areas of woodland, and scattered houses and farms.

- 14.14 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 appropriate in a pastoral setting.
- 14.15 The proposed buildings are situated primarily within and on the edge of the parkland (together with much of the courtyard and an extension to the access drive). The Conservation Officer previously commented the proposed stable block will be visible across the parkland from the private drive (which connects Lower Park, Park House and Lower Park Cottage with the Colchester Road) and that additional tree planting within the parkland would help to filter these views. The Conservation Officer subsequently acknowledged that the reduced building heights would reduce their visual impact on the setting of both the house and park. However, other development such as the erection of fences could potentially compromise the setting of Lower Park and should be controlled by condition. Whilst the remainder of the parkland is intended for mixed use (agriculture and the keeping of up to 3 horses), it is not the intention to divide this area into separate paddocks. This matter is dealt with by condition 16, which imposes appropriate controls over this area.
- 14.16 There are a number of public footpaths within the vicinity of the application site, as well as Colchester Road to the east. 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 a path which connects the Essex Way with the Colchester Road 300m to the south of the proposed building. Tree belts lie 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.
- 14.17 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.

- 14.18 Some comments received have 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. 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; condition 17 requires full details to be submitted.
- 14.19 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. The proposed works include an extension to the access drive from Lower Park to the proposed stable block. This involves part of the access drive being taken into the existing parkland, around a small group of trees to be retained within the garden curtilage, so as to ensure tree roots are not damaged by compaction. The drive will be enclosed from the parkland by a post and rail fence and will have little material impact on the parkland setting.
- 14.20 It is acknowledged that there will be glimpses of the proposed buildings 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 buildings are of traditional design and relate well to the design of the principal building and will therefore appear as appropriate structures within the landscape. The Conservation Officer advised that the proposed development would not have a significant impact on the wider setting of the Dedham Conservation Area. It is the Officer recommendation that the proposal will be sympathetic to the character and appearance of the Conservation Area and the AONB. As such the proposal will comply with LDF Policies DP14, DP22 and DP24.
- 14.21 One of the comments received was that there has been no consideration for alternative positions, such as to the immediate north of the tennis courts, close to an established access leading from Dedham High Street to an entrance on the northern boundary of the parkland. An alternative location has not specifically been considered by the application submission; however, Officers have considered this as part of on-going consideration of the application. Positioning the buildings on the open lawns, immediately to the north of the listed house would have a much greater impact upon the setting of the listed house (whereas in the location as proposed, the new buildings will be partially screened from the main house by an existing group of mature trees to be retained). A wide belt of mature trees lie immediately to the north of the tennis court, which prevent development here. Moving more to the northwest of the tennis courts, there is an old access point connecting the parkland with Dedham High Street, but this is much further from the house and would increase the length of the internal access through the parkland. A tighter relationship between the proposed built development and existing buildings is considered preferable (subject of course to this respecting the setting of the listed buildings). There is also parkland to the east of the house, but this is in clear view of the Essex Way and would not be acceptable. The location as proposed straddles the boundary between the domestic grounds of the house and the parkland boundary, which is a logical location for horses that will graze the parkland and allowing ease of access for the occupants of the house. It requires

the removal of a line of conifers and silver birches, but these are inappropriate trees for the parkland location. The location as proposed appears to Officers to be the most desirable.

#### Impact of the Change of Use on the Parkland Setting

- 14.22 The Council has accepted that there are legal precedents for considering the keeping of horses on land as a non-agricultural use. The amended application revises the position of the red line to include the parkland to the west of Lower Park within the application site and amends the description of the application to include change of use of the parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park, excluding riding or exercising within the parkland. Planning Policy Statement 7 (PPS7): "Sustainable Development in Rural Areas", paragraph 32 states that 'horse riding and other equestrian activities are popular forms of countryside that can fit in well with farming activities and help to diversify rural economies'. Although this use is not a business activity, the principle of suitability to rural areas remains the same.
- 14.23 The Council's Landscape Officer has referred to Colchester Borough's Landscape Character Assessment (CB LCA). This identifies the attractiveness of Dedham as a 'key characteristic' to which the parkland setting of Lower Park forms a valuable element. It goes on to identify a strategic objective to conserve and enhance the landscape and identifies horse paddocks as potentially visually intrusive. Any fragmentation of the parkland associated with the development through increased equine usage (e.g. fencing or taping off) would necessarily have considerable visual impact as well as landscape impact. The Landscape Officer recommended therefore that this be conditioned against in order to retain the integrity and character of the parkland. The CB LCA also within its management guideline looks to 'conserve and restore pasture'; the proposed development appears to impact quite strongly visually on the pasture area of the parkland and will, under condition, at detail stage require filter screening to reduce this dominance. Also under condition the proposed parkland planting will need to be revised to single specimen trees characteristic to parkland setting and any lighting associated with the development confirmed as according with E1 of the Institute of Lighting Engineers Guidance notes for the obstruction of obtrusive light.
- 14.24 PPS7 paragraph 21 advises that the conservation of the natural beauty of the countryside should be given greater weight in development control decisions in areas such as AONB's. Whilst the application includes the change of use of the parkland to a mixed use (to include agriculture and the keeping of up to 3 horses), it does not propose its division into smaller paddocks, nor does it propose an outdoor manege or jumps or indeed any form of riding, which are elements that can potentially be more damaging to the natural beauty of the countryside. These elements are in any case controlled by proposed condition nos. 16 and 17.

## **15.0 Conclusion**

- 15.1 Objections have been received to the effect that the Heritage Statement and/or Statement of Significance do not adequately consider the impact of the proposal upon the listed buildings and the parkland setting and the wider Conservation Area. Such a Statement 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 asset. The Council has considered the Statement of Significance submitted along with the Landscape Assessment and considers they are sufficient.
- 15.2 The proposed stable and storage building is of traditional form and design and is to be sited at least 40m from Lower Park and a further distance from Park House and Lower Park Cottage. The proposed building is partly within a parkland setting, with characteristic mature single specimen trees and other belts of trees along its margins. The proposal will remove a line of trees that are inappropriate to the parkland setting and provide new specimen planting. 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 built development is considered to be sympathetic and appropriate and more specifically will either preserve or enhance the landscape qualities of the Conservation Area and the AONB. Furthermore, the proposed change of use of the parkland to a mixed use to include the keeping of up to 3 horses is considered acceptable as it will not fragment the parkland into separate paddocks and is not for the exercising or riding of horses.
- 15.3 It is considered that the proposal will have an acceptable impact upon the heritage assets at Lower Park and will not adversely affect the character, quality views and distinctiveness of the AONB or threaten public enjoyment of these areas. The officer recommendation is therefore one of approval.

