

Planning Committee

Town Hall, Colchester
16 December 2010 at 6.00pm

This committee deals with

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

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

Information for Members of the Public

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Material Planning Considerations

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

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

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

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

Human Rights Implications

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

Community Safety Implications

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

Equality and Diversity Implications

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

**COLCHESTER BOROUGH COUNCIL
PLANNING COMMITTEE
16 December 2010 at 6:00pm**

Members

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

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

Agenda - Part A

(open to the public including the media)

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

An Amendment Sheet is circulated at the meeting and members of the public should ask for a copy to check that there are no amendments which affect the applications in which they are interested. Could members of the public please note that any further information which they wish the Committee to consider must be received by 5pm on the day before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

Pages

1. Welcome and Announcements

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

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

- action in the event of an emergency;
- mobile phones switched off or to silent;
- location of toilets;
- introduction of members of the meeting.

2. Have Your Say!

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

3. Substitutions

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

4. Urgent Items

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

5. Declarations of Interest

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

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

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

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

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

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

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

Councillors should consult paragraph 7 of the Meetings General

Procedure Rules for further guidance.

6. Minutes

The minutes of the meeting held on 2 December 2010 will be submitted to the following meeting on 6 January 2011.

7. Planning Applications

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

1. 102241 Ascott House, 83-85 London Road, Colchester, CO3 9AL (Lexden) **1 - 15**

Demolition of existing buildings and structures and erection of 35no. newly constructed residential dwellings comprising 6no. 3 bedroom houses, 7no. 2 bedroom apartments, 8no. 1 bedroom apartments and 14no. studio flats as well as a staff area and a community space as part of the supported housing scheme.
2. 101947 Angel Court, 136-137 High Street, Colchester, CO1 1SP (Castle) **16 - 31**

Proposed development for the change of use from B1 Offices to a mixed use scheme with retail, restaurants and offices on the ground and first floors. Residential office and retail on the second floor; and residential and offices on the third floor. Construction of new penthouse accommodation on the existing roof and alterations and extensions to the West Stockwell Street elevation. Additional 9 flat accommodation to unit 5 and new means of escape stairs.
3. 101951 Angel Court, 136-137 High Street, Colchester, CO1 1SP (Castle) **32 - 38**

Listed building consent for replacement of two windows on High Street with a doorway. New internal staircase to 136 High Street. Sealing up of internal openings to various parts of the building.
4. 101983 Land to the rear of Brook Street, Colchester (New Town) **39 - 58**

Extant planning permission to extend time limit for implementation of residential development of 110 units with new access, parking and open space and provision of shoppers car park, to include demolition of existing buildings.
5. 101524 St Albrights, 1 London Road, Stanway, CO3 0NS **59 - 76**

(Stanway)

Partial demolition and conversion of vacant B1 uses office complex with additional new build to provide 64 no. C3 residential units in total.

6. 101525 St Albrights, 1 London Road, Stanway, CO3 0NS
(Stanway)

Listed Building Consent for partial demolition and conversion of vacant B1 uses office complex with additional new build to provide 64 no. C3 residential units in total.

7. 101527 Former Severalls Hospital Site, Boxted Road, Colchester, CO4 5HG
(Mile End) **77 - 89**

Erection of Child and Adolescent Mental Health Unit, including 25 bedrooms in 2 wards, entrance/reception/administration building, education building and section 136 suite, associated parking, drainage and landscaping.

8. 102202 172 London Road, Marks Tey, CO6 1EJ
(Marks Tey) **90 - 98**

Erection of 1no. 4 bedroom dwelling. Resubmission of 100285.

9. 102205 172 London Road, Marks Tey, CO6 1EJ
(Marks Tey) **99 - 103**

Listed building application for the removal of rear boundary wall and removal/reconstruction of front boundary wall. Resubmission of 100286.

10. 102315 Land adjacent to 3 Highfield Drive, Colchester, CO3 3QA
(Lexden) **104 - 112**

One detached three bedroom house and replacement garages. Resubmission of 101564.

11. 102169 Land adjacent to Alefounders Barn, Wick Road, Langham, CO4 5PG
(Dedham and Langham) **113 - 119**

Application for approval of reserved matters following Outline approval on application 080543 - erection of 1no. 4 bedroom house - resubmission of 101017.

12. 102214 31 Creffield Road, Colchester, CO3 3HY
(Christ Church) **120 - 127**

- Demolition of existing garage and conservatory and erection of new conservatory and attached garage.
13. 102225 New Bungalow, Maypole Road, Tiptree, CO5 0EP (Tiptree) **128 - 132**
- Removal of condition 06 of Application 85/0670/a in order to convert garage to granny annexe.
14. 102230 11 Spring Road, Tiptree, CO5 0BD (Tiptree) **133 - 137**
- Application to vary Condition 19 of Planning Application 090897 which requires that all existing trees are to be retained.
15. 102314 Gransden, Church Road, Copford, CO6 1DE (Copford and West Stanway) **138 - 143**
- Construction of garden room on rear of property.
16. 100704 Bluebells, Drakes Corner, Great Wigborough, CO5 7SA (Birch and Winstree) **144 - 152**
- Retrospective application for stable block/hay store.
17. 101018 Rose and Crown, Crown Street, Dedham, CO7 6AS (Dedham and Langham) **153 - 170**
- Demolition of public house and one residential unit and erection of three dwellings.
18. 101161 Unit 14 Lodge Lane, Langham, CO4 5NE (Dedham and Langham) **171 - 178**
- Proposed extension and alterations to existing commercial building.
19. 101546 37 Mile End Road, Colchester, CO4 5BU (Mile End) **179 - 186**
- Permission to use the shop for A2 Use (Estate Agents) in addition to A1.
20. 101777 54 Wimpole Road, Colchester, CO1 2DL (New Town) **187 - 194**
- Single storey extension to rear to include waiting area, surgery, disabled wc and disabled access via ramp to side gate.
21. 101991 85 Church Road, Tiptree, CO5 0HB **195 - 200**

(Tiptree)

Proposed single storey front extension. Demolition of existing canopy.

22. 102055 Land surrounding 15 Queen Street, Colchester, CO1 2PH (Castle) **201 - 214**

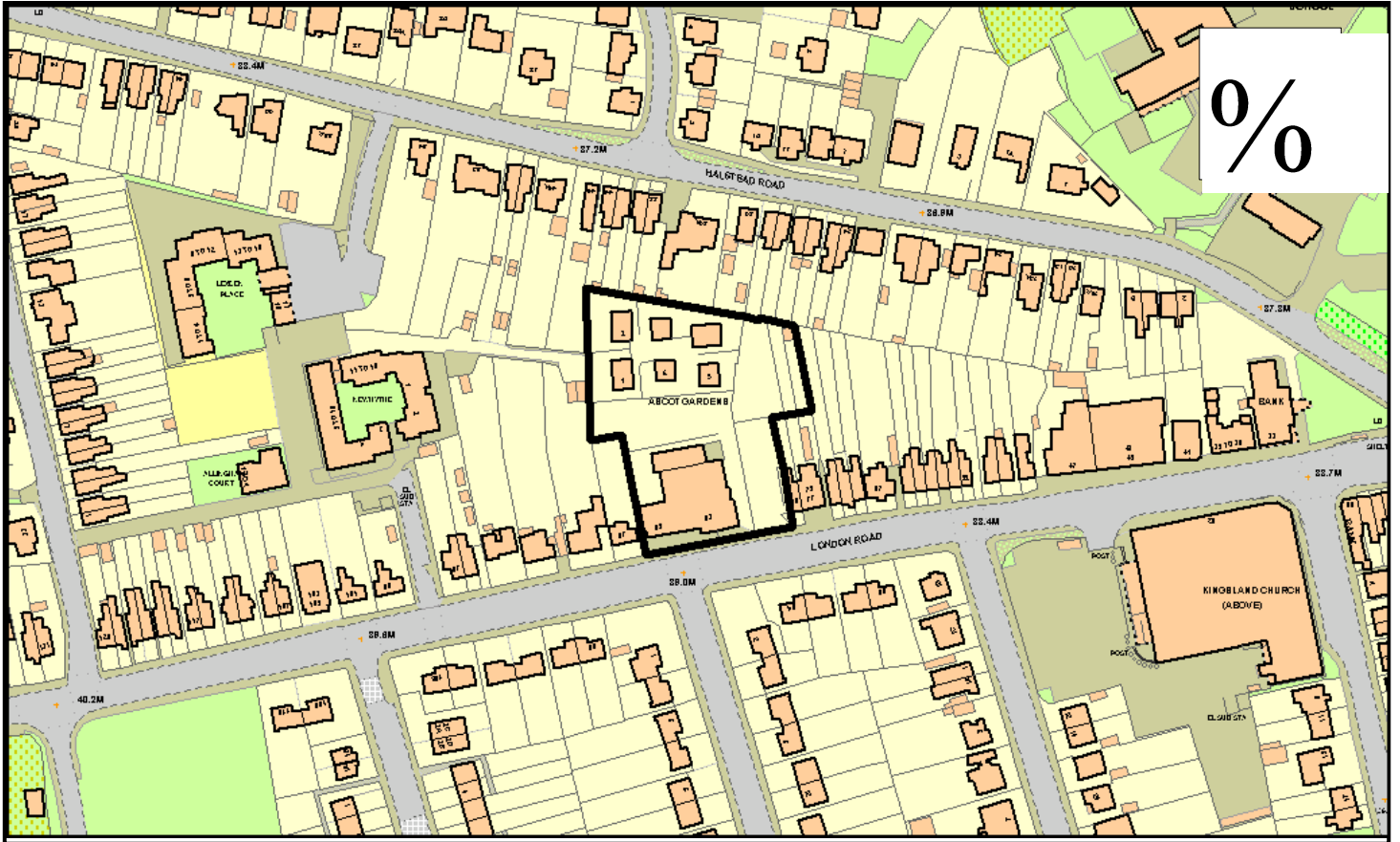
The proposed development includes hard landscape works to the existing garden to no. 15 Queen Street and adjacent access routes from Queen Street to the public space associated with the new First Site building. The boundary walls to the garden of no. 15 Queen Street will be removed and the space will become part of the wider public realm with close relation to facilities located within no. Queen Street. Hard landscape surfaces include stone paving, mosaic floor tiles and high quality concrete seating walls.

23. 102064 Fairfields Farm, Fordham Road, Wormingford, CO6 3AQ (Fordham and Stour) **215 - 222**

New cold store for potato storage to run in conjunction with existing buildings on farm.

8. 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).



Application No: 102241

Location: Ascot House, Ascot House, 83-85 London Road, Colchester, CO3 9AL

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **16 December 2010**
Report of: **Head of Environmental and Protective Services**
Title: **Planning Applications**

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

7.1 Case Officer: Andrew Huntley EXPIRY DATE: 31/01/2011 MAJOR

Site: **Ascot House, 83-85 London Road, Colchester, CO3 9AL**

Application No: **102241**

Date Received: 1 November 2010

Agent: Proctor & Matthews Architects

Applicant: Family Mosaic

Development: Demolition of existing buildings and structures and erection of 35no. newly constructed residential dwellings comprising 6no. 3 bedroom houses, 7no. 2 bedroom apartments, 8no. 1 bedroom apartments and 14no. studio flats as well as a staff area and a community space as part of the supported housing scheme.

Ward: Lexden

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

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

2.0 Synopsis

- 2.1 The following report describes the site and its surroundings and gives details of the proposal for 35 supported residential units. Consultation replies, including objections are then detailed and responses are given to these in the main report section. Conditional approval is then recommended.

3.0 Site Description and Context

- 3.1 The site is located on the northern side of London Road and comprises the site of Ascot House and a neighbouring parcel of land, which is vacant. The area is residential in character with detached and semi-detached two-storey dwellings being predominant. The site frontage runs for 45 metres and the side and rear boundaries back onto neighbouring gardens. Ascot House itself is a two-storey Edwardian Villa, which has been massively extended to the front, side and rear. To the north of this is a car parking area and beyond, six prefabricated buildings are located. There are various boundary treatments including fencing, walls and hedging.

4.0 Description of the Proposal

- 4.1 Demolition of existing buildings and structures and erection of 35no. newly constructed residential dwellings comprising 6no. 3 bedroom houses, 7no. 2 bedroom apartments, 8no. 1 bedroom apartments and 14no. studio flats as well as a staff area and a community space as part of the supported housing scheme.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 073011: Development of site to create five new dwellings at Land Adjacent 79 London Road – Approve Conditional

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:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - H2 - Housing Density
 - H3 - Housing Diversity
 - UR2 - Built Design and Character
 - TA2 - Walking and Cycling
 - TA4 - Roads and Traffic
 - TA5 - Parking
 - ER1 - Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP4 Community Facilities
 - DP12 Dwelling Standards
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
- Vehicle Parking Standards
 - Essex Design Guide

8.0 Consultations

- 8.1 DHU - No objections to the amended scheme.
- 8.2 Environmental Control has concerns over noise, dust and light problems and recommends conditions be attached to any permission.
- 8.3 Building Control - No observations at this stage.
- 8.4 Highways - No objections subject to conditions.
- 8.5 Trees:

Confirmation of the neighbours' agreement to remove G20 and T14 as shown on submitted tree survey is required prior to this proposal being approved. T16 is identified as the only 'important' tree on the site that could constrain the development, however given it is the only tree with this status and it is far from perfect, it is considered inappropriate to insist on it's retention. All other trees to be removed are categorised as C category as per BS5837:2005 and therefore cannot, as individuals, constrain development.

8.6 Landscape:

With regard to the current landscape concept proposals the following points need to be considered.

- The central group of 4 trees needs to be revised to a single large vibrant specimen tree which would act as a focal point for the proposal.
- The central green needs to be protected by low wooden bollards in order to protect this space from unauthorized parking whilst retaining the spaces open nature.
- The existing frontage hedgerow and pair of trees directly behind them have amenity value as significant softening elements within the street scene and are considered worthy of retention, any development should therefore look to preferably retain these elements. Given the relative shallow nature of the proposed frontage, if, as currently proposed, the existing trees are agreed for removal, then details of tree species and exact locations of these trees need to be submitted with proposals for any new frontage trees.

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 Six letters of objection and no letters of support have been received in regard to this proposal. The objections raised relate to the following issues:

- Anti-social behaviour including loud music, parties and arguments that currently occur and lack of management to control these issues.
- Increase in residents, which could increase the problems.
- Height of development and its impact on aspect and outlook.
- Loss of conifers would impact on rural setting.
- Loss of light.
- Loss of property value.
- Layout and density.
- Loss of trees.
- Foundations would be close to existing sewers.