## **16.0 Background Papers**

- 16.1 PPS; Core Strategy; CDBP; SPG; NR; DVS; NT; CPRESsex; Suffolk Preservation Society, HH, DHU, AO, TL; EH; PTC. NLR

## **17.0 Recommendation - APPROVE subject to the following conditions**

### **Conditions**

1 – A.15 (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 drawings, unless otherwise agreed in writing by the Local Planning Authority. The approved drawings include the amended site plan received 08.06.2011, 5192/03R (site layout as proposed) dated 30.10.11, 5192/03R (GREEN) (area of parkland lost to development) dated 30.10.11, 5192/03/LANDP (planting and landscaping) dated 01.11.11, 5192/03/TEMPP (temporary works site plan) dated 01.11.11, 5192/08G (elevations) dated 31.10.11, 5192/09G (elevations) dated 31.10.11, and 5192/10G (floor plans) dated 30.10.11. 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 and shall thereafter be retained.

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 and shall thereafter be retained.

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

## 5 - A4.5 (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 in writing 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 a maximum of three 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 known as Lower Park. 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 - 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, and within the vicinity of the proposed areas of construction, 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.

#### 8 - 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.

#### 9 - 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, within the vicinity of the proposed areas of construction, 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.

#### 10 – 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.

#### 11 - C11.11 (Landscape Design Proposals)

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

- Existing and proposed finished contours and levels.
- New fence enclosures.
- Surface treatment for the new access and stable courtyard.
- Other vehicle and pedestrian access and circulation areas.
- Hard surfacing materials associated with the pool.
- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting).
- Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes, supports etc.).
- Retained historic landscape features and proposals for restoration.
- Soft landscape details shall include:
  - Planting plans.
  - Written specifications (including cultivation and other operations associated with plant and grass establishment).
  - Schedules of plants, noting species, plant size and proposed numbers/densities.
  - Planting area protection or decompaction proposals.
  - Implementation timetables.

And, notwithstanding any indication to the contrary in the application submission, the proposed parkland planting will need to be revised as principally comprising well set single specimen trees characteristic of the parkland setting.

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

#### 12 - C11.12 (Landscape Works Implementation)

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

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

#### 13 - C11.17 (Landscape Management Plan)

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

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

#### 14 - 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 the nearby listed building and the adjacent parkland and Conservation Area setting.

#### 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), the parkland area (as shown hatched black on the returned plan) shall be used solely for mixed use comprising agriculture and the keeping of horses for the private and personal enjoyment of the occupants of Lower Park.

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



#### 16 - 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 riding or exercising of horses shall take place within the parkland, no jumps or other paraphernalia shall be installed, nor shall any form of paddock fencing or taping-off be constructed or provided within the parkland, without the prior approval in writing of the Local Planning Authority.

Reason: In accordance with the application documentation submitted and to prevent the fragmentation of the parkland and thereby to safeguard the setting of the listed building and the Conservation Area.

#### 17 - 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.

#### 18 – Non Standard Condition

Prior to the first use of the development hereby permitted the existing block building (shown on drawing no. 5192/03/LANDP) shall be demolished and all materials resulting therefrom shall have been completely removed from the site to the satisfaction of the Local Planning Authority.

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

#### 19 – Non standard Condition

The buildings hereby permitted shall be used solely for the purposes stated within the application and shall not be converted to any form of human habitable accommodation.

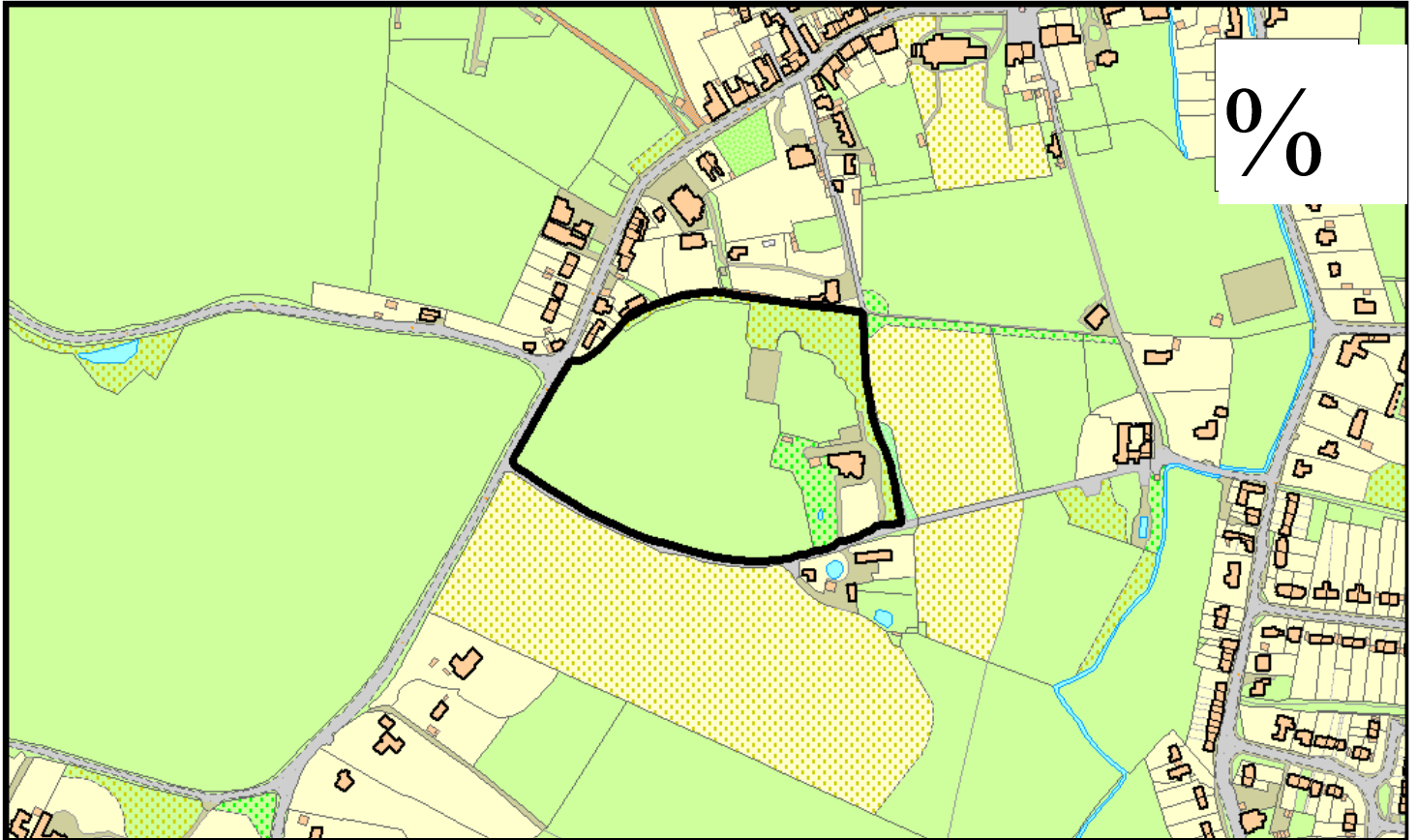
Reason: In the interest of local amenity.

### **18.0 Informatives**

(1) With respect to condition no. 3 and 4 above, the applicant/developer is referred to the advice in the Environment Agency letter dated 16 January 2012 (appended to this planning permission), which sets out the pollution prevention measures that are necessary for this proposal in order to protect surface and ground waters from pollution. It is an offence to pollute surface and/or ground water under the Water Resources Act 1991.

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

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



**Application No:** 101543

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

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

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#### 7.4 Case Officer: Simon Osborn

## OTHER

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

**Application No:** 101543

**Date Received:** 29 March 2011

**Agent:** Mr Bryn Jones

**Applicant:** Mrs Anne Fletcher

**Development:** Conservation area consent for the demolition of part-remaining outbuilding. .

**Ward:** Dedham & Langham

**Summary of Recommendation:** Conditional Approval

### 1.0 Planning Report Introduction

1.1 This application is for conservation area consent to demolish the remaining part of an outbuilding within the grounds of Lower Park. The application is brought to the Planning Committee in conjunction with application 101541, because objections have been received to the proposal and the item was originally received prior to changes to the scheme of delegation.

### 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 within the domestic curtilage of a Grade II listed building. The removal of the remains of this concrete structure 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 conservation area consent application is the proposal to remove the remains of a concrete block detached outbuilding.

## **5.0 Land Use Allocation**

- 5.1 The building sites within the Dedham Conservation Area and Area of Outstanding Natural Beauty. The host dwelling, Lower Park, is a Grade II listed building 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 - Full planning application for change of use of parkland to mixed use including agriculture and the keeping of up to 3 horses by residents of Lower Park, excluding riding or exercising within the parkland. The erection of a stable block with storage building and associated access and the construction of a swimming pool – Application reported on this agenda.

## **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 Council's Design and Heritage Unit considered that the proposed demolition was acceptable.
- 8.3 Tree Officer – no objection to the work subject to similar arboricultural conditions as the main report (101541).

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 commented on the replacement structures associated with application 101541, but have stated on the demolition works related to this application that:  
"Regarding the demolition of the part remaining out-building we have expressed our opinion in the previous application". These comments expressed concern that the cedar tree was adequately protected during the works.

## **10.0 Representations**

10.1 Most of the representations received appeared to relate to the application for planning permission 101541 for this site. The following comments related more specifically to this application:

1. The structure was a series of bays for storage of compost etc. on a pre-existing base, rather than an outbuilding. There is no objection to its removal but it should not form a quid pro quo for the new application building.

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 Air Quality**

13.1 The site is not in an air quality management zone.

## **14.0 Report**

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

14.2 The application has been submitted for the demolition of part of an outbuilding. The former owner of the house disputes that it was an outbuilding and maintains it was a series of bays for composting. The precise purpose and origins of the structure cannot be ascertained from what remains, except that it was a structure formed from concrete blocks and that it is within the domestic curtilage of Lower Park, and having a footprint of 12m by 6m. 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.

14.3 Appropriate tree protection measures are required to be put in place, in line with the requirements for protecting the trees whilst works to implement the development subject of 101541 in the previous report. This is dealt with by the planning conditions.

## **15.0 Conclusion**

15.1 The remains of this structure have no merit and there is no objection to its removal

## **16.0 Background Papers**

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

## **17.0 Recommendation – Approval subject to conditions**

### **Conditions**

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

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

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

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

No work shall commence on site (including the demolition of the part remaining outbuilding) until all trees, shrubs and other natural features shown to be retained on the approved plans, are safeguarded behind protective fencing to a standard to be agreed by the Local Planning Authority (see BS 5837). All agreed protective fencing shall be maintained during the course of all works on site. No access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

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

3 - 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.

4 - C10.18 Tree and Hedgerow Protection: General

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

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

## 5 - Non-Standard Condition

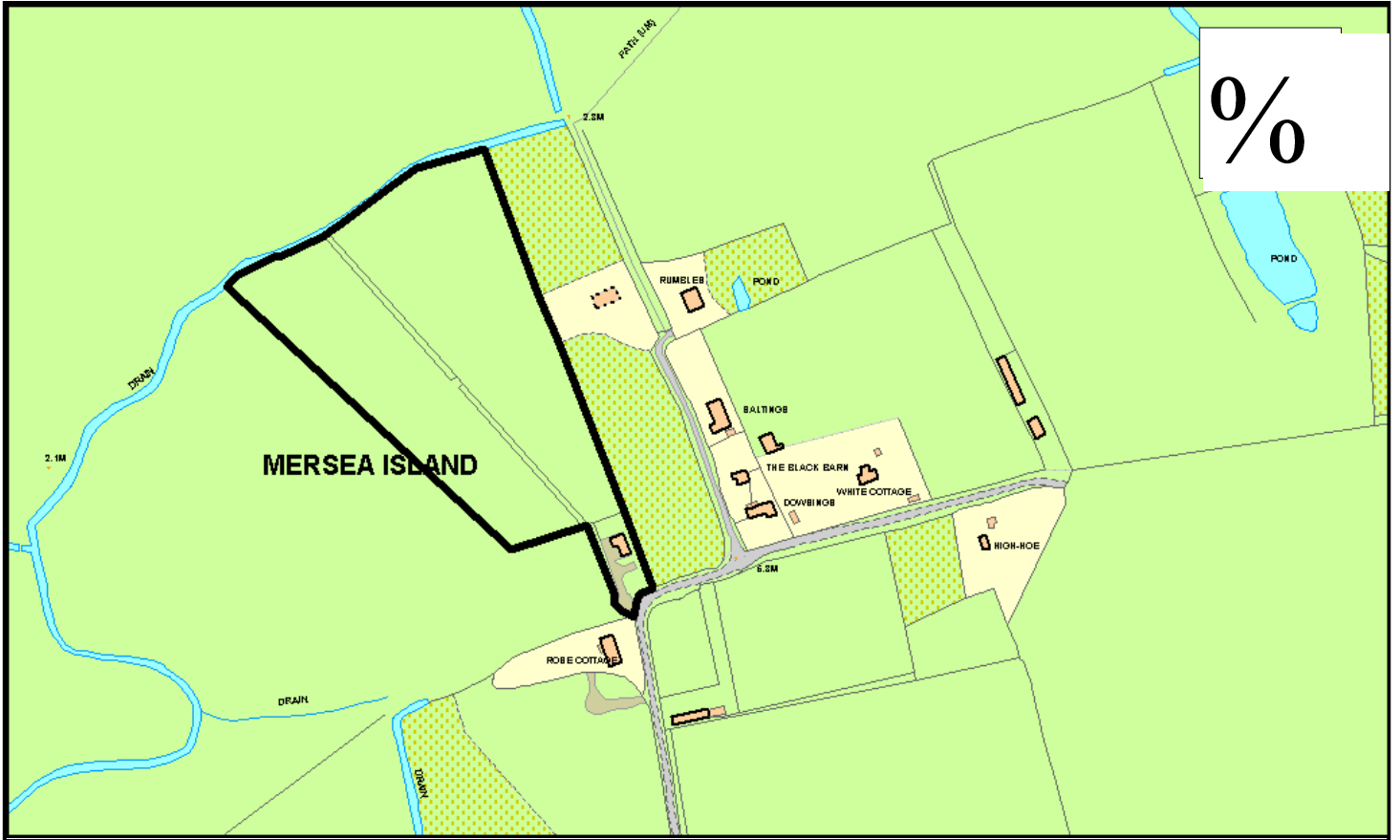
The construction shall take place solely in accordance with the terms of the Methodology Statement received, which forms part of this permission, and no other works shall take place that would affect the trees unless otherwise agreed in writing by the Local Planning Authority.