10.0 Parking Provision

10.1 The site currently has car parking provision for 18 vehicles. The proposed redevelopment would reduce this to 12 car parking spaces. Essex County Council Highway's Authority has pointed out that this does not meet the current adopted car parking standards for new residential development. However, this proposal is not a normal residential scheme, but a supported housing scheme, where it is likely that car ownership would be minimal. In addition, the site is well served by public transport into the town centre and local neighbourhood centres and does provide for significant cycle parking. In addition, the current adopted car parking standards, Planning Policy Statement 1 and Planning Policy Statement 3 all seek a flexible approach to car parking and all accept that sustainable sites, such as this, may be acceptable with lower levels of car parking provision.

10.2 Overall, it is not considered that the lack of car parking outweighs the benefits of the scheme to the local community or would warrant the refusal of this application due to the special nature of the proposal.

11.0 Open Space Provisions

11.1 As the proposal is for short-term supported housing it was determined by the Council's Development Team that no open space provision was required.

12.0 Report

Policy

12.1 Nationally, the policy guidance for assessing housing development is set out in Planning Policy Statement 1 and Planning Policy Statement 3. The more specific policy requirements of the Local Planning Authority add to these general principles, and are set out in the adopted Colchester Borough Development Plan Document (2010) policies DP1, DP3, DP12, DP13, DP16 and DP19 as well as the adopted Colchester Borough Core Strategy policies SD1 and UR2. These policies state that all proposals for housing development should be located in sustainable locations, with good access to shops and services, be accessible by a range of transport types, be well designed, having regard to local building traditions, and should be based on a proper assessment of the surrounding built and natural environment. Planning Policy Statement 1 (PPS1) states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

12.2 The site lies within an area marked as 'predominantly residential' on the Proposals Map. Policy UR2 of the Core Strategy states that development should be of high quality and inclusive design and create places that are locally distinctive, people friendly, provide natural surveillance and enhance built character and the public realm. Core Strategy policy ER1 encourages sustainable construction techniques to be employed in tandem with high quality design and materials to reduce energy demand, waste and the use of natural resources. Development Policies policy DP1 states that development must be designed to a high standard and avoid unacceptable impacts on amenity. Development must respect and enhance the character of the site; provide a layout that takes account of all users; protect amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution, daylight and sunlight; create a safe and secure environment; respect landscape character and incorporate necessary infrastructure. Policy DP12 states that development will be guided by high standards for design, construction and layout.

12.3 Therefore, in principle, the proposal appears to comply with the above policies, providing that there are no detrimental impacts on residential amenity and the design is satisfactory. These detailed aspects of the proposal will now be considered.

Design, Layout and Height and Impact on Surrounding Area

- 12.4 Planning Policy Statement 1 (PPS1) seeks, inter alia, to ensure that “the right development takes place in the right place and at the right time”. Planning Authorities are directed by this national policy to seek to achieve high quality design for all developments including individual buildings, public and private spaces. In addition, both PPS1 and Planning Policy Statement 3 (PPS3) state that “design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted”. The policy considerations set out that the relevant matters to consider when assessing design quality include the extent to which the proposed development is well integrated with, and compliments, the neighbouring buildings and the local area more generally in terms of scale, density, layout and access.
- 12.5 The Government has recently made changes to Planning Policy Statement 3. This includes the redefinition of garden land, which was defined as brownfield, to now being considered as greenfield land. The other change made was to remove the requirement to achieve a minimum of 30 units per hectare.
- 12.6 The sentiments of these national policies are carried forward locally through the East of England Plan, particularly in Policy ENV7, which states that new development should “provide buildings of an appropriate scale, founded on clear site analysis and urban design principles”. The supporting paragraph (8.22) explains that “New development is often seen as a threat to the quality of life and attractiveness of an area but this need not be the case. Sensitively handled, the design and layout of buildings and landscape features can complement what already exists, strengthen the sense of place, and help confer new character.”
- 12.7 The surrounding area is characterised by a domestic scale of development within a suburban environment. The proposed development would in some respects contrast with this character by introducing a more intensive form of development on this site. However, the land immediately to the east of the original Ascot House site does have permission for a backland residential scheme for 5 dwellings and there is another backland scheme not far to the west. Therefore, an objection in principle to a comprehensive backland development is unlikely to be upheld at appeal. In addition, the Design and Access statement demonstrates that the proposed development is founded on a clear site analysis and urban design principles and is not considered to be at odds with its context.
- 12.8 The site is scruffy and includes a stretch of dead frontage, which detracts from the character and appearance of the area. The design of the dwellings may be considered a modern take on a traditional design, which reflects the period nature of the locality. The properties fronting London Road would be seen as a small terrace, which is considered to be in context with the surrounding area. The bulk and massing of the proposals are in keeping with the character of the area while the design of the buildings is very robust, and uses detailing and different materials to add articulation, contrast and visual interest. The overall design of the scheme will only be successful if care and attention is paid to ensuring that the detailing is followed through to an acceptable standard. If it is not, then the design will fail and the development will not enhance the character of the area. For this reason conditions are attached to ensure that the levels of detailing and quality of materials are of the highest standards.

- 12.9 The application, subject to conditions, is in accordance with the above mentioned policies and Government guidance as set out in Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2007).

Impacts on Neighbouring Properties

- 12.10 The impact on neighbouring residential amenity is one of the primary concerns of this proposal as it would introduce significant built forms in a backland setting close to neighbouring residential properties.
- 12.11 The properties to the north of the site, fronting Halstead Road, would be impacted on by Block F and to some degree block E. Block F is sited close to the rear boundary of the site and at two-storeys in height would alter the character of the area and to some extent the outlook from these properties. However, it is not considered that this change is so detrimental and Block F would not cause a loss of daylight or sunlight to habitable rooms. The main concern is from overlooking as there are bedroom windows at first floor level. The Essex Design Guide states that overlooking can be avoided if there is a 25 metre back to back distance. However, while there is a 25 metre distance to some of the properties along Halstead Road, the nearest comes within 13.5 metres of the proposal. This therefore could lead to serious and detrimental overlooking. To counter this, the house at the eastern end of Block F has been amended to move one of the bedroom windows to the eastern gable, where it would only overlook the backs of gardens. However, that still leaves the other first floor windows. To overcome the impact on privacy, these windows could be obscurely glazed and have restricted openings. This can be achieved under building regulations and would mitigate the impact on privacy to the dwelling at the north of the site. Block E would overlook back gardens but does achieve privacy through distance to any habitable rooms and therefore it is considered that this block is acceptable in regard to residential amenity. Block B would have an impact on the privacy to the rear gardens of 75/77 and 79 London Road. However, they would not cause overlooking into any habitable rooms and conditions can be used to ensure this impact on gardens would be acceptable. Block D would have an impact on Number 87 London Road as it is currently shown, however this impact can also be mitigated by using obscure glazing to the first floor window at the western end of the Block.
- 12.12 Overall, the proposed buildings would not have an impact on sunlight or daylight to neighbouring properties. While there would be a change in outlook, this is an urban setting and it is not considered that this change would be detrimental. The impact on neighbouring privacy can be mitigated to an extent that the proposal would not result in an undue loss of privacy.
- 12.13 The other concern that has been raised comes from noise and disturbance from the site. However, these concerns are from the existing site. There is no evidence that this proposal would increase the levels of noise from residents, albeit that there would be an increase in the number of residents.
- 12.14 In conclusion, while this proposal would have an impact on neighbouring residential amenity, by use of appropriately worded conditions this impact would not be detrimental and would not warrant a refusal of this proposal.

Highway Issues

- 12.15 As this proposal represents an intensification of the use of the site and involves a new access arrangement, the Highway Authority was consulted. Their consultation response stated that while they noted that the level of parking was not in accordance with the adopted standards, they have no objections to the proposal subject to conditions. The requested conditions are considered reasonable and necessary for this type of proposal. The issues regarding car parking have all ready been considered earlier in the report. Therefore, the proposal is considered acceptable in regard to highway safety issues.

Trees and Landscaping

- 12.16 The submitted tree report provided details of the removal of nearly every tree situated on the site and also some trees situated in neighbouring gardens. The result of this is that the Leyland Cypress trees to the sides and rear of the site that screen adjacent properties will be lost. Whilst these are of low value and are categorised “C” as per BS 5837: 2005 (and therefore cannot constrain the development) the screening benefit they provide is important and may cause conflict with neighbours during and after the development process. The proposal also requires the removal of two “B” category trees situated within the site. Cherry (T10) is relatively hidden at the rear of the site and therefore its loss will have a minimal impact on the overall area, however, Pine (T16) will be a loss to the site and wider aspect of the area.
- 12.17 The construction process will require the removal of trees owned by neighbouring properties and it should be confirmed prior to approving this application that the owners of these trees are in agreement to their removal as the retention of the Leyland Cypress trees (G20) and Hawthorn (T14) will restrict the development of the western part of the site. Whilst these trees are of relatively low value and have been categorised as C or R respectively they are in the ownership of private individuals and CBC should not agree to a scope of works that would ultimately result in the death of these trees.
- 12.18 Officers can advise Members that a meeting has now taken place with the owners of number 87 London Road and a letter should be available by the time of the Committee confirming that these trees can be removed at the developer’s expense and subject to remedial works being undertaken. If there is agreement in writing then permission could contain a “Grampian” condition requiring the applicant to remove the hedge/trees and agree a suitable remediation scheme to be implemented prior to development taking place.
- 12.19 Generally, the proposal will result in the complete ‘de-greening’ of the site and will have a dramatic impact on the street scene and the rear gardens of the adjacent properties, which, while possible to mitigate in the long term with new planting will initially have a very large impact. It is however considered that the community benefits of the scheme outweigh the short-to-medium term impact of this proposal and that the removal of the existing trees and hedges would not warrant a refusal of this application.

12.20 The Council's Landscape Officer has stated that the application should be refused due to the following issues:

1. The central group of 4 trees needs to be revised to a single large vibrant specimen tree which would act as a focal point for the proposal.
2. The central green needs to be protected by low wooden bollards in order to protect this space from unauthorized parking whilst retaining the spaces open nature.
3. The existing frontage hedgerow and pair of trees directly behind them have amenity value as significant softening elements within the street scene and need to be considered worthy of retention, any development should therefore look to preferably retain these elements. Given the relative shallow nature of the proposed frontage, if, as currently proposed, the existing trees are agreed for removal, then details of tree species and exact locations of these trees need to be submitted with the proposals for any proposed frontage trees.

12.21 The above can be resolved satisfactorily by condition and therefore are not considered a satisfactory reason to refuse this planning permission. The proposal is considered acceptable in terms of its impact on trees and landscaping subject to appropriately worded conditions.

Other Matters

12.22 With regard to the objections raised, the only issues not covered above are the impact on neighbouring property values and building close to a sewer. The proposal's impact on property values is not a planning consideration and can not be a reason to refuse planning permission. In regard to building near a sewer, it is expected that comments from the appropriate authority will be available by the time of the Committee meeting.

12.23 The Council's Development Team determined that this scheme would not be subject to the financial obligations that would normally be the case for private housing proposals, through a Section 106 agreement - i.e. contributions for social housing, open space provision and community facilities. The justification for this is because the proposal is for short term supported housing and as such would provide a social benefit to the community. It is therefore considered that the proposal is still acceptable on policy grounds even though no contributions would be forthcoming.

13.0 Conclusion

13.1 In conclusion, and whilst noting the concerns of neighbouring properties, the development is held to be acceptable, albeit that it would represent a significant change to the built character of the area. Therefore, on balance, and taking into account the social benefits of the scheme, which would provide a modern and 'fit for purpose' supported housing development, Members are recommended to approve this scheme subject to conditions.

14.0 Background Papers

14.1 PPS; Core Strategy; DPDP; SPG; DHU; HH; BC; HA; TL; AO; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing no[s], dated 26th November 2010, received 25th November 2010.

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

3 - Non-Standard Condition

The residential development hereby approved shall be only for short term supported housing.

Reason: The proposal does not accord with car parking provision or private amenity space requirements necessary for private housing schemes and private housing would need to be considered on its merits.

4 - Non-Standard Condition

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

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

5 - Non-Standard Condition

No new window or other openings shall be inserted above ground floor level of the proposed buildings without the prior approval in writing 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.

6 - Non-Standard Condition

The windows marked OBS on the northern elevation of Block F, southern elevation to Block D and eastern elevation of Block B of the hereby approved scheme shall be glazed in obscure glass with an obscuration level equivalent to scale 4 or 5 of the Pilkington Texture Glass scale of obscuration and shall be retained as such at all times thereafter.

Reason: To protect the amenity of adjoining residents from a loss of privacy.

7 -Non-Standard Condition

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

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

8 - Non-Standard Condition

Prior to the commencement of the development, full details of all new brickwork, including the bond, mortar mix and joint profile shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be constructed in accordance with the agreed details.

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

9 - Non-Standard Condition

Additional drawings that show details of proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at a scale between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. The development shall thereafter be carried out in accordance with such details.

Reason: The application has insufficient detail for approval to be given and to ensure that the development has a satisfactory appearance in order to protect and enhance the visual amenity of the area.

10 - Non-Standard Condition

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

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

11 - Non-Standard Condition

A competent person shall ensure that the rating level of noise emitted from the site plant, equipment and machinery shall not exceed 5dBA above the background prior to the buildings hereby approved coming into beneficial use. The assessment shall be made in accordance with the current version of British Standard 4142. The noise levels shall be determined at all boundaries near to noise sensitive premises. Confirmation of the findings of the assessment shall be provided in writing to the local planning authority prior to the buildings hereby approved coming into beneficial use.

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

12 - Non-Standard Condition

Any lighting of the development shall fully comply with figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone E3. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance.

Reason: To reduce the undesirable effects of light pollution on the amenity of neighbouring residential properties.

13 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

14 - Non-Standard Condition

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.

15 - Non-Standard Condition

Prior to the occupation of the development, the access shall be provided (at its centre line) with a clear to ground visibility splay with dimensions of 2.4 metres by 90 metres to the east and 2.4 metres by 90 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 inter-visibility between vehicles using the access and those in the existing public highway in the interest of highway safety, in order to ensure accordance with the Colchester Borough Development Policies DPD, the Colchester Borough Core Strategy and the Essex County Council Local Transport Plan.

16 - Non-Standard Condition

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

Reason: To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety, in order to ensure accordance with the Colchester Borough Development Policies DPD, the Colchester Borough Core Strategy and the Essex County Council Local Transport Plan.

17 - Non-Standard Condition

Prior to the first occupation of the development a vehicular parking and turning facility as shown on the submitted plans shall have been constructed, surfaced and thereafter 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, in order to ensure accordance with the Colchester Borough Development Policies DPD, the Colchester Borough Core Strategy and the Essex County Council Local Transport Plan.

18 - 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 the displacement of loose material onto the highway in the interests of highway safety, in order to ensure accordance with the Colchester Borough Development Policies DPD, the Colchester Borough Core Strategy and the Essex County Council Local Transport Plan.

19 - Non-Standard Condition

Prior to the commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved, in writing, by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operational and shall be retained at all times thereafter.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety, in order to ensure accordance with the Colchester Borough Development Policies DPD, the Colchester Borough Core Strategy and the Essex County Council Local Transport Plan.

20 - Non-Standard Condition

Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres, retained in perpetuity.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety, in order to ensure accordance with the Colchester Borough Development Policies DPD, the Colchester Borough Core Strategy and the Essex County Council Local Transport Plan.

21 - Non-Standard Condition

The cycle parking facilities as shown on the approved plan are to be provided prior to the first occupation of the development and retained as such at all times thereafter.

Reason: To ensure appropriate cycle parking is provided, in order to ensure accordance with the Colchester Borough Development Policies DPD, the Colchester Borough Core Strategy and the Essex County Council Local Transport Plan.

22 - Non-Standard Condition

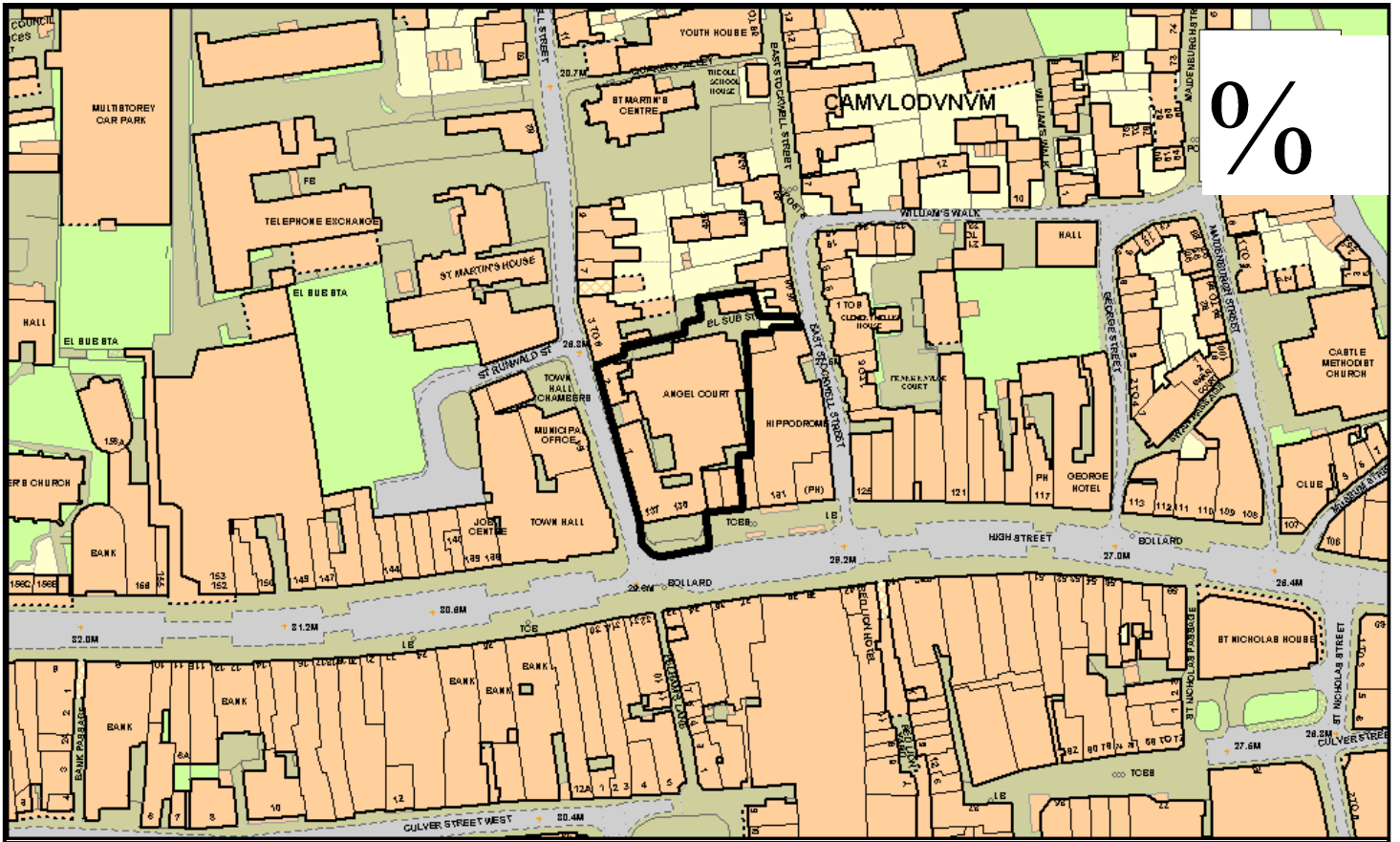
Prior to the first occupation of the development, the developer shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport, which shall have been previously submitted to and approved, in writing, by the Local Planning Authority in consultation with Essex County Council.

Reason: In the interests of promoting sustainable development and transport in accordance the Colchester Borough Development Policies DPD, the Colchester Borough Core Strategy and the Essex Road Passenger Transport Strategy.

Informatives

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

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



Application No: 101947

Location: Angel Court, Angel Court, 136-137 High Street, Colchester, CO1 1SP

Scale (approx): 1:1250

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7.2 Case Officer: Andrew Tyrrell

EXPIRY DATE: 17/12/2010

MAJOR

Site: Angel Court, 136-137 High Street, Colchester, CO1 1SP

Application No: 101947

Date Received: 15 September 2010

Agent: Mr Ian Abrams

Applicant: City & Country Group

Development: Proposed development for the change of use from B1 Offices to a mixed use scheme with retail, restaurants and offices on the ground and first floors. Residential office and retail on the second floor; and residential and offices on the third floor. Construction of new penthouse accommodation on the existing roof and alterations and extensions to the West Stockwell Street elevation. Additional 9 flat accommodation to unit 5 and new means of escape stairs.

Ward: Castle

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

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because there have been objections received and the officer recommendation is to approve the application. It is hoped that by the time of the Committee Meeting the majority of these objections will have been resolved. The latest position will be set out on the amendment sheet prior to the committee meeting.

2.0 Synopsis

2.1 The below reports details the Full Planning Application for the redevelopment of the Angel Court site previously occupied by Colchester Borough Council. Whilst there is an accompanying Listed Building Consent application, this Full application involves a change of use and subdivision of the building, parts of which are listed. There are also some physical works to the exterior including the addition of a penthouse on the roof, and a lift and stair shaft extension to the third floor (both of which introduce some modern or contemporary architecture to the building). The intention is also to open up an old lane where the current atrium stands (main High Street entrance). These are the most significant works that have drawn attention. After considering the objections received and all other material planning consideration the report will set out why this application is recommended for approval, subject to conditions and the signing of a legal agreement.

3.0 Site Description and Context

- 3.1 Although described as Angel Court, this building is actually a network of amalgamated buildings and the site contains three listed buildings and two further non-designated heritage assets. The three listed buildings are 135 High Street, 136 High Street, and 2 West Stockwell Street. The non-designated heritage assets are 137 High Street (the former Angel Hotel) and 133–134 High Street which are recognised within the Colchester Town Centre Conservation Area Appraisal as being “buildings of architectural or historic interest”.
- 3.2 The site lies within the High Street and also recedes into the Dutch Quarter area of the Colchester Town Centre Conservation Area 1. This site is also within the designated town centre “outer core”. As a central location on the High Street it has strategic importance too, particularly with regard to longer term aspirations for the public realm strategy, retail, cultural and tourism attraction of the town.

4.0 Description of the Proposal

- 4.1 The site lies within an area of considerable historic context, a conservation area within which lie a number of listed buildings, dominated by the Grade I Town Hall. The functional context is provided by the mix of retail, financial and other services, offices, cafes and restaurants with narrow street frontages reflecting medieval development, creating variety and vitality in the town centre. Consequently, the proposal is for a mixed use scheme with external and internal alterations to Angel Court, which includes 133-134, 135, 136, 137 High Street and numbers 1 and 2 West Stockwell Street. There are also alterations to the existing car park entrance on West Stockwell Street and a modern infill above it; as well as the proposed re-opening of a historic access lane to Angel Court from High Street.
- 4.2 The scheme proposes three principal alterations to the exterior of the building: the construction of a penthouse flat on top of the offices; the construction of a lift shaft on the west side of the office block; and the removal of the modern glazed entrance to Angel Court which currently lies adjacent to 135 High Street. There are also some minor fenestration alterations to create new entrances and increase active street frontages. A new scheme for the improvement of the public realm to the High Street frontage is also proposed as part of the mixed use scheme.
- 4.3 The interior works are covered by a separate Listed Building Consent (LBC) application and should not be considered herein. This application is also part of the committee agenda for 16 December 2010 (see following item).

5.0 Land Use Allocation

- 5.1 The site is designated as part of the town centre “Outer Core” area. It is also part of Conservation Area 1.

6.0 Relevant Planning History

- 6.1 The history of this site is well documented within the submitted Heritage Statement. In terms of its planning application history there have been various applications on this site. The most significant was its redevelopment into the Colchester Borough Council offices in the 1980s and the majority of the site is occupied as a consequence by a modern building of no significant architectural interest which sits alongside the historic and listed buildings. The building has been largely vacated since December 2009, although the CBC Customer Service Centre continues to operate from parts of the ground floor and the CCTV team still occupies a small part of the first floor. The approved planning use remains for office uses.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
- Planning Policy Statement 1: Delivering Sustainable Development
 - Planning Policy Statement 3: Housing
 - Planning Policy Statement 4: Planning for Sustainable Economic Growth
 - Planning Policy Statement 5: Planning for the Historic Environment
 - Planning Policy Guidance 13: Transport
 - Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation
 - 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:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - CE1 - Centres and Employment Classification and Hierarchy
 - CE2 - Mixed Use Centres
 - CE2a - Town Centre
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - UR2 - Built Design and Character
 - PR1 - Open Space
 - PR2 - People-friendly Streets
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA4 - Roads and Traffic
 - TA5 - Parking

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP6 Colchester Town Centre Uses
DP10 Tourism, Leisure and Culture
DP12 Dwelling Standards
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Community Facilities SPD
Vehicle Parking Standards SPD
Open Space, Sport and Recreation SPD
Affordable Housing SPG
Angel Court Development Brief (although please note this document was never adopted).

8.0 Consultations

- 8.1 The Urban Designer in our Design and Heritage Unit has commented in full online; however an overview of their comments indicates that the proposed new uses and external alterations add permeability and interest to street frontages on the High Street. The introduction of a residential use is welcome and is seen as a positive contribution to the vitality of the town centre. They have added that the main external alterations, the lift tower and penthouse additions and the minor re-modelling of the north elevation, provides a subtle transition between the distinctly different architectural styles, with their top sections above Angel Court being fairly light and transparent structures. The indicative views of the penthouse and lift tower viewed from St Martin's churchyard, West Stockwell Street and High Street demonstrate a negligible impact on the local views, the relation to the Town Hall and the general character of the area when viewed from the Dutch Quarter. The impact of the new build is also reduced to an extent due to the sloping terrain and sharp, short viewing angles, and the considerable vegetation in the churchyard, which is one of few public areas providing views towards Angel Court.
- 8.2 The Conservation Officer has commented that they have nothing to add to the comments of their Design and Heritage Unit colleague.
- 8.3 English Heritage has stated that they have no objections in principle to the development. However, they have also stated that they believe that the visual impact of the lift shaft and penthouse had not originally been justified or adequately assessed. These concerns have since led to revision and English Heritage have been re-consulted to see if they still have reservations about the proposal. Any response will be reported via the amendment sheet.

- 8.4 Essex County Council Highways Authority has confirmed that they do not object subject to one condition to secure travel information packs. This is included as a condition below.
- 8.5 Street Services have no concerns over the access to the site for refuse collection etc now that the plans have inserted a doorway giving internal access to the car park to deposit waste for collection. This will be stored by the substation, which is where CBC waste used to be stored for collection. They have also been involved in the negotiation process regarding the Urilift toilet. Initially it was suggested that this would be relocated or removed from its current siting. However, it has been resolved that this application will not seek to reposition the toilet from its existing site on the basis that Street Services have agreed that it shall not be operated outside the hours of 11pm and 7am so as not to conflict with the desire to bring the adjacent building into beneficial use, perhaps as a restaurant.
- 8.6 Building Control have confirmed that they were involved in discussions in this scheme pre-application and their main concern was with regard to fire escape. Their requirements were incorporated into the drawings submitted.
- 8.7 Environmental Control have suggested conditions relating to noise. These have been included below.
- 8.8 Colchester Civic Society has also been consulted. The case officer met with several of their members at the start of the planning application process; however they have not followed this meeting up with any formal submission. Therefore, no consultation response can be detailed at the time of writing.
- 8.9 The Archaeological Officer has stated that some form of recording may be required and suggests that a standard condition be added to any approval.

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 Ward Member Responses

- 9.1 No comments received to date.

10.0 Representations

- 10.1 One objection has been received from 15/14 North Hill. This states that "its over developed and feel the changes made are very substantial for a listed building. Regarding No.1 West Stockwell Street, the fabric of the building has been totally obliterated and is practically unrecognisable. Maybe a more "localised" use would be much better suited to this space, as one can only assume a large chain will occupy the space, therefore putting extra pressure on the more independent licencee's in the town centre."
- 10.2 Your officer's response to this is that the changes made to the building are detailed in the main report below. Planning offers no protection from competition and this cannot be taken into account in the determination of this application.