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

### **Informatives**

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

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



**Application No:** 111468

**Location:** Fishponds Field, Shop Lane, East Mersea, Colchester

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

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**7.5 Case Officer: Nick McKeever****OTHER****Site:** Fishponds Field, Shop Lane, East Mersea, Colchester**Application No:** 111468**Date Received:** 18 August 2011**Agent:** Mr Edward Gittins**Applicant:** Mrs H Hoy**Development:** Change of use of land from agricultural land to mixed use comprising agriculture and private equestrian use. Erection of an agricultural barn for the storage of hay and agricultural machinery.**Ward:** Pyefleet**Summary of Recommendation:** Conditional Approval**1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee because of objections from local residents.

**2.0 Synopsis**

2.1 This application seeks permission to regularize an existing use of land for the keeping of horses owned by the Applicant. It also seeks permission for the erection of a new building as part of the agricultural use of land at Fishponds. No objections are raised to the keeping of the horses given that the land currently has planning permission for stables and a manege. The design agricultural building is sympathetic to its rural setting. Its location relates in a satisfactory manner to the existing stables and is not considered to have an unacceptable impact upon visual or residential amenity. It is on this basis that permission is recommended subject to appropriate conditions.

**3.0 Site Description and Context**

3.1 The site is an area of undulating grassland/ paddocks towards the top of Mersea Island, with access off a sharp bend toward the end of Shop Lane, which continues as a track and public footpath to the east of the application site (separated by a 20m belt of Scots pines). To the west of this track/footpath are 3 dwellings (Rumbles, Saltings and Dowsings). There is also a footpath running west along the south side of the blue edged land. Within the site is an existing stable block and manege. To the east of these and the proposed barn is a 20m wide belt of Scots pines.

## **4.0 Description of the Proposal**

4.1 The application consists of two elements:-

- A retrospective application to regularise the use of the paddocks for the keeping of horses for recreational use. Planning permission was granted in 2004 for the erection of stables on the site. This was followed in 2009 by a permission to extend the stables and for the creation of a manege. These applications were for a private equestrian use rather than for any commercial use.
- The erection of a barn in connection with the agricultural use of the land for the production of hay and storage of related machinery (tractor, hay cutters, turner/raker and bale carrier).

## **5.0 Land Use Allocation**

5.1 Mersea Island/Abberton Reservoir 2 Kilometre Consultation Zone/ Coastal Protection Belt/Flood Risk Zone 2 & 3

## **6.0 Relevant Planning History**

6.1 110452- Agricultural Determination - Application for prior notification of agricultural or forestry. Treated as being withdrawn

6.2 102244 - Erection of barn for the storage of agricultural machinery. Refused 13/01/2011.

6.3 102491 - Extension to stable hay store and erection of six manege lights. Refused 24/01/2011

6.4 090668 - Alterations and extensions to existing stable block and erection of manege. Approve Conditional - 12/08/2009

6.5 COL/04/1082 - Erection of stables. (Resubmission of F/COL/04/0402) - Approve Conditional - 11/08/2004

6.6 F/COL/04/0402 - Erection of stables - Refuse - 27/04/2004

6.7 K/COL/03/1503 – Certificate of Lawfulness - Erection of one 12ft x 30ft field shelter. - Refuse Certificate of Lawful Use - 21/10/2003

## **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 9: Biodiversity and Geological Conservation  
Planning Policy Guidance 20: Coastal Planning  
Planning Policy Statement 25: Development and Flood Risk  
Planning Policy Statement 25 Supplement: Development and Coastal Change

- 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  
TA4 - Roads and Traffic  
TA5 - Parking  
ENV1 - Environment  
ENV2 - Rural Communities
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):  
DP1 Design and Amenity  
DP8 Agricultural Development and Diversification  
DP9 Employment Uses in the Countryside  
DP12 Dwelling Standards  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP19 Parking Standards  
DP20 Flood Risk and Management of Surface Water Drainage  
DP21 Nature Conservation and Protected Lanes  
DP23 Coastal Areas  
DP24 Equestrian Activities
- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:  
Extending your House  
External Materials in New Developments

## **8.0 Consultations**

### **8.1 Spatial Policy comment as follows:-**

“The application site is found within a countryside location, away from any defined settlement boundaries and is within the Coastal Protection Belt. The policies within the Colchester LDF are clear that development should be directed to appropriate areas within settlement boundaries or specific allocations and away from countryside areas which are to be protected from inappropriate development.

The site was subject to a recent application (reference 102244) which was refused in January 2011 because of the impact on the countryside and the coastal protection belt due in part to the size of the agricultural unit proposed (approximately 21m x 21m). The current application proposes a scaled down agricultural unit (approximately 19m x 10m) which is considered to meet the applicant’s operational needs but also reduce the impact the proposed agricultural development will have on the landscape and the surrounding countryside in this sensitive location.

Development Policies DP8 and DP9 both consider the construction of new agricultural buildings within the countryside and are in general support for agricultural development across the Borough. Policy DP8 outlines general support for new agricultural buildings in farm locations which are sensitive to their environment. Policy DP9(d) considers new rural employment buildings but outlines that proposals will only be supported in exceptional circumstances where there are no appropriate existing buildings and the need has been adequately demonstrated. The positioning of the agricultural barn adjacent to the wooded area on the eastern side of the application site and the reduction in scale demonstrates that the proposal is broadly in accordance with policies DP8 and DP9.

The application seeks to regularise the equestrian activity that currently takes place on the application site. The applicant's design and access statement outlines that stables and a ménage have been in operation for over seven years, however this facility does not appear to be related to an existing dwelling within the countryside as required in Policy DP24. The current stable block and regularising the use is unlikely to have a detrimental impact on the local character because it is relatively well screened from the closest road by established hedges and the wooded area adjacent to the application site. The ménage is likely to change the character of the area as a result of the increased fencing likely to be associated with a facility of this nature but this is likely to be satisfactory in scale (private use) and level of activity as prescribed in Policy DP24(ii) and perhaps could be conditioned to minimise the impact on the Coastal Protection Belt and countryside location.

The application site is remote and access is only available via a minor rural road which will help to keep the activity levels on this site to a reasonable level considering the isolated countryside location. The application provides for a functional agricultural barn and private equestrian activity which are broadly in accordance with the policies in the Colchester Local Development Framework as outlined above”.