11.0 Parking Provision

- 11.1 The parking provision includes 32 car parking spaces as well as adequate cycle parking within the private parking compound. The parking spaces include provision for both residents and staff, but not for customers to the new ground floor uses. This is compliant with the policy aim to reduce parking at destinations where people could access the site using public transport. The Highway Statement has also demonstrated that anticipated vehicle use will be lower than the previous use as a Council office. On this basis ECC Highways have not requested any requirements other than travel packs being provided for new residents.

12.0 Open Space Provisions

- 12.1 Given the High Street location and existing building(s) it is extremely hard to accommodate the provision of open space. However, the residential units have been provided with balconies (except for one). The site is close to Castle Park. There are also public realm works proposed immediately in front of the building.

13.0 Report

Design and Layout

- 13.1. There are various physical changes to the exterior of the Angel Court group of buildings which will be subdivided again. These are detailed by unit numbers below, starting with Unit 1 drawn on the plans which is the High Street facing building that currently houses the main CBC reception area to the eastern extremity of Angel Court. This building displays extreme symmetry, resulting in the original plans being revised to continue this theme through the creation of two entrances where the existing ground floor windows are sited. This opens the frontage up onto the High Street in accordance with the design brief, which hoped to create more activity on the High Street.
- 13.2 Between Units 1 and 2 it is proposed that the existing glass atrium entrance from the High Street be removed. This will open up a historic street pattern providing a lane that leads to a new entrance to the office uses within the building, including the CBC Customer Service Centre. The historic alley was an entrance to the service yard of the Angel Hotel, existing from the 19th Century and probably earlier, until after 1954 (when it was still shown on maps). This re-opened lane separates the office based uses on the ground and upper floors from the High Street frontage units. Residential units on the upper floors will be accessed elsewhere, thus the main uses all have separate entrances. When the offices close for the evening it is proposed that this lane will be closed by the addition of gates, which can incorporate some public art into their design. Details of these gates will need to be conditioned as the discussion as to their exact design and materials are ongoing. Potential options include sculpted metals or glass, there have even been discussions on holographic designs, however this would be agreed by officers upon the submission of detailed drawings post-decision, if approved.

- 13.3 Unit 2 on the plans, which is immediately left of the existing High Street atrium entrance when facing from the highway, is 135 High Street. This sky blue building is a Grade II listed building from circa 1840. This building was originally a shop with a single bay façade and, at 3 storeys in height, is an example of a C19 rebuilding on a narrow medieval High Street burgage plot. This building was used as a drawing office when occupied by Colchester Borough Council; however the application proposes to return this unit to some form of retail or office orientated uses. On its exterior, it is proposed that a shop front façade be reinstated, which was a suggestion of our own Conservation Officer.
- 13.4 136 High Street will become Unit 3 as illustrated. This building is listed (Grade II) and is a shop, although it was formerly a house. It is of a 15th Century build with the addition of 18th and 19th Century details. The exterior of this unit remain largely unchanged other than renovation.
- 13.5 Unit 4 is the former Angel Hotel on the corner of High Street and West Stockwell Street. It is proposed that the corner be opened up to form an entranceway. Other than this, there are no other significant changes to the exterior of the building.
- 13.6 Turning to West Stockwell Street's frontage buildings the proposed Unit 5 would undergo minimal changes. There is a new window inserted to match existing windows along this unit, as well as the usual renovation works that will take place in redevelopment.
- 13.7 Adjacent to Unit 5 is the existing undercroft car park entrance. The glazing is an obvious contrast to the historic appearance of the surrounding buildings and is proposed in preference to a pastiche approach. The modern approach proposes glazing positioned at an angle to try to reflect the old library and town hall in its windows. The frontage has been pulled towards the highway edge to try to respect the continuous frontages along West Stockwell Street and minimise the sense of recess. Beyond this section of the building lies a lift and stair shaft that picks up on the pattern of the glazed elements in its detailing. The lift shaft breaches the roofline of the existing building, however it is not anticipated that this building will compete with the higher town hall which is Colchester's landmark building in this part of the town centre. The flat roof reflects the many flat rooflines seen from distance across the town's skyline. It is also noted that where this shaft exceeds the existing buildings height it is proposed that the top section be finished in glass to give as light a touch as is possible. When viewed from close proximity there are few significant vantage points from the ground, therefore the main impact is when seen from distance, by which time the glass projection becomes a minimal intrusion.
- 13.8 Adjacent to the new modern architecture being proposed is the final ground floor unit (Unit 6) that can be seen from the public domain. Unit 6, or 2 West Stockwell Street, is a Grade II listed building from the mid 19th Century. This listed building would undergo no physical development.

- 13.9 The penthouse addition on the roof follows through the themes of the contemporary additions to the West Stockwell Street frontage. The unit has been revised to create a modern curved roof that then levels out to reflect the flat roofs of Colchester's skyline and minimise the height and visual impact of the penthouse. The additional living space is housed within a glazed section that compliments the glazed top section of the lift shaft.
- 13.10 In addition to the building redevelopments, the proposal also offers public realm works to enhance the High Street in accordance with the Council's aims. These works have been negotiated in full co-operation with officers of the Council and meet with the standards being set out in our forthcoming Town Centre Public Realm Strategy. The proposal is to remove part of the wall at the corner of the High Street and West Stockwell Street to improve accessibility and enhance this cold and uninviting, wind-swept area. The works have referenced the adjacent steps by the collection of bus stops and merge this into a new seating area. The tree remains untouched as a focal point, whilst there has been potential discussion around the Urilift toilet. The outcome of these discussions was that it would be preferable to leave the toilet where it is at the current time and should it be relocated then this be a discussion outside of this application. Therefore, the current proposal is to retain the toilet but amend the times at which this rises to 11pm so as not to conflict with the proposed uses which may include a restaurant use looking out at this location, which is obviously a deterrent to the building re-use if unchanged from the 7pm toilet appearance time currently set. This should not conflict with the Urilift's "peak hours", which coincide with the Liquid nightclub opening/closing.

Impact on the Surrounding Area through Scale, Height and Massing

- 13.11 In terms of the impact on the surrounding area, the original round of consultation had raised objections from our Conservation Officer and English Heritage (see above). In response to this, further survey work has been undertaken and is set out in the submitted Heritage Statement. Whilst the actual physical works proposed are dealt with in the accompanying LBC application, the impact on the surrounding historic town centre and the Dutch Quarter should be considered. The Heritage Statement has therefore set out how the works have been designed to compliment the Angel Court setting, as well as the relationship of these buildings to the surrounding Conservation Area.
- 13.12 The exterior changes to the building that have any potentially significant impact on the scale and height of the building are the lift/stair shaft and the penthouse. To address issues previously raised by English Heritage with respect to the two elements the designs and materials have been revised to provide as minimal a visual impact as possible. The glazed and contemporary architecture is considered to be a suitable approach to contrast with the historic character of the area and limits the impacts more than a traditional/pastiche architectural approach could achieve. When viewed from the High Street these additions will be of little visual impact. From West Stockwell Street the narrow highway width means that the impact of these elements is also limited, especially for the penthouse. This leaves only views from semi-private or private areas or long-distance views. From long distance the scale and massing of the additions is not considered to be significant enough to harm the Colchester skyline.

13.13 The Heritage Statement also addresses the impact of the penthouse and lift shaft on the historic environment. It states that:

“With regard to the visual impact of the proposals on the setting of the heritage assets, both within the site, and in the surrounding context, it is the proposed changes to the roofline of Angel Court and the two elements that will rise above the existing roofline, the penthouse and the lift shaft, that have been given greatest consideration. The proposed penthouse and lift shaft will rise above the existing ridge height. These two elements will only be glimpsed in views from the High Street, but are more clearly seen from West Stockwell Street and the churchyard of St Martin’s. The design has been developed in close collaboration with Colchester Borough Council. While a Development Brief was initially produced for the site which stated that no new structures should rise above the ridge height of Angel Court, the document was not adopted guidance. An appropriate design has since been developed in conjunction with the Council.”

The Flexibility of the Proposed Uses

13.14 The application contains a mix of residential (C3) uses on the upper floors as well as some Office (B1 and A2) uses. However, the ground floor proposals include units fronting the highway that are still undefined. The reason for this is to allow greater flexibility for marketing the units in the current economic climate. Whilst in principle this flexibility can be accommodated, your officer would have concerns about a concentration of certain uses at this site. For example, the proposed blanket A1-A4 use could result in all units being put to use as a drinking establishment(s). The High Street already has a disproportionate amount of similar uses and it is considered inappropriate to allow flexibility to this degree. Therefore some form of control should be retained through conditions.

13.15 It is suggested that the use of each unit’s floor spaces as identified on the drawings be conditioned. A1 retail uses are the predominant use desired for the town centre. There is also scope for supporting uses such as additional offices (B1), professional services (A2), and some restaurant and café uses (A3). However, it is suggested that the amount of floorspace to be given over to drinking establishment uses (A4) be limited at the current time. The use of a condition can always be revisited at a later date through the submission of an application to vary the condition, therefore if there were no market for such uses then this could be explored in agreement with the Council. Conditions are therefore suggested to address this issue.

14.0 Conclusion

14.1 The Council’s policies encourage creating places that are locally distinctive and employ architecture that is both innovative and sympathetic to local character. Creative design is encouraged to inject fresh visual interest into the public realm. The new built additions follow a fresh contemporary approach which is of its time. With careful detailing and selection of quality materials the scheme has the potential to provide an innovative built form and add to the quality of the town centre. Therefore, officers would recommend that this approach be embraced by members.

14.2 The uses proposed remain flexible to some degree and this matter needs careful consideration in the use of conditions to retain some forms of control over the future occupation of the building once subdivided. However, with all material planning considerations taken into account, it is considered that the scheme is acceptable on its merits.

15.0 Background Papers

15.1 PPS; DPDP; Core Strategy; SPD; Urban Designer; DHU; EH; HA; SS; BC; HH; CC; AO; NLR

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:

- Implementation of the illustrated public realm works prior to the first occupation of the development (other than by CBC, who already occupy part of the building)
- A contribution towards community facilities of £4,439.

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

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be carried out strictly in accordance with the approved plan drawing numbers 57709.01A, 57709.02A, 57709.03B, 57709.04C, 57709.05C, 57709.06A, 57709.07B, 57709.08B, 57709.09B, 57709.10, 57709.11, 57709.12, 57709.13, 57709.14, and 57709.15A unless otherwise agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition

The development shall contain no more than 9 residential (C3) units at any time.

Reason: For the avoidance of doubt as to the scope of the permission, as this is the basis upon which the application has been considered and further subdivision to create additional residential units would require the provision of affordable housing in line with adopted policies.

4 - Non-Standard Condition

The floorspace as numbered Units 1, 2 and 3 on the submitted drawings shall be used for solely for A1, A2, A3 or B1 purposes only as defined in the Use Class Order and for no other purpose as defined in the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of this permission and in order to allow some flexibility with regard to the marketing of the development for appropriate uses whilst retaining some control over further consideration of other uses that may cause concern with regard to material planning considerations.

5 - Non-Standard Condition

The floorspace as numbered Units 4 and 5 on the submitted drawings shall be used for solely for A1, A2, A3, A4 or B1 purposes only as defined in the Use Class Order and for no other purpose as defined in the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of this permission and in order to allow some flexibility with regard to the marketing of the development for appropriate uses whilst retaining some control over further consideration of other uses that may cause concern with regard to material planning considerations.

6 - Non-Standard Condition

The floorspace as numbered Units 6, 7, 8a, 8b, 9 and 11 on the submitted drawings shall be used for solely for A2 or B1 purposes only as defined in the Use Class Order and for no other purpose as defined in the Town and Country Planning (Use Classes) (Amendment) Order 2005, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order, with or without modification.

Reason: For the avoidance of doubt as to the scope of this permission and in order to allow some flexibility with regard to the marketing of the development for appropriate uses whilst retaining some control over further consideration of other uses that may cause concern with regard to material planning considerations.

7 -C3.1 Materials (general)

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

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

8 - C3.19 External Colour Scheme to be Agreed

Prior to the commencement of the development hereby approved an external colour scheme shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.

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

9 - C3.21 Hard Surfacing

Prior to the commencement of the development hereby permitted details of all materials to be used for hard surfaced areas within the site including [roads/driveways/car parking areas/courtyards/etc] shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

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

10 - Non-Standard Condition

Additional drawings that show details of all proposed new windows, doors, lintels, eaves, verges and cills to be used, by section and elevation, at scales between 1:20 and 1:1 as appropriate, shall be submitted to and approved by the local planning authority in writing, prior to commencement of any works. The development shall be implemented in accordance with the approved additional drawings.

Reason: In order to ensure that these details are satisfactory where the drawings are insufficiently detailed and in order to protect the character of the area by ensuring quality in these finishes.

11 - Non-Standard Condition

Additional drawings that show details of the new lift tower, the glazed structure over the West Stockwell Street vehicular entrance, the penthouse and all proposed new gates to be erected at the development, at scales between 1:50 and 1:1 as appropriate, shall be submitted to and approved by the local planning authority in writing, prior to commencement of any works. The development shall be implemented in accordance with the approved additional drawings.

Reason: In order to ensure that the gates are not detrimental to the character the area where there is insufficient details within the submitted drawings and, with particular regard to the High Street (though not exclusive to), where the exact detailing and materials of the gates remains unknown.

12 - B7.3 Programme to be Agreed

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

Reason: In the interests of the appearance of the locality and to avoid doubt as to the scope of the permission hereby granted.

13 - Non-Standard Condition

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

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

14 - Non-Standard Condition

None of the new uses as hereby approved shall commence until the parking spaces have been laid out within the site in accordance with the approved plan for 32 cars and a minimum of 13 cycle spaces, and thereafter such spaces shall be retained for that purpose only.

Reason: To ensure that the parking provisions identified on the approved plans are available for use at all times.

15 - Non-Standard Condition

Prior to the first occupation of the proposed residential dwelling units, the applicant shall be responsible for the provision and implementation of a Travel Information and Marketing Scheme for sustainable transport that will have been previously approved, in writing by the Local planning Authority in agreement with Essex County Council, for each residential household.

Reason: In the interests of promoting sustainable development and transport in accordance with the adopted Colchester Borough Core Strategy and Development Policies, as well as Essex County Council policy in F.32 in the Essex Road Passenger Transport Strategy 2006/11.

16 - B9.1 Refuse Bins

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

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

17 - B9.2 Recycling Facilities

Prior to the development hereby approved being brought into use, facilities for the collection of recyclable materials shall be provided on the site and thereafter retained in accordance with a scheme submitted to and agreed by the Local Planning Authority.

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

18 - Non-Standard Condition

All residential units shall be designed so as not to exceed the noise criteria based on figures by the World Health Authority Community Noise Guideline Values given below: -

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAm_{ax})
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAm_{ax})

Such detail as shall have been agreed in writing by the local planning authority based on the submitted and approved survey and appropriate consequential noise mitigation measures shall be implemented prior to occupation of the development on the site and thereafter maintained.

Reason: To ensure that there are acceptable levels of noise to residents.

19 - Non-Standard Condition

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

Reason: To ensure that there are acceptable levels of noise to surrounding properties.

20 - Non-Standard Condition

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

Reason: To ensure that there are acceptable levels of noise to residents.

21 - Non-Standard Condition

No A3 or A4 use hereby permitted shall come into beneficial use until there has been submitted to and approved in writing by the local planning authority a scheme for the control of fumes and odours. This shall be in accordance with Colchester Borough Council's Guidance Note for Odour Extraction and Control Systems. Such fume/odour control measures as shall have been approved shall be installed prior to use hereby permitted coming into beneficial use and thereafter be retained and maintained to the agreed specification and working order.

Reason: To ensure that the development does not create unnecessary fumes and odour problems.

22 - Non-Standard Condition

Foul water drains serving the kitchen shall be fitted with grease traps maintained in accordance with the manufacturer's instructions prior to any A3 or A4 use hereby permitted coming into beneficial use. Such equipment as shall have been installed shall be retained and maintained to the agreed specification and in good working order.

Reason: To ensure that there is satisfactory provision in place for any such uses.

23 - Non-Standard Condition

Prior to the first commercial occupation of the development hereby permitted details regarding the hours of use and delivery times relating to the commercial premises proposed shall be submitted to and agreed, in writing, by the Local Planning Authority and shall be conducted as such thereafter unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

Reason: To safeguard the amenity of the proposed residents.

24 - Non-Standard Condition

The development shall take place fully in accordance with recommendations made in section (4) of the noise report produced by Sharps Redmore.

Reason: As this is the basis on which the application has been considered and determined.

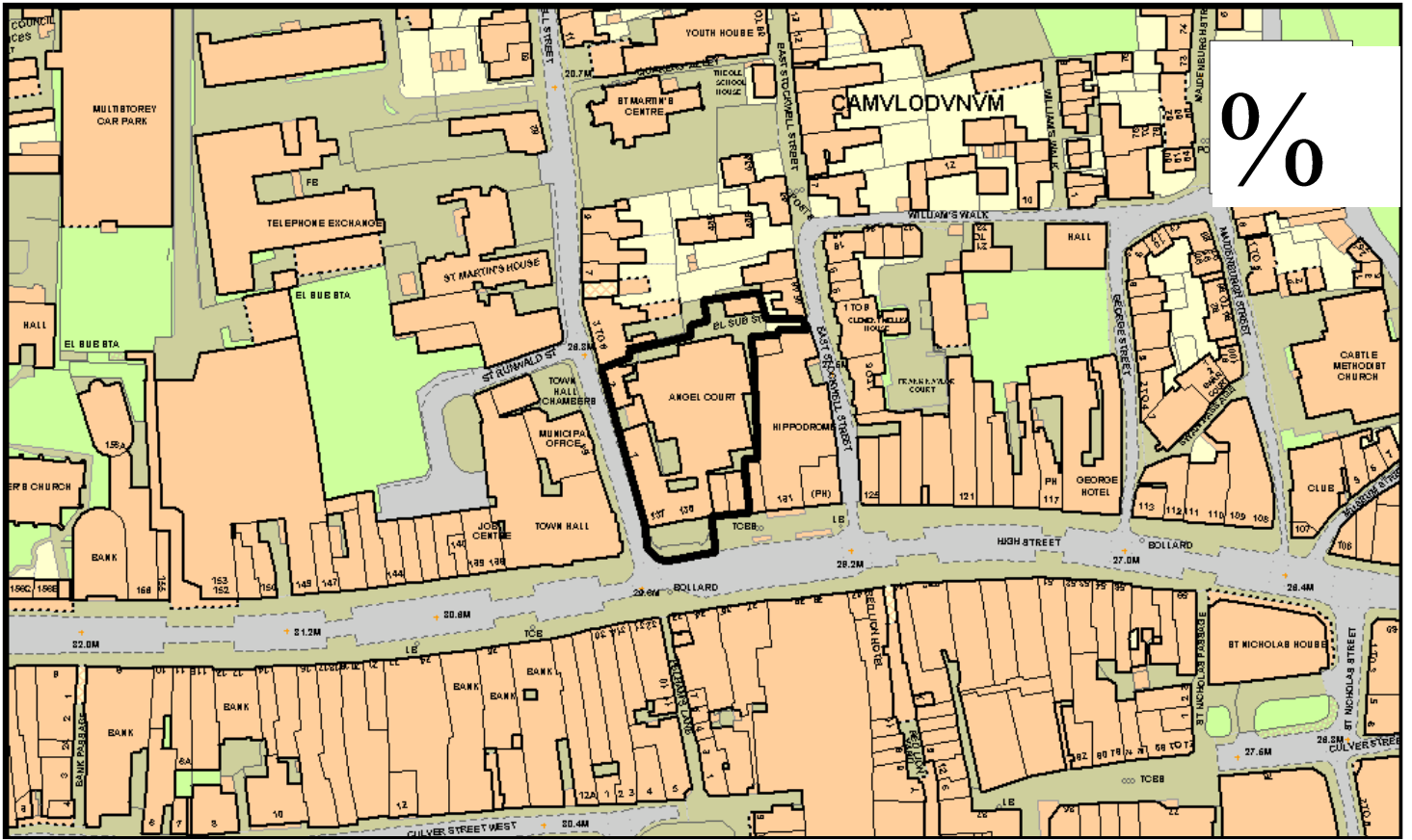
Informatives

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

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

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

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



Application No: 101951

Location: Angel Court, Angel Court, 136-137 High Street, Colchester, CO1 1SP

Scale (approx): 1:1250

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7.3 Case Officer: Andrew Tyrrell

EXPIRY DATE: 17/12/2010

MAJOR

Site: Angel Court, 136-137 High Street, Colchester, CO1 1SP

Application No: 101951

Date Received: 15 September 2010

Agent: Mr Ian Abrams

Applicant: City & Country Group

Development: Listed building consent for replacement of 2 windows on High Street with a doorway. New internal staircase to 136 High Street. Sealing up of internal openings to various parts of the building.

Ward: Castle

Summary of recommendation: Listed Building Consent

1.0 Planning Report Introduction

1.1 This Listed Building Consent (LBC) application accompanies the previous item and again is referred to the Planning Committee because there have been objections received and the officer recommendation is to approve the application. It is hoped that by the time of the committee meeting the majority of these objections will have been resolved. The latest position will be set out on the amendment sheet prior to the committee meeting.

2.0 Synopsis

2.1 The below reports details the LBC application for works to listed building to facilitate the redevelopment of the Angel Court site previously occupied by Colchester Borough Council. The application covers works to the interior of the building and also some elements of the physical works to the exterior including the insertion of new openings and shop frontages. After considering the objections received and all other material planning consideration the report will set out why this application is recommended for approval, subject to conditions.

3.0 Site Description and Context

3.1 Although described as Angel Court, this building is actually a network of amalgamated buildings and the site contains three listed buildings and two further non-designated heritage assets. The three listed buildings are 135 High Street, 136 High Street, and 2 West Stockwell Street. The non-designated heritage assets are 137 High Street (the former Angel Hotel) and 133–134 High Street which are recognised within the Colchester Town Centre Conservation Area Appraisal as being “buildings of architectural or historic interest”.

3.2 The site lies within the High Street and also recedes into the Dutch Quarter area of the Colchester Town Centre Conservation Area 1. This site is also within the designated town centre “outer core”. As a central location on the High Street it has strategic importance too, particularly with regard to longer term aspirations for the public realm strategy, retail, cultural and tourism attraction of the town.

4.0 Description of the Proposal

4.1 The application for LBC relates only to works to the listed buildings within the site. Principally, the application relates to areas where openings are being created and there is disturbance to the built fabric of the building. Full details of the works proposed are set out in the main report below.

5.0 Land Use Allocation

5.1 The site is designated as part of the town centre “Outer Core” area. It is also part of Conservation Area 1. The site contains 3 listed buildings.

6.0 Relevant Planning History

6.1 The history of this site is well documented within the submitted Heritage Statement. In terms of its planning application history there are various applications on this site, the most significant was that it was redeveloped into the Colchester Borough Council offices in the 1980s and the majority of the site is now occupied by a modern building of no significant architectural interest which sits alongside the historic and listed buildings.

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):
DP1 Design and Amenity
DP14 Historic Environment Assets

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Angel Court Development Brief (although please note this document was never formally adopted).

8.0 Consultations

- 8.1 The Conservation Officer had previously recommended that this application be refused subject to additional details being received. These details have been received and are currently being considered by the Conservation Officer. The report is written on the basis that the details are now acceptable. However, if this is not the case then the report will be amended or the item pulled from the agenda.
- 8.2 English Heritage state that they have no objections in principle to the development. However, they have also stated that they believe that the visual impact of the lift shaft and penthouse had not originally been justified or adequately assessed. These concerns have since led to revision and English Heritage have been re-consulted to see if they still have reservations about the proposal. Any response will be reported via the amendment sheet.
- 8.3 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 Ward Member Responses

- 9.1 No comments received to date.

10.0 Representations

- 10.1 No third party representations have been received from local residents or businesses.

11.0 Parking Provision

- 11.1 N/A

12.0 Open Space Provisions

- 12.1 N/A

13.0 Report

General

- 13.1 There are 3 principal listed buildings within the site; these are 136 High Street (described as dating from C15 and of a timber framed construction with a c. 1840 shop front); 135 High Street (a narrow bay building dating from c. 1840) and 2 West Stockwell Street (a mid C19 gault brick building with a slate roof). All of these buildings are listed grade II. The main issue raised by this application is the affect that the proposed development would have on the special architectural or historic interest of these buildings.

136 High Street

- 13.2 136 High Street will undergo little external change as no works are proposed to the front façade of this building. However, it is proposed to change the two existing windows (on the rear elevation) to doorways enabling access to the internal courtyard. At present 136 High Street is accessed by a staircase located within 137 High Street; the staircase provides access to ground, first and second floors. The scheme proposes to remove this staircase and block openings created between the two buildings to create two separate buildings.
- 13.3 It had formerly been proposed to insert a staircase into 136 High Street, set against the west wall and rising the full height of the building. However, following a further detailed assessment of the historic fabric of the building, a new strategy was designed to cause minimal impact on the well-preserved timber frame. A staircase between ground and first floors will now be positioned against the north wall of the building; this area does not have an exposed timber frame, unlike the west wall, and so the intervention will not affect significant historic fabric. It was not felt that a staircase could be inserted between first and second floors without both concealing and destroying significant elements of the historic timber frame. Therefore, the second floor of 136 High Street will be accessed by a staircase located in 137 High Street, as per the current situation, and will form part of the unit within number 137.

135 High Street

- 13.4 At 135 High Street it is proposed to insert an entrance door onto the High Street frontage; this will increase the active frontage of the building and the Conservation Officer has advised that there is not an objection in principle to this proposal. They have recommended that a new shop front of a traditional design is inserted into this building and this suggestion has been accounted for in the revised drawings now submitted. Subsequently the Heritage Statement has advised that at ground floor level it is proposed to remove the entire south wall and reinstate a shop front. A shop front existed here until at least 1964; from the evidence visible in historic photographs the shopfront was Victorian and probably original to date of construction. The proposed shopfront has not been fully detailed, but from the available evidence it would be possible to reinstate a design close to the original pattern. The existing late 20th century window in the High Street is not of historic or architectural significance. The installation of a new shop front of traditional design would enhance the significance of the building through returning it to its historic function and connected appearance.
- 13.5 On the east elevation it is proposed to remove a window, and lower the cill to form an entrance. The existing window appears to be a late 20th century intervention. There is no evidence to illustrate whether there were originally openings at ground floor level in this wall. Certainly given that this flank wall was adjacent to the alley through to the service courtyard of the Angel Hotel, and would have been busy with traffic, it is likely that there were no, or few openings, as at present. The proposed alteration would cause minimal loss of historic fabric, and would have little impact on the significance of 135 High Street.

- 13.6 Little alteration is proposed for the interior of 135 High Street, and the proposed changes will reverse some of the alterations carried out to the fabric when the building was converted previously. At ground floor level the opening between 135 and 136 High Street will be filled in, and the modern stud-partitions will be removed. These alterations will reinforce the historic plan form of 135 High Street, which until the late 20th century does not appear to have had a functional relationship with 136 High Street.

Removal of the Atrium Entrance off the High Street

- 13.7 The removal of the 1980s glazed entrance to Angel Court, attached to the east of 135 High Street, will have a beneficial impact on the listed building, through the reopening of a historic alleyway an important part of its setting.

2 West Stockwell Street

- 13.8 There are no proposed alterations to the exterior of 2 West Stockwell Street. Two minor alterations are proposed for the interior of the building, which otherwise remains as existing. At ground and first floor levels openings punched through the original east external wall to provide a communicating connection to a new staircase within Angel Court will be filled in. This will restore the building to the self-contained entity it historically was and restore the legibility of the plan form, thereby enhancing the significance of this listed building. Your Officer would consider these works to be desirable in principle. Subject to any different opinion being received from experts at English Heritage or the Conservation Officer, it is suggested that these works should be acceptable.

14.0 Conclusion

- 14.1 At the time of writing there was a need for confirmation of the proposals acceptance by English Heritage and the Conservation Officer. However it was anticipated that this would be forthcoming prior to the committee meeting. On this basis, it would be recommended that members approve the works to the listed buildings as shown on the submitted drawings and detailed within the application for Listed Building Consent.

15.0 Background Papers

- 15.1 PPS; Core Strategy; DPDP; SPG; DHU; EH

Recommendation - Listed Building Consent

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be carried out strictly in accordance with the approved plan drawing numbers 57709.01A, 57709.02A, 57709.03B, 57709.04C, 57709.05C, 57709.06A, 57709.07B, 57709.08B, 57709.09B, 57709.10, 57709.11, 57709.12, 57709.13, 57709.14, and 57709.15A unless otherwise agreed, in writing, by the Local Planning Authority.