8.2 Environmental Control has no objection.

8.3 The Landscape Officer has considered the supporting Landscape Impact Assessment (LIA) and considers this to be acceptable subject to the following amendment and appropriate conditions:-.

“As previously recommended any mitigation planting currently proposed within the Summary to the Landscape Impact Assessment as ‘a cluster of trees to augment the existing hawthorn hedge’ needs to be revised to read as:

‘Gapping up the existing native hedgerow with single species *Crataegus monogyna* hedging under *Quercus robur* trees introduced into hedgerow itself as a long term filter screen all along the red line boundary to reinforce and strengthen this boundary”

The Applicant has submitted an amended LIA to incorporate these requirements. On this basis the Landscape Officer is now satisfied with the Landscape content, subject to appropriate conditions.”

8.4 The Arboricultural Officer comments that there are no trees directly affected by the application so suggest adding conditions C22, 23 and 25.

8.5 The Highway Authority refer to their previous recommendation (110452) whereby they raised no objection.

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 has stated that it has no objection.

## **10.0 Representations**

10.1 A total of 11 objections have been received from local residents. The objections are summarised as follows:-

- Generation of traffic. The sale of the hay crop and possible equestrian events (e.g. gymkhana) would be likely to generate additional traffic.
- The storage of hay, together with the possible use to repair machinery, as well as the storage of red diesel, could represent a fire hazard
- This large building lends itself to conversion to a dwelling in the open countryside
- The equestrian use is contrary to policy unless there is an existing dwelling associated with the land
- Visual intrusion into the Coastal Protection Belt from the large building and the paddock fences. The grazed surface of the field will not provide any benefit to wildlife.
- The 2004 consent was personal to Mrs H Hoy. There is a discrepancy between this application and the previously submitted 'Report on Agricultural Need' whereby the owner of the land is stated as being Miss Emma Hoy.
- Unjustified building within the open countryside solely for the benefit of the Applicant with no benefit to the local community
- A previous application for a 9m x 4.8m x 3.5m hay store was refused
- The adjacent woodland, which is described as providing screening, is a 'plantation' and can be cropped thereby opening up views of the building. This plantation is not under the control or ownership of the Applicant.
- Any case that the development is reasonably required for the purposes of agriculture is challenged. The size of the agricultural land and the resulting hay crop is not considered to warrant this level of machinery. It is not an agricultural enterprise but a hobby and should be judged accordingly.
- If approved restrictions should be imposed upon the equestrian use e.g. no jumps, lights
- Adverse impact upon existing wildlife habitat
- The enclosed design is not appropriate for the storage of hay

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 application does not raise any on-site parking issues

## **12.0 Open Space Provisions**

12.1 N/A

## **13.0 Air Quality**

13.1 N/A

## 14.0 Report

14.1 There are two parts to this scheme:-

### **(1) The use of the parcel of land as paddocks for the keeping of the Applicant's horses**

14.2 There are two paddocks, which lie immediately adjacent to the existing stables and manege that are located on the south east corner of the site adjacent to the entrance to the site. The paddocks are enclosed by post and wire fencing. Beyond these paddocks is open agricultural land in the ownership of the Applicant. The residential properties to the east are separated from these paddocks by the 'plantation' referred to in the objections. Rose Cottage to the south is screened by an established hedgerow.

14.3 In this context it is considered that the use as paddocks does not have any significant impact upon the amenity of these neighbouring properties.

14.4 The use is one which is not out of character and is compatible with, the countryside location. There are other paddock areas within the locality (e.g. East Road at Bower Hall Farm).

14.5 The use is not for any commercial purpose but only for the keeping of the Applicant's own horses. Planning permission has previously been granted for stables to house these horses and for the related use as a manege. The use for private equestrian use can be secured by condition.

### **(2) The proposed new building**

14.6 This may be considered to be the more contentious part of the application in that it represents the erection of a building within the open countryside, and within the Coastal Protection Belt. In addition there has been a previously refused application for the erection of a building on this site for the same use (reference 102244). This refusal raised two concerns:-

- (1) The size of the building and its impact open the Coastal Protection Belt; and
- (2) Lack of justification to warrant this impact

#### Issue 1

14.7 Whilst the proposed building is to be located within a similar location to the previous scheme, there are two significant differences:-

The building has been reduced in size from approx. 21m x 12m x 6.76m to 19m x 10m x 6.25m. The design has also been amended from a fully gabled building to a hipped main range with a smaller gable midstrey. The building also has a relatively slack pitched roof. Whilst the reduction in size is relatively modest, the combination of these factors serves to reduce the visual impact. In terms of the external appearance, the building is to be clad in black horizontal weatherboarding and as such is in keeping with its setting.

The building is to be located in close proximity to the existing stables on the site rather than in a separate location. As such it reduces the incursion of the built development further into the coastal protection belt, and relates in a satisfactory manner to the existing stables and manege.

- 14.8 Unlike the previous application, this current submission is supported by a Landscape Impact Assessment. This LIA has been considered by the Landscape Officer. He is in agreement with the landscape aspect of this application subject to condition and a minor amendment. This has been addressed and the Landscape Officer is now satisfied in terms of the impact of the new building upon the landscape. The objections to this building include the adverse impact, which could be made worse if the adjacent tree screening along the eastern boundary is reduced or removed, given that they are not in the ownership of the Applicant. These trees are mature and, whilst they can not be considered as a permanent feature, no evidence has been submitted to show that they are to be removed. Notwithstanding this, there are existing buildings to the east of this 'plantation', which the building will viewed against rather than open countryside. This is a point that the Agent has made in his letter dated 19 October 2011.

### Issue 2

- 14.9 The previous application 110452 for prior approval was supported by a 'Report on the Agricultural Need' for the building. This information was not provided in support of the application 102244.
- 14.10 This document does provide information relating to the use of the land and the need for the building. This document confirms that the agricultural land is registered with DEFRA (Holding No.13/166/0050 with the principal use being the production of hay with overwintering of sheep. The production of hay (stated a being 1,000 bales in the Report) constitutes an agricultural use.
- 14.11 The building is to provide covered storage for this hay but also for the storage of equipment connected with this use and the maintenance thereof. The application and the previous Report refer to this equipment as being a tractor, hay cutter, hay turner, baler and bale carrier.
- 14.12 The Report also refers to the agricultural use as being carried out by the Applicant's daughter and her partner, and that the horses are their own horses. It is their intention to change the management of this land, where the hay crop was previously harvested by a neighbouring farmer and part of the crop bought back as required for their two horses. The hay crop will in future be harvested by the Applicants.
- 14.13 It is in this context that the objections refer to the discrepancy in the ownership of the land and the personal permission for the stables and manege.
- 14.14 In order to address this particular matter, the Applicant has now submitted an amended certificate of Ownership, Certificate B. This certificate states that the applicant has given the requisite notice to Miss Emma Hoy who, on the day 21 days before the date of this application, was the owner (owner is a person with a freehold interest or leasehold interest with at least 7 years left to run) of any part of the land or building to which this application relates.