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

3 - C1.2 Making Good Any Damage

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

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

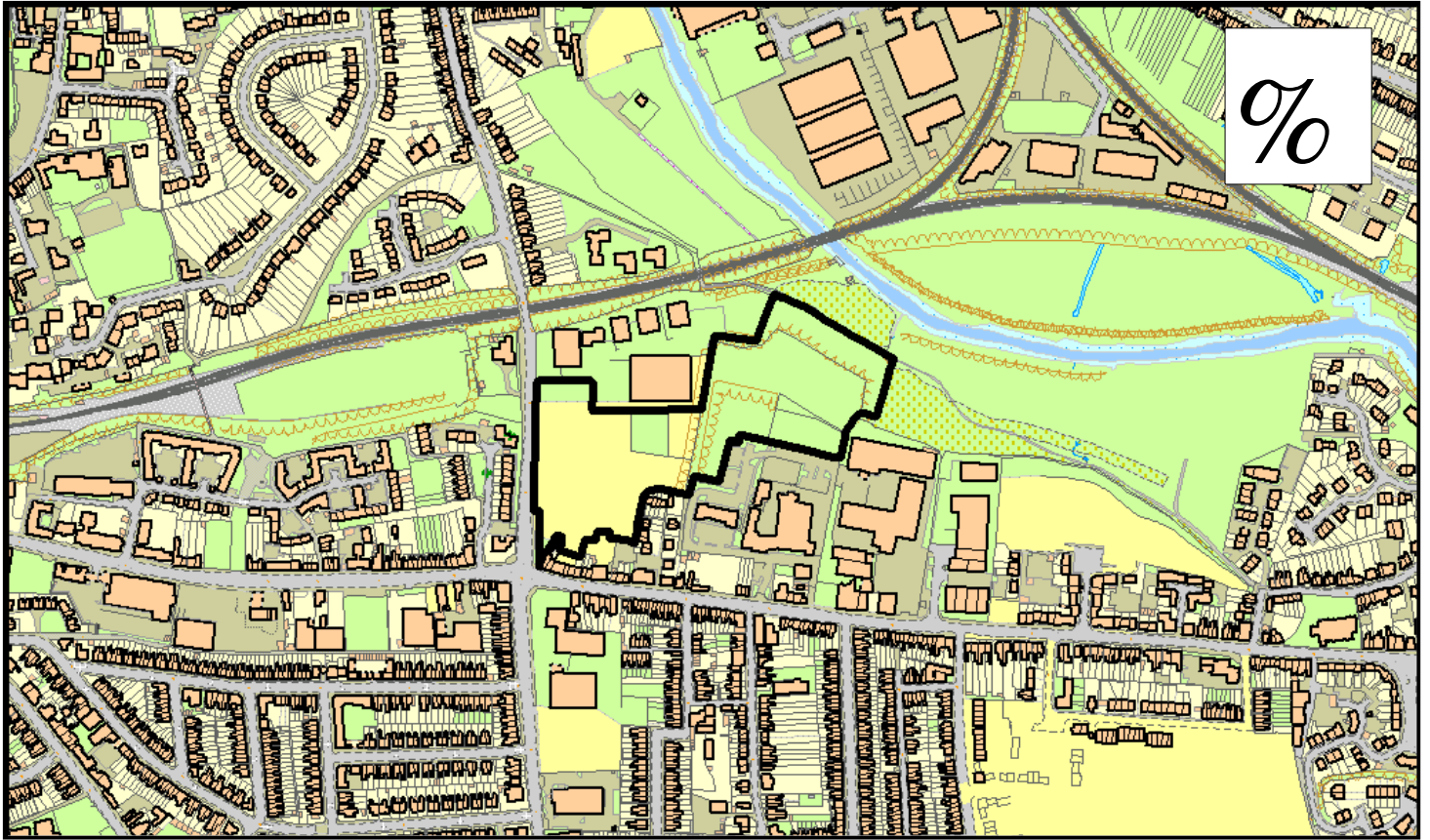
4 - Non-Standard Condition

Any other additional conditions as added via the amendment sheet upon the recommendations of the consultee experts.

Informatives

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

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



Application No: 101983

Location: Land To Rear Of, Brook Street, Colchester

Scale (approx): 1:1250

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7.4 Case Officer: Sue Jackson

EXPIRY DATE: 21/12/2010

MAJOR

Site: Brook Street, Colchester

Application No: 101983

Date Received: 21 September 2010

Agent: Mr B Morgan

Applicant: Mersea Homes Limited

Development: Extant planning permission to extend time limit for implementation of residential development of 110 units with new access, parking and open space and provision of shoppers car park, to include demolition of existing buildings.

Ward: New Town

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

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because it has to be linked to an existing section 106 agreement and because the development needs to be assessed against changes to policies and guidance since the 2004 application was approved.

2.0 Synopsis

2.1 This application is to extend the time period for the commencement of the development approved under planning application F/COL/04/1474. In October 2009 the Government introduced new measures in order to make it easier for developers and Local Planning Authorities (LPA's) to keep planning permission alive for longer during the economic downturn. The guidance states "In current circumstances, LPA's should take a positive and constructive approach towards applications which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for an extension will by definition have been judged to be acceptable at an earlier date. While these applications should, of course, be determined in accordance with s.38(6) of the Planning and Compulsory Act 2004, LPA's should in making their decisions focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change) which may have changed significantly since the original grant of permission".

- 2.2 The report describes the development proposed, it includes elements of the earlier report, it explains and comments on the provisions of the existing section 106 agreement, policy changes in particular to adopted parking standards are discussed and it sets out and comments upon the parking provision proposed and finally permission is recommended.
- 2.3 Members should be aware that as the regulations require the LPA to use the original planning application documents and drawings the quality of the committee presentation may be affected.

3.0 Site Description

- 3.1 The application site has an area of approx 2.77 hectares. It is less than ½ a mile from Colchester town centre and the town railway station. It has a frontage onto Brook Street and extends behind residential and commercial premises and the Wilson Marriage Centre in Barrack Street. The site includes an area of former playing fields to the Wilson Marriage Centre. At the time of the 2004 application the Brook Street frontage contained a row of boarded up residential properties these have now been demolished. There are commercial premises along part of the north boundary whilst the remainder slopes down steeply to The Moors and the Wivenhoe Trail.

4.0 Description of the Proposal

- 4.1 This full application involves the erection of 110 dwellings of two and three storeys in height. The development comprises 39 1-bed flats, 13 2-bed flats, 4 2-bed flat over garage, 49 3-bed houses, and 5 4-bed houses. It also includes open space, a children's play area and a shoppers' car park. Vehicular access to the site is proposed via a new roundabout onto Brook Street, there is also pedestrian access at this point. In addition a footpath cycleway link from Brook Street through the development to the Wivenhoe Trail is indicated. Pedestrian access to the site linking to the Wilson Marriage Centre is shown from Barrack Street. A new car park for the Wilson Marriage Centre shown on the application drawing has now been constructed.
- 4.2 The original application was supported by a Planning Statement, Site Analysis, Visual Impact Analysis, Arboricultural Impact Assessment, Landscape Report, Archaeological Assessment, Ecological Assessment, Noise Assessment, Flood Risk Assessment, Environmental Site Investigation Report, Ecological Appraisal, and Design Statement.

5.0 Land Use Allocation

- 5.1 In the Adopted Review Colchester Borough Local Plan that part of the site to the rear of the Wilson Marriage Centre was allocated for community uses. The majority of the remainder of the site was allocated for residential development and the part next to The Moors was shown as open space.
- 5.2 In the recently adopted Local Development Framework (LDF) plan the majority of the site is allocated for predominantly residential purposes and part, adjacent to The Moors, as open space.

5.3 The proposed areas of the site for residential development and open space correspond to the LDF allocations. The development proposed is therefore in accordance with the LDF and there are no new land use issues.

5.4 A development brief for the site was adopted as Supplementary Guidance in 2001.

6.0 Relevant Planning History

6.1 CC/COL/04/1827 Essex County Council application relating to the Wilson Marriage Centre to provide two way traffic at the main entrance, shoppers car park, extend the car park and provide a one way route around the site, demolition of buildings, lighting landscaping.

6.2 F/COL/04/1747 residential development of 110 units with new access parking and open space together with shoppers car park. Planning permission was granted in 2006. It is this permission this current application relates to and seeks to extend the time limit for the commencement of development.

7.0 Principal Policies

7.1 The following national policies are relevant to this application:

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Statement 3: Housing

Planning Policy Statement 4: Planning for Sustainable Economic Growth

Planning Policy Statement 12: Local Spatial Planning

Planning Policy Guidance 13: Transport

Planning Policy Guidance 14: Development on Unstable Land

Planning Policy Guidance 17: Planning for Open Space, Sport and Recreation

Planning Policy Statement 23: Planning and Pollution Control

Planning Policy Guidance 24: Planning and Noise

Planning Policy Statement 25: Development and Flood Risk

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

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

SD3 - Community Facilities

CE2 - Mixed Use Centres

H1 - Housing Delivery

H2 - Housing Density

H4 - Affordable Housing

UR1 - Regeneration Areas

UR2 - Built Design and Character

PR1 - Open Space

PR2 - People-friendly Streets

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

TA3 - Public Transport

TA4 - Roads and Traffic

TA5 - Parking

ENV1 - Environment

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
- DP1 Design and Amenity
 - DP3 Planning Obligations and the Community Infrastructure Levy
 - DP4 Community Facilities
 - DP12 Dwelling Standards
 - DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP17 Accessibility and Access
 - DP19 Parking Standards
 - DP20 Flood Risk and Management of Surface Water Drainage
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
- Backland and Infill
 - Community Facilities
 - Vehicle Parking Standards
 - Sustainable Construction
 - Open Space, Sport and Recreation
 - The Essex Design Guide
 - External Materials in New Developments
 - Affordable Housing

8.0 Consultations

- 8.1 The Highway Authority has no objection.
- 8.2 Environment Agency has no objection in principle but considers a revised Flood Risk Assessment should be submitted as the original assessment was prepared under PPG25 which has been superseded by PPS25 in December 2006. The applicant's consultant has responded to the Environment Agency comments as follows (summarised):-

The original flood risk assessment dealt with the management of flood water from the site including the 1:100 event. Whilst the definition of flood risk area 3b functional flood plain has changed in the 2006 PPS this does not alter the conclusions of the earlier report which considered the issue of flood water. In addition condition 10 requires surface water to be submitted and agreed.

- 8.3 Consultations on the 2004 application are set out below
- Landscape Officer no objection
 - Archaeological Officer no objection subject to conditions
 - Essex Wildlife Trust require a condition to ensure that the mitigation measures proposed in the Ecological Appraisal are implemented.
 - English Nature broadly satisfied with the proposals with regard to protected species and welcome the adoption of the proposed management plan
 - Environmental Control no objection subject to conditions
 - Anglian Water no objection subject to drainage condition
 - Conservation and Design Manager (now DHU) 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 Representations

9.1 One letter has been received stating no objection to the application.

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

10.0 Parking Provision

10.1 Since the 2004 application was determined the Council has adopted new parking standards in respect of residential development which state:

- 2 bedroom (or more) flats and houses 2 spaces per unit, 1 bedroom units 1 space per unit plus visitor parking 1 space for every 4 units.
- A parking space should measure 2.9m by 5.5m. A smaller size of 2.5m by 5m is acceptable in special circumstances.
- A garage should have an internal space of 7m by 3m. Smaller garages do not count towards the parking allocation.
- Residential parking standards can be relaxed in areas suitable for higher density development.

10.2 The application provides a total of 186 spaces (a combination of communal parking areas and on plot parking). The new parking standards require 209 spaces a shortfall of 23. The parking spaces measure 2.5m by 5m and the garages are below the new larger size.

10.3 The new parking standards are a material planning consideration.

10.4 However the Council has accepted the viability appraisal. This is a high density development and to amend the scheme to comply with the new parking standard would result in a reduction in the number of units making the development unviable and incur costs.

10.5 The parking standards document states that a reduction of the vehicle standard may be considered if the development, particularly residential development, is within a main urban area that has good links to sustainable transport. Main urban areas are defined as those having frequent and extensive public transport and cycling and walking links, accessing education, healthcare, food shopping and employment.

10.6 This site is in a very sustainable location less than ½ a mile from Colchester town centre and the Town Railway Station. Barrack Street is on the route for several bus services and many other bus services use East Hill a ¼ mile from the site. There are good footpath and cycle links to the town centre and beyond. The development will also provide additional footpath and cycle links.

10.7 The parking standards document accepts smaller spaces in some circumstances.

- 10.8 Finally it is noted the Highway Authority raises no objection to the application.
- 10.9 For the above reasons the parking provision is considered acceptable and Members are advised it would not be appropriate to refuse planning permission on parking grounds.

11.0 Open Space Provisions

- 11.1 The development includes a landscaped open space amounting to 0.62 hectares including a children's play area.

12.0 Report

- 12.1 When the 2004 application was considered by Members the report explained that part of the site consists of a former waste disposal site requiring expensive remediation works. The application proposals were subject to a detailed cost appraisal by the Councils consultants Fordhams in order to determine an appropriate level of planning gain.
- 12.2 This application has been considered by the development team who accept that in the current economic climate the original financial appraisal and its conclusions and the provisions of the existing section 106 agreement are still applicable. Members will be aware that since 2004 the affordable housing requirement has increased from 25% to 35 % there is also adopted guidance for a community facilities contribution. These contributions are not met and in addition there is no education contribution.
- 12.3 The section 106 agreement secures the following; 4 units of rented affordable housing, open space and children's play area, pedestrian and cycle links between Brook Street and the Wivenhoe trail and a further pedestrian link from Barrack Street, a shoppers' car park is also proposed. However as the viability appraisal was accepted on the high cost of remediation, estimated at £4million, the section 106 agreement includes a clause requiring the developer to submit evidence of the actual cost of the remediation and provides for a "claw back" financial contribution if the actual cost is appreciably less than the estimated cost. The agreement requires that this money shall only be used as an affordable housing contribution.
- 12.4 The previous report described the application in the following terms:
- "110 units of accommodation are proposed for the site (at a density of 58 dwellings per hectare) in the form of two and three storey terraced and semi detached and linked buildings. The buildings are grouped around a series of intimate public spaces connected by a low speed street designed as a shared surface which winds its way through the site from Brook Street. This should provide a safe pedestrian friendly environment and the pleasant visual experience of a constantly changing vista culminating in views across the Colne Valley towards the towns Northern approaches. The architecture by local designers Stanley Bragg Associates whilst not aping the traditional building forms that still predominate in the area are reflective of them and would be constructed in materials chosen from the familiar north Essex range, thereby helping to reinforce local identity. The buildings many of which are of individual design are aligned to face onto and enclose the public spaces thus encouraging communal use of these spaces and the security and safety of these areas.

12.5 Car parking is generally under-croft or tucked away out of site in rear courtyards, so the streets should be largely uncluttered of parked vehicles. The layout provides a variety of routes through the site and good pedestrian and cycle movement will be possible by links to Barrack Street, Brook Street and the Wivenhoe Trail giving the scheme a high degree of permeability a shoppers' car park is proposed providing 6 spaces in accordance with the development brief. A landscaped open space amounting to 0.62 hectares – exceeding the Councils normal standards, is proposed at the northern end of the site sloping down to join up with the existing riverside path and the moors recreation and wildlife area.”

13.0 Conclusion

13.1 The development of this site in a sustainable location on brownfield land is to be welcomed. The only policy change since the original permission is the new parking standard in all other respects both Government policy and LDF policy encourage the development of such sites. It is recommended Members agree to extend the time period for the commencement of the development.

14.0 Background Papers

14.1 PPS; Core Strategy; DPDP; SPG; HA; NR; NLR

Recommendation

APPROVE subject to the prior completion of a legal agreement to link this application to the existing section 106 agreement.

On completion of the legal agreement, the Head of Environmental and Protective Services be authorised to grant planning permission subject to conditions as before (copy attached as appendix) except Condition 1 which will restrict the development to 3 years.



Notice of Planning Decision

TOWN AND COUNTRY PLANNING ACT 1990
THE TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER
1995

In pursuance of the powers exercised by it as District Planning Authority this Council, having considered your application to carry out the development detailed below in accordance with the plan(s) accompanying the said application, DOES HEREBY GIVE NOTICE of its decision to GRANT PERMISSION for the said development subject to any additional condition(s) set out below.

APPLICATION NO: F/COL/04/1747 **APPLICATION DATE:** 17th September 2004

PROPOSAL: Residential development of 110 units with new access, parking and open space and provision of shoppers car park, to include demolition of existing buildings.(Amended Plans)

LOCATION: Land to rear of Brook Street, Colchester.

APPLICANT: Mersea Homes Limited 45 Kingsland Road West Mersea Colchester Essex

subject to compliance with the following condition(s) :-

1. The development hereby permitted shall be begun before the expiration of five 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.
2. The development hereby permitted shall be implemented in all respects strictly in accordance with the approved plans returned stamped approved with this decision.
Reason: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the Local Planning Authority.
3. Before the development hereby permitted commences, the external materials and finishes to be used, shall be agreed in writing by the Local Planning Authority.
Reason: To ensure that the proposed development is visually satisfactory/attractive and enhances the appearance of the locality.
4. Prior to the commencement of the development hereby permitted details of all materials to be used for hard surfaced areas within the site including [roads/driveways/car parking areas/courtyards/etc] shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the proposed development is visually [satisfactory/attractive] and enhances the appearance of the locality.

DC100MW 02/02

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED



Notice of Planning Decision

5. Additional drawings that show details of all architectural features, including windows, doors, doorcases, eaves, verges, cills, copings, arches, lintels, string courses, balconies, balustrading, chimney stacks, and roof features, at a scale of between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall be carried out in accordance with the approved details.
Reason: To ensure that the development has a satisfactory appearance.
6. The windows used shall be exactly as detailed on the approved drawings and all external joinery shall be formed in softwood and shall have a white painted finish unless otherwise agreed in writing by the local planning authority.
Reason: To ensure a satisfactory appearance in keeping with the traditional architecture in this area.
7. Prior to the commencement of the development hereby approved an external colour scheme shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed scheme.
Reason: To ensure that the proposed development is visually satisfactory/attractive and enhances the appearance of the locality.
8. A scheme of environmental works including construction of walls/fences/railings/ planting of hedges etc and other structures on or adjacent to the boundary of the site with the highway/means of access shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved scheme shall be completed prior to the development being brought into use and shall be retained thereafter.
Reason: To ensure a satisfactory form of development and in the interests of visual amenity.
9. Prior to the commencement of the development details of screen walls/fences/railings /means of enclosure etc shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position/height/design and materials to be used. The fences/walls shall be provided as approved prior to the completion of the development hereby approved and shall be retained thereafter. This scheme shall include railings along the Brook Street frontage. Such railings shall be erected prior to occupation of the properties with a frontage onto Brook Street.
Reason: To ensure a satisfactory form of development and in the interests of visual amenity and to prevent vehicle parking in the front gardens of properties on the Brook Street frontage.

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

DC100MW 02/02



Notice of Planning Decision

10. Prior to the commencement of the development, a scheme for the provision and implementation of surface water drainage incorporating sustainable drainage principles, shall be submitted to and agreed in writing by the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specification prior to the first occupancy of any part of the development.
Reason: To ensure a sustainable method of surface water drainage.
11. Prior to the commencement of any development, a scheme for the provision and implementation of foul water drainage shall be submitted to and agreed in writing by the local planning authority. The works/scheme shall be constructed and completed in accordance with the approved plans/specifications at such time/s as may be specified in the approved scheme.
Reason: To ensure a satisfactory method of foul drainage.
12. Prior to commencement of any development, a scheme for pollution control to the water environment shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented in accordance with the approved plans/specification at such time/s as may be specified in the approved scheme.
Reason: To prevent the increased risk of pollution to the water environment.
13. Before any works commence on site, details of all existing trees with a stem diameter of 100mm or greater, shall be submitted to and agreed in writing by the Local Planning Authority and shall include the following information:
 - a) Individual tree location, species, reference number, girth or stem diameter and accurately planned crown spread.
 - b) A numbered tree condition schedule with proposals for removal, surgery or other works, where applicable.
 - c) Existing ground levels at the base of trees shall be given where nearby changes in level or excavations are proposed.Reason: To enable proper attention to be given to the impact of the proposed development on existing trees.
14. 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.
Reason: To protect the health of trees, shrubs and other natural features to be retained in the interest of amenity.



Notice of Planning Decision

15. All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.
Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.
16. All aquatic features and associated vegetation on site shall be retained unless otherwise approved in writing by the Local Planning Authority, and appropriately protected from physical disturbance or pollution prior to commencement and during works on site.
Reason: To safeguard the continuity of amenity and nature conservation value afforded by water and to avoid damage to nearby trees by changes to the water table.
17. No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved in writing by the Local Planning Authority (see BS 1192: part 4). These details shall include, as appropriate:
- Existing and proposed finished contours and levels
 - Means of enclosure
 - Car parking layout
 - Other vehicle and pedestrian access and circulation areas
 - Hard surfacing materials
 - Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signage, lighting)
 - Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, etc. indicating lines, manholes supports etc.)
 - Retained historic landscape features and proposals for restoration
- Soft landscaping 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
 - Implementation timetables
- Reason: To safeguard the provision of amenity afforded by appropriate landscape design.



Notice of Planning Decision

18. All approved hard and soft landscape works shall be carried out in accordance with the programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and recorded for at least five years following contractual practical completion of the approved development. 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.
19. 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.
20. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with approved details.
Reason: To ensure proper consideration and approval of any effects of change in topography on landscape features.
21. No development shall commence on site until a scheme of nature conservation has been submitted to and approved in writing by the local planning authority and no development shall take place other than in accordance with the approved scheme.
Reason: To ensure that adequate measures are taken to protect the continuing well-being of wildlife on the site.
22. Works likely to damage or disturb suitable bird-nesting habitats shall be undertaken outside of the nesting period, (that is between October and February) unless otherwise agreed in writing by the local planning authority following a search of effected areas by a suitably experienced ecologist.
Reason: To ensure that nesting birds are not disturbed in the interests of wildlife conservation.



Notice of Planning Decision

23. No development shall take place until the applicant, or successor in title has commissioned an archaeological watching brief in accordance with details that shall have previously been agreed in writing by the local planning authority. The watching brief shall be carried out in accordance with the agreed details.
Reason: To ensure that any remains of archaeological interest are adequately recorded.
24. Space shall be provided within the site to accommodate the parking, loading, unloading of all vehicles visiting the site, clear of the highway and properly laid out and such space shall be retained thereafter free from any impediment to its designated use and to allow all vehicles to enter and leave the highway in forward gear.
Reason: In the interests of highway safety.
25. Prior to the development commencing, a scheme for the proposed cycle/pedestrian link to the Wivenhoe Trail (Sustrans Route 1) shall be submitted to and approved in writing by the Council. This scheme shall provide details of the design of the path (including construction, width and materials, together with a programme for its completion. The path shall be constructed in accordance with the agreed scheme and shall thereafter be retained for public use.
Reason: In the interests of promoting sustainable travel to and from the site and to ensure that an important greenlink is provided within a planned network of cycleway/footpaths in East Colchester.
26. The three proposed accesses to the Wilson Marriage Centre shall be restricted to pedestrian use only.
Reason: In the interests of highway safety.
27. The carriageways of the proposed estate roads shall be laid out and constructed up to and including at least road base level, prior to the commencement of the erection of any residential development intended to take access therefrom. Furthermore, the carriageways and footways shall be constructed up to and including base course surfacing in order to ensure that prior to occupation each dwelling has a properly consolidated and surfaced carriageway and footway between the dwellings and an existing highway which shall thereafter be maintained in good repair until the final surface is laid. Until such time as the final surfacing is completed, the footway base course shall be provided and maintained in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths commensurate with the frontage of each dwelling shall be fully completed with final surfacing within twelve months from the occupation of the dwelling.
Reason: In the interests of highway safety.



Notice of Planning Decision

28. Details of all other finished surfaces of access ways (both adoptable and non adoptable) shall be submitted to and approved in writing by the local planning authority and thereafter constructed in accordance with such approved details, prior to the erection of the dwellings intended to take access from them. All statutory undertakers equipment and services shall be laid prior to the commencement of any works within the access way and thereafter the access ways shall be constructed up to and including base course surfacing in order to ensure that prior to occupation each dwelling has a properly surfaced access between the dwelling and an existing highway which shall thereafter be maintained in good repair until the final surface is laid. The final finished surfaces of the access way, as approved by the local planning authority shall be laid within three months of the completion of all the dwelling units intended to take access therefrom or within any such extended period that may be agreed by the local planning authority.
Reason: In the interests of highway safety and convenience.
29. A 1.5 metre x 1.5 metre pedestrian visibility splay, relative to the back of the footway/overhang margin, shall be provided on both sides of all vehicular accesses prior to their operational use. There shall be no obstruction above a height of 600mm (from the finished surface of the access) within the area of the pedestrian visibility sight spays and which shall be retained thereafter in that form.
Reason: In the interests of highway safety.
30. The first six metres of any private accessway as measured from the proposed highway boundary shall be treated with a bound surface dressing as approved in writing by the local planning authority and thereafter retained in that form.
Reason: In the interests of highway safety.
31. A scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be implemented prior to the commencement of any other part of the development hereby approved (unless the scheme or parts of it require commencement of other parts of the approved development). The scheme shall be submitted to the local planning authority for approval prior to commencement of works. This shall be undertaken by competent persons and in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers.
Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.



Notice of Planning Decision

32. The developer shall notify the local planning authority of completion of the remediation works and on completion a validation report undertaken by competent persons in accordance with the Essex Contaminated Land Consortium's Land Affected by Contamination: Technical Guidance for Applicants and Developers related to the agreed remediation measures shall be submitted to the local planning authority for approval.
Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.
33. Prior to occupation of any property hereby approved, the developer shall submit to the local planning authority a signed certificate to confirm that the remediation works have been completed in accordance with the scheme referred to in Condition 29 above.
Reason: To ensure that the health and safety of future users of the site is not prejudiced and to protect the health and safety of local residents.
34. The dwellings hereby approved shall, prior to their occupation, be insulated from extraneous noise sources (namely nearby roads, railway and commercial uses) in accordance with a scheme that shall have been previously submitted to and approved in writing by the local planning authority.
Reason: In the interests of the amenity of future residential occupiers.
35. Details of all lighting and street furniture shall be submitted to approved in writing by the local planning authority prior to its installation on site. No street furniture or lighting shall be erected/installed other than that thereby approved. The approved lighting and street furniture shall be installed within 6 months of completion of the development.
Reason: In the interests of visual amenity safety and security of the future users of the development.
36. No construction work relating to this permission shall be carried out on any Sunday or Public Holidays nor before 0730 hours or after 1800 hours on any weekday or before 0800 hours or after 1300 hours on Saturdays.
Reason: In order to protect residential amenity.
37. All walls to be rendered shall have a smooth finish.
Reason: To ensure that the appearance reflects the traditional finish of rendered buildings in Colchester.



Notice of Planning Decision

1. Your attention is drawn to the following advisory notes:-

References in the above conditions to "prior to development commencing" or similar wording may, at the local planning authority's absolute discretion be deemed, if the development is phased, to relate to each phase of the development, providing such phases have previously been identified and agreed in writing by the local planning authority.

2. The Council wishes to request that you contact the owners of the property on the corner of Barrack Street and Brook Street with a view to carrying out a scheme to improve the appearance of the existing unsightly blank gable end that will otherwise blight the appearance of the development at this prominent location in the street scene.

3. Contamination

The phased risk assessment should be carried out also in accordance with the procedural guidance and UK policy formed under the Environmental Protection Act 1990.

The site is known to be contaminated. Please be aware that the responsibility for the safe development and secure occupancy of the site rests with the developer.

The Local Planning Authority has determined the application on the basis of the information made available to it.

4. Demolition and Construction

The developer is referred to the attached advisory note for the avoidance of pollution during the demolition and construction phases. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the development.

5. If any protected species are found at any stage in the development, all work must stop and English Heritage contacted for immediate advice.

6. Essex County Council (Highways) Authority:

Prior to any works taking place in the public highway the developer should enter into an agreement with the Highway Authority under the Highways Act 1980 to regulate the construction of the highway works.

All highway related details shall be agreed with the Highway Authority.