14.15 The objections relating to increased vehicular activity are acknowledged. However, it is noted that the Highway Authority has not raised any objections to the proposal in as far as any potential intensification of the existing road network is concerned and associated impact upon matters of highway safety.

## **15.0 Conclusion**

15.1 The land at Fishponds has two uses. The first use is an agricultural use, being predominantly for the production of hay, but also the over wintering of sheep. The second use is an established private equestrian use with a stable block, a manege, and the keeping/grazing of horses.

15.2 Both of these uses are compatible with the location of the site within this area of open countryside.

15.3 The site is within the Coastal Protection Belt. As such it is important that any development related to these uses is sympathetic in scale and in terms of the design and location of any additional buildings. It is considered that this current application successfully addresses previously held concerns relating to the size and design of the proposed agricultural/storage building. Unlike the previous submissions the application is also supported by a Landscape Impact Assessment. This LIA has been considered by the Council's Landscape Officer and deemed to be acceptable.

15.4 It is in this context that the proposal is recommended for permission subject to appropriate conditions. The wording of condition 3 reflects the condition that was imposed on the planning permission reference 090668 and addresses the ownership matter raised in the report.

## **16.0 Recommendation – Conditional Approval**

### **Conditions**

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

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

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

2 - Non-Standard Condition

The development shall be carried out in accordance with the approved drawings numbers 1510C and 1510:04C, unless otherwise approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.



### 3 - Non-Standard Condition

The use of the land for the grazing and keeping of horses shall only be in connection with the private and personal enjoyment of the owners of the site. 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, as this is the basis on which the application has been submitted and the traffic generation of additional users would need further consideration, to ensure that the use does not cause harm to the amenity of the surrounding area.

### 4 - Non-Standard Condition

Samples of the external materials to be used in the development shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the approved development.

Reason: To ensure the use of appropriate materials and finishes having regard to the location of the new building within the open countryside.

### 5 - 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.

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

No work shall commence on site until all trees, shrubs and other natural features shown to be retained on the approved plans 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.

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

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

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

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

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

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

#### 9 - Non-Standard Condition

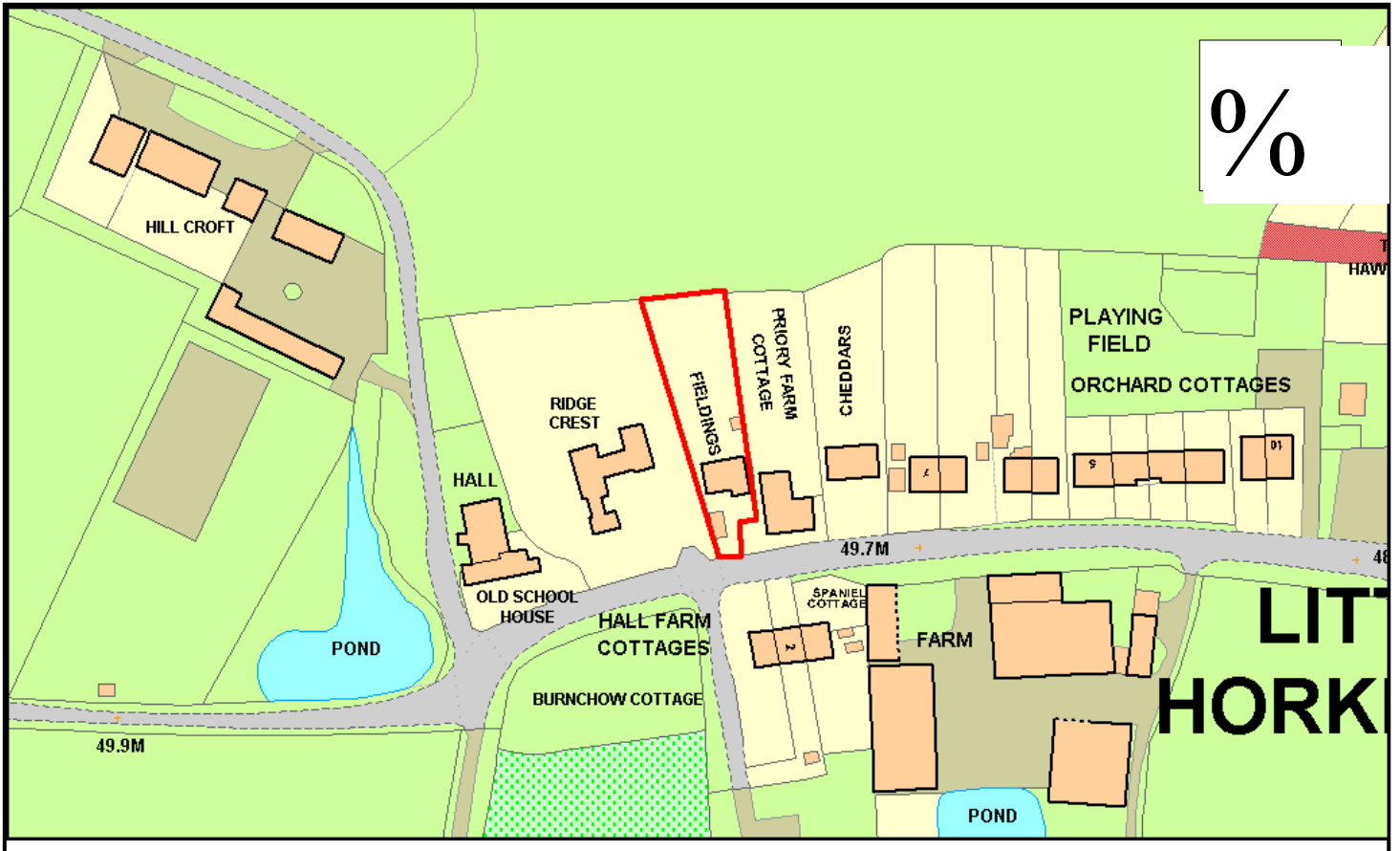
The new building hereby approved shall only be used in connection with the agricultural use of the land and for the storage of machinery used in connection with this agricultural use and not for any other purpose.

Reason: For the avoidance of doubt as to the scope of this permission and to protect the amenity of nearby residential properties and the area in general.

#### **Informatives**

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

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



**Application No:** 120158

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

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

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**7.6 Case Officer: Mark Russell**

**Due Date: 19/03/2012 HOUSEHOLDER**

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

**Application No:** 120158

**Date Received:** 23 January 2012

**Agent:** Mr Chris Exley

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

**Ward:** Fordham & Stour

**Summary of Recommendation:** Conditional Approval

### **1.0 Reason for Referral to the Planning Committee**

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

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

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

### **2.0 Synopsis**

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

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

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

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

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

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

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

5.1 Residential, Area of Outstanding Natural Beauty.

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

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

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

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

#### **7.0 Principal Policies**

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

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

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

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

#### **8.0 Consultations**

8.1 A response from the Highway Authority is 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 Parish Council Response

9.1 Little Horkesley Parish Council has responded as follows:

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

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

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

1: All development must be designed to a high standard, avoid unacceptable impacts on amenity .

(iii) Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour). daylight and sunlight."

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

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

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

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

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

## 10.0 Representations

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

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

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

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

## **11.0 Parking Provision**

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

## **12.0 Open Space Provisions**

- 12.1 n/a

## **13.0 Air Quality**

- 13.1 n/a

## **14.0 Report**

### Design and Layout

- 14.1 The proposed garage is in roughly the same location as the existing, but is slightly longer. The proposed dimensions are quoted at 5.39 x 6.628 metres, although this does not include the overhung roof; when this is added, the size is approximately 5.9 x 6.9 metres. The above measurements compare with the existing garage which is approximately 5.9 x 5.75 metres. This indicates no increase in width, but an increase of length of over a metre. This increase is spread between the front and rear.
- 14.2 The height is described 'as existing', although it is worth noting that the existing is shown as a pyramid roof which comes to a single point, whilst the proposal would have a ridge of 1.4 metres running parallel with Priory Farm Cottage.

### Impact on the Surrounding Area

- 14.3 The current building is rendered a light yellow to match the dwelling and the neighbouring house, and this reads as a group. The proposed colour and materials would deviate from this and read as a distinct element. However, this is not held to be a reason for refusal, especially as the choice of materials (black weatherboarding – which will be conditioned to be feather-edged) is a highly acceptable vernacular material in this rural setting. The proposed concrete tiles are not acceptable, but can easily be exchanged for clay pan-tiles or plain tiles by condition. Pan-tiles are held to be more appropriate as this is a single storey element. This palette of materials would contribute to the rural charm of School Road.
- 14.4 The arrangement does appear a little cramped in terms of spaces between buildings, but this is no different to the existing scenario.

### Impacts on Neighbouring Properties

- 14.5 A number of concerns have been raised from the neighbouring property and from the Parish Council. These related primarily to issues of loss of light and outlook from windows.

- 14.6 There are windows to the front and side at both ground and first floor level which stand to be affected. It is clear that there will be additional loss of light and outlook. However it is noted that these are generally secondary windows, with the main (south facing) windows to the front being unaffected.
- 14.7 Whilst it is noted that the proposal is close to the boundary of the neighbouring property, the proposal does not alter this arrangement, although it does take it half a metre across the secondary window of that house and totally hides the hitherto exposed top corner of a first floor window.
- 14.8 Whilst acknowledging that there is an effect on the amenity of the neighbouring property, in the above context the development is not held to be refusable on amenity grounds.

#### Highway Matters

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

#### Other Matters

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

### **15.0 Conclusion**

- 15.1 In conclusion, whilst noting the effect on the neighbouring property Priory Farm Cottage, and the change in materials, the proposal is held to be acceptable with conditions relating to materials and an informative that all works must take place within the site only.
- 15.2 This recommendation is in anticipation of the Highway Authority not objecting. If it does, then refusal is recommended.

### **16.0 Background Papers**

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



## 17.0 Recommendation

17.1 Delegate to Head of Planning Services subject to no objection to approve 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

With the exception of the following condition 03, the development hereby approved shall comply in all respects with the approved Project Number 12002, Drawing Number 02, unless otherwise agreed in writing by the Local Planning Authority.

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

3 - Non-Standard Condition

Notwithstanding the roofing materials quoted on the submitted drawings hereby approve, the roof materials shall be clay pantiles, of a type to be agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details.

Reason: In the interests of visual amenity as the selected materials are not considered to be acceptable.

4 - Non-Standard Condition

The weatherboarding shall be of a feather-edged type and have a black painted finish.

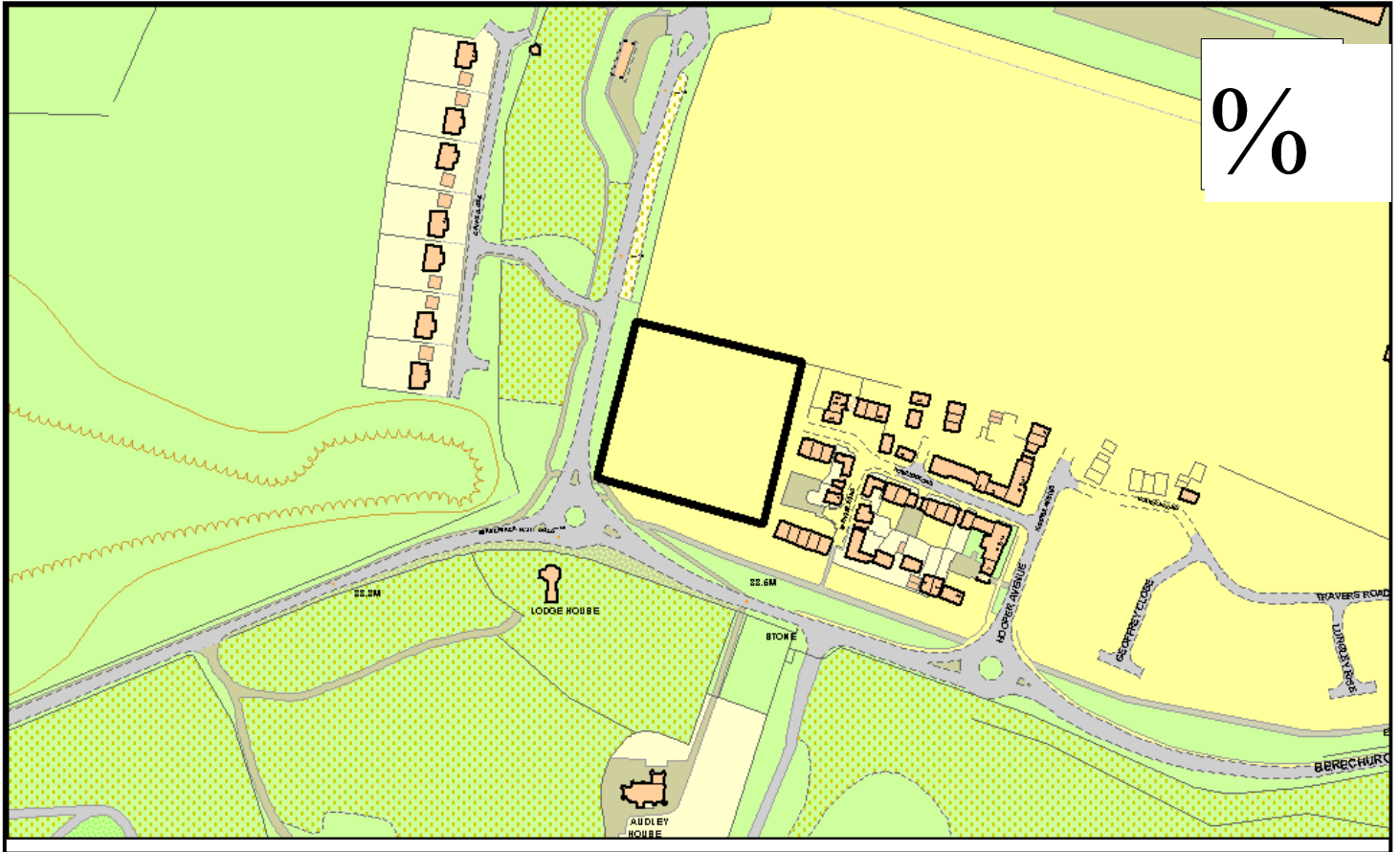
Reason: In the interests of visual amenity.

## 18.0 Informatives

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

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

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



**Application No:** 091563

**Location:** Area S2, Colchester Garrison Urban Village, Berechurch Hall Road, Colchester

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

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15 March 2012

<b>Report of</b>	<b>Head of Environmental &amp; Protective Services</b>	<b>Author</b>	<b>Alistair Day</b> ☎ 01206 282479
<b>Title</b>	<b>Application 091563 – Erection of 21 units on Area S2SW of the Colchester Garrison Urban Village Development</b>		
<b>Wards affected</b>	<b>Berechurch</b>		

**Report seeking Members' endorsement to change the cascade mechanism for the delivery of affordable housing proposed as part of the approved planning application 091563**

## 1.0 Decision(s) Required

- 1.1 Members are asked to agree to the new cascade mechanism for the delivery of affordable housing on Area S2SW.

## 2.0 Background

- 2.1 The Garrison Urban Village Development was granted outline planning permission in 2003. The Master Layout Plan (as required by condition 1 of the outline planning permission) was approved in July 2004 and sets out the broad strategic position in terms of major linkages and distribution of land uses on the Garrison development. A Design Code and Landscape Design Brief (as required by conditions 3 and 4 of the outline planning permission) have been approved for Area S1 and Areas S2 (North and South). These documents are intended to inform and guide development in terms of the principles and details that are to be incorporated into the scheme to ensure that there is a consistency in terms of the character and quality of the environment created.
- 2.2 The west sector of Area S2 is identified in the approved Master Layout Plan as a site to include employment use. The approved Design Code for Area S2 identifies the area as providing a minimum of 270 dwellings with an element of employment fronting the access road to the new Garrison. The Design Code states that the employment use could be serviced incubator units and will be a minimum of 50% of the hatched area.
- 2.3 In the early stages of master planning the redevelopment of the Garrison site, it was 'proposed' to relocate ABRO from their existing site in Flagstaff Road to Berechurch Hall Road. This site was chosen principally due to its location adjacent to one of the access points into the new Garrison. While the relocation of ABRO was 'master planned' as a part of the redevelopment of the Garrison, they were never formally part of this development proposal and they have since made it known that they do not wish to relocate to the Berechurch Hall Road site. Other employment uses have been

considered for this site; however the Council has been advised that the site's location does not lend itself to general commercial development.

- 2.4 Planning permission has been granted for 309 units on Area S2 (excluding the land identified for employment) and this is composed of 146 units on Area S2(South) and 163 units on Area S2(North). The Garrison legal agreement requires 49 affordable houses on Area S2 (South) and 46 affordable units on Area S2(North).
- 2.5 Taylor Wimpey have started the construction of the housing on Area S2(South) with the affordable housing being provided by Chelmer Housing Partnership (with the assistance of grant of £1.1m from the HCA). Notwithstanding the award of grant, Taylor Wimpey has stated that the redevelopment of Area S2(South) - and the Garrison development in general - is not economically viable. In order to generate additional revenue, to therefore allow the continued implementation of the housing on Area S2, it has been agreed that Taylor Wimpey can use the land originally identified for employment uses for housing.
- 2.6 A planning application (ref: 091563) was submitted by Taylor Wimpey for the erection of 21 residential units on Area S2SW. A significantly reduced s106 package was proposed as a part of this scheme, which included a pilot project (promoted by the Homes and Community Agency (HCA)) for the potential delivery of five shared equity affordable homes. This application was approved by the Planning Committee, subject to S106 being signed for the described affordable housing.

### **3.0 Reasons for Decision**

- 3.1 A cascade mechanism for the delivery of the proposed affordable housing was proposed in the original committee report and this was based on the recommendations of the HCA. This proposed that the developer (Taylor Wimpey) construct the proposed affordable housing and that these be sold at a discounted rate (67% of the open market value) to persons on the housing register nominated by the Council. The remaining equity in the property (33%) is transferred to the Council along with the freehold of the land. It was proposed that the affordable housing is made available prior to the 15th open market dwelling being completed and that the timeframe for the nomination for the affordable housing is limited to a six month period. If any of the five shared equity units are not sold to Council nominees it was recommended that the developer disposes of the unsold units to a Housing Association as social rent without recourse to any other public funding or grant.
- 3.2 Following further discussion with housing colleagues, the Council's legal advisor and Taylor Wimpey it has been found that there are a number of practical difficulties with the cascade mechanism recommended by the HCA so as to render the scheme unworkable. For this reason, it is now proposed to amend the cascade mechanism for the delivery of the proposed affordable housing as follows:
  - The developer is responsible for the construction of the 5 shared equity units (same as before).
  - The Council is responsible for the nomination of perspective purchases (same as before). The 'nomination pool' has however been widened to increase the potential for finding suitable families; the qualifying families now include amongst others existing Council tenants and Housing Association tenants.
  - After six months, if any of the five shared equity houses remain unsold, the unsold units are to be offered at the discounted rate to the Council and Housing Associations (new provision).

- After twelve months, if a) none of the shared equity units have been sold, the developer shall transfer two of the units to a housing association and the remaining three units can be sold on the open market (no change); however, if b) one or more of the shared equity units has been sold, the developer shall pay to the Council a commuted sum for each of the unsold units that equates to 33% of their open market value. (The commuted sum is for the provision of off site affordable housing provision). Following payment of the commuted sum, the developer can sell the units on the open market and is released from the requirement to provide any further affordable housing on this site (new provision).

### **3.0 Alternative Options**

- 3.1 Members can decline to endorse the proposed cascade mechanism for delivering affordable housing on this site. This would, however, render the scheme unworkable and the developer would be left with no choice other than to appeal against non-determination of the application.

### **4.0 Supporting Information**

- 4.1 Depending on the outcome of the proposed cascade mechanism, the current proposal could have financial implications for the Council; namely the Council could decide to purchase one or more of the unsold shared equity units or the Council may receive a commuted sum in-lieu of the on-site affordable housing provision.

### **5.0 Strategic Plan References**

- 5.1 The redevelopment of the Garrison site and the provision of affordable homes are important corporate objectives.

### **6.0 Risk Management**

- 6.1 None directly arising from this report

### **7.0 Publicity Considerations**

- 7.1 None directly arising from this report

### **8.0 Human Rights Implications**

- 8.1 None directly arising from this report

### **9.0 Community Safety Implication**

- 9.1 None directly arising from this report

### **10.0 Health and Safety Implications**

- 10.1 None directly arising from this report



## **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.