Notice of Planning Decision

Number of parking spaces, including disabled, cycle and motorcycle shall be in accordance with those standards set down within Essex Planning Officers Association, Vehicle Parking Standards, August 2001. Further, all cycles and motorcycle parking shall be convenient, covered and secure.

Any proposed traffic calming shall be laid out and constructed having consulted the emergency services and bus operators.

Prior to occupation, each dwelling shall be served by a system of operational street lighting between the dwelling and an existing highway which shall thereafter be maintained in good repair.

Given the proposed density the treatment of the pedestrian/vehicular areas will be important and those areas not intended to be shared will have to be considered as segregated areas - i.e. as separate carriageways and footways. This will mean that the design of these areas should not encourage easy overrunning of the footways by vehicles. All of the square areas appear to have the footways located around the perimeter and some of them are separated from the square by bollards. This form of separation is acceptable and should be applied in all similar situations but must comply with the Disability Discrimination Act 1995. The footways should be provided with a measure of upstand possibly by as little as 25mm. This level difference would assist sight impaired pedestrians to identify the location of the footways.

Two of the square areas are clearly intended to be raised and where this occurs the approach ramps to and from the carriageway should not exceed a gradient of 1 in 15. The treatment of the other two squares located in the vicinity of Plots 21 & 24 is unclear but any area which is 75mm above the level of the adjacent carriageway will need to be provided with 1 in 15 ramps.

The proposed alignment should be reviewed for the section of highway serving amongst others plots 26 to 31. The bend outside plot 26 should be provided with radius kerb lines as opposed to the angular arrangements shown on the application drawings which would deflect vehicles across the centre line of the road. The centre line bend radius should be in accordance with the details set out in the Essex Design Guide.

The other area which requires amendment is outside Plot 27 where the road has been provided with a deflection as part of a speed reduction measure. The two 90 degree changes in the kerb line provided to create the deflection would introduce to motorists an unacceptable obstruction within each running lane of the carriageway. If the layout is to remain generally as shown, tapered areas should be provided on the traffic approach side of both deflections, the design and extension of which, should be agreed at the detailed design stage.



Notice of Planning Decision

The position of all trees proposed within the limits of the highway must be designed in association with the street lighting scheme. The trees should be set back from the carriageway edge by no less than 1 metre and should be positioned so as not to obstruct any visibility sight splays. Any trees to be planted within the limits of the highway should be supported by a commuted sum set at a realistic level to cover the costs of their future maintenance.

7. The Environment Agency should be consulted for advice in respect to conditions 12, 13 and 14. They further advise as follows:-

We confirm that the drainage details are acceptable in principle, and overcome our original objection to the scheme. We accept that the scheme is generic at this stage, and that a more detailed scheme is being engineered, incorporating Sustainable Drainage Systems (SuDS) where possible, and should be available in the near future. The above condition is supported by Policy UT1 of the Colchester Local Plan and should ensure that a suitable scheme is incorporated into the final design.

Sustainable Design

In order to minimise the use of resources and the production of waste, the Agency suggests the development incorporates principles of sustainable construction and design. Policy BENV8 of the EERA Draft Consultation Document RSS14 sets a goal for major development, such as that proposed, to include systems for energy efficiency and renewable energy generation. Part C of this policy sets a further target of 10% of the predicted energy requirement to be met by on-site renewable generation. We encourage this sustainable approach to development and recommend that the applicant considers ways that demand for off-site services and infrastructure, such as water supply and foul drainage can be reduced. Policy P7 and UT1 of the Colchester Local Plan further supports this sustainable approach and require that proposals consider their own impact on the environment.

Date: 11th April 2006

Signed:


Nicola George, Head of Planning, Protection and Licensing

In determining this application the Council has taken into account the following policies:

Adopted Review Colchester Borough Local Plan – March 2004



Notice of Planning Decision

Reasons for granting permission

- (1) The Planning Committee having considered the recommendation contained in the officer's report was of the opinion that the proposal does comply with the relevant policies in the Statutory Development .

- (2) Having had regard to all material planning considerations the Council is of the opinion that the proposal will not cause any harm to interests of acknowledged importance.

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

DC100MW 02/02



Application No: 101524

Location: St Albrights, 1 London Road, Stanway, Colchester, CO3 0NS

Scale (approx): 1:1250

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7.5 Case Officer: Mark Russell

MAJOR

Site: 1 London Road, Stanway, Colchester, CO3 0NS

Application No: 101524

Date Received: 22 July 2010

Agent: Mr Alistair Grills

Applicant: Knight Developments Ltd & St Albrights Property Company Ltd

Development: Partial Demolition and conversion of vacant B1 uses office complex with additional new build to provide 64 No C3 residential units in total.

Ward: Stanway

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

7.6 Case Officer: Mark Russell

EXPIRY DATE: 11/11/2010

MAJOR

Site: 1 London Road, Stanway, Colchester, CO3 0NS

Application No: 101525

Date Received: 22 July 2010

Agent: Mr Alistair Grills

Applicant: Knight Developments Ltd & St Albrights Property Company Ltd

Development: Listed Building Consent for partial demolition and conversion of vacant B1 uses office complex with additional new build to provide 64 No C3 residential units in total.

Ward: Stanway

Summary of Recommendation: Listed Building Consent

1.0 Planning Report Introduction

1.1 In 2008, Members resolved to approve a scheme on this site for 85 units, incorporating 52 flats (12 new build, 40 conversion) 33 houses (30 new build, 3 conversion). This was subject to a Unilateral Undertaking for affordable housing which has never been signed. The applications at hand are a proposed amendment to the initial scheme, comprising fewer overall units.

1.2 These applications are referred to the Planning Committee because of objections from neighbouring properties.

2.0 Synopsis

2.1 The following report sets out a description of the site and its surroundings and a detailed description of the proposal. The scheme is recommended for approval.

3.0 Site Description and Context

3.1 The site comprises the Grade II Listed Building St. Albrights which is a former workhouse and was more recently used by Essex County Council as office accommodation. Built in 1837, the building is a two-storey red-brick cruciform with an octagonal centre block. Also on site are the attractive Master's House and Rose House, Chapel and mortuary all of which are also listed. Around the perimeter of the main building is a less attractive, modern, single-storey octagonal arrangement including a laundry building. Also on the site is a pair of staff houses from 1958 which are scheduled for removal as part of the redevelopment.

3.2 The grounds of these buildings are well planted with many established trees, several of which are covered by Tree Preservation Orders.

3.3 Situated on the corner of New Farm Road and London Road, the site has the modern housing development of Hedgerows, Badgers Holt and Cobble Row to the rear. The remaining (western) aspect contains the residential properties 3 and 5 London Road, the Collier and Catchpole builders yard and vacant land next to the Stanway Rovers Football Club.

4.0 Description of the Proposal

4.1 The proposal at hand is a mixture of demolitions, conversions and new-build.

4.2 The existing two dwellings from 1958 in the south-eastern corner of the site, the mortuary near to the New Farm Road entrance, a cluster of modern accretions in the south-western corner including the old laundry building, plant-room and one or two other small, modern, elements are to be removed from the site.

4.3 The main workhouse building is to be converted into a total of 17 flats (one studio, one x one bed and 15 x 2 bed).

4.4 The Master's House, which faces on to London Road, is to contain a total of 3 flats (two x one bedroom and one x two bedroom flats).

4.4 Rose House, to the rear, is to be converted into five houses (two x two bed, and three x three bed), whilst the Chapel, at the southern edge of the site, is to be converted into three x 2-bed houses.

4.5 In total the conversion is to comprise 28 units, with the remaining single storey buildings forming the octagon on the western and eastern sides to be converted into enclosed areas such as car ports, bicycle stores, and refuse stores.

4.6 The new-build elements are proposed for the front of the site, to either side of the main building and positioned so as to form a crescent. The remaining new-build is to run along the entire eastern and western parts of the site, and addressing a newly-formed north-south minor access road at the rear. This is to provide 36 units, which break down as follows: 25 x 3 bed and seven x 4 bed houses and four x 1 bed flats.

4.7 In conclusion, the gross total of units is 64, and breaks down as follows: 40 houses: 5 x two bed, 28 x three bed, 7 x four bed; 24 Flats: 8 x one bed, 16 x two bed. The density is approximately 37 units per hectare.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 96/0939 - Town & Country Planning General Regulations 1992 - Development under Regulation 3 for proposed change of use of the entire site from residential accommodation (Use Class C2) to office accommodation (Use Class B1) including the rationalisation of all previous temporary consents. County Council application, observations only.

6.2 072125 - Conversion of existing building (B1 office) with additional new build to provide 85 no.C3 residential units (full application), 072126 - Works to existing listed building to include:

1. Conversion of main buildings to residential use
2. Demolition of outbuildings including the laundry, kitchen extension, mortuary and a pair of semi-detached cottages and 3. Erection of 42 no. new build residential units within the environs of the listed buildings (Listed Building application).

Members resolved to approve these applications in February 2008 subject to the signing of a Section 106 agreement relating to affordable housing. This agreement has yet to be signed.

7.0 Principal Policies

7.1 The following Development Plan policies are relevant:

National:

PPS1 – Delivering Sustainable Development

PPG3 – Housing

PPS5 – Planning for the Historic Environment

7.2 East of England Plan:

SS1 – Achieving Sustainable Development

H1 – Regional Housing Provision 2001 – 2021

H2 – Affordable Housing

T13 – Public Transport Accessibility

T14 – Parking

ENV6 – The Historic Environment

ENV7 – Quality in the Built Environment

- 7.2 The following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
- SD1 - Sustainable Development Locations
 - SD2 - Delivering Facilities and Infrastructure
 - SD3 - Community Facilities
 - H1 - Housing Delivery
 - H2 - Housing Density
 - H3 - Housing Diversity
 - H4 - Affordable Housing
 - UR2 - Built Design and Character
 - PR1 - Open Space
 - PR2 - People-friendly Streets
 - TA1 - Accessibility and Changing Travel Behaviour
 - TA2 - Walking and Cycling
 - TA3 - Public Transport
 - TA4 - Roads and Traffic
 - TA5 - Parking
 - ENV1 - Environment

- 7.3 The following Development Plan policies are relevant
- DP1 Design and Amenity
 - DP12 Dwelling Standards
 - DP14 Historic Environment Assets
 - DP16 Private Amenity Space and Open Space Provision for New Residential Development
 - DP19 Parking Standards

- 7.4 Supplementary Planning Documents
- The Essex Design Guide
 - Parking Standards

8.0 Consultations

- 8.1 The Highway Authority raise no objections subject to:

- Two priority junctions of 70 x 2.4 x 70 metres on New Farm Road;
- A 90 x 4.5 x 90 metre visibility splay at the London Road/New Farm Road junction;
- Upgrading of bus stops;
- Provision of a pedestrian crossing;
- Provision of travel packs to the new dwellings;
- Other general conditions involving road surfaces, footpaths and parking arrangements amongst others have been requested. Full details are available to view on the Council's website.

The Highway Authority has subsequently met with the applicants to discuss minor rearrangements in the layout, which have now been agreed.

- 8.2 Environmental Control request a standard "demolitions and constructions" advice note. Our contaminated land specialist stated that the submitted environmental investigation was satisfactory for Environmental Control purposes.

- 8.3 English Heritage gave no recommendation, but asked that our archaeological advisor be consulted.
- 8.4 Museum Resources gave no recommendation.
- 8.5 The Georgian Society raised no objections to the proposed conversion of the listed buildings, but registered concerns regarding the level of new build development. It recommended that this be kept to a minimum so as to preserve the setting of the former hospital building as far as possible and that the new build elements be developed in formal terraces and that The Group be consulted on reserved matters relating to the landscape design.
- 8.6 DHU. Our Conservation Officer has been involved with this site for in excess of five years during pre-application discussions, the first set of applications, and the current applications. He has assisted the applicants in assembling a scheme with minimal disruption to the Listed Buildings and their setting, and has ultimately raised no objections to the proposals, subject to the attachment of appropriate conditions to cover the repair of the Listed Building, detailing of the scheme and so on. He has also re-iterated that the phasing of the development also needs to be controlled by condition or legal agreement to ensure that the listed building is initially secured and made wind and weather-tight and that the conversion of the retained buildings be completed prior to development of a set number of new build units.
- 8.7 Landscape Conservation - Our Landscape Conservation Officer initially recommended refusal unless a more detailed landscaping scheme was provided and the following were supplied:
- Vertical bar railings with finials to the London Road frontage;
 - Visitor parking to the London Road frontage to be in the same tar spray and shingle finish as the drive;
 - New tree planting to the London Road frontage to allow for well spaced large dominant specimen trees (such as limes) and removal of the proposed shrub layer in order to maximise the softening of the street scene;
 - The 2 groups of 3 trees proposed to the D shaped lawn need to be removed;
 - Trees within the car parking areas need to be within their own planting beds (a minimum 1-2m wide (dependant on the trees mature size/life span) rather than hard landscape;
 - The proposed management of incidental small areas of exposed soft landscaped beds outside plot enclosure to be clarified as managed by a management company or enclosed within the individual plot.

These proposed amendments can be covered by condition.

- 8.8 Trees and Landscapes - Our Arboricultural Officer has no objections to the arboricultural elements of the scheme.
- 8.9 Anglian Water supplied a report “Planning Applications – Suggested Informative Statements and Conditions” and advised that the applicant should make a request to them under the appropriate section of the Water Industry Act.

8.10 Development Team considered the proposal on several occasions. Initially, full contributions towards open space, education, affordable housing and Highways were requested. However, when the applicant submitted a development appraisal based on the “open book” approach, whereby the full costs and overheads were open to scrutiny by our Officers, it was finally agreed that little in the way of Section 106 was possible. Ultimately it was agreed that seven units (4 No 1 bed flats & 3 No 3 bed houses) of affordable, rented, accommodation should be supplied.

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 Stanway Parish Council has raised no objections.

10.0 Representations

10.1 Three letters of objection from neighbouring residents have been received. The points of concern raised are as detailed below:

- A planned bedroom window will look directly into an existing bedroom window at “Bishopstone”, Hedgerows.
- Overlooking of 3 London Road.
- Loss of privacy to 3 Cobble Row.
- Loss of light to the garden of 3 London Road.
- Parking for seven vehicles at the rear of “Bishopstone” would create noise and fumes.
- Potential antisocial behaviour from occupiers of the one bedroom flats.
- Loss of value of property due to presence of one bedroom flats.
- Communal garden and addition of a path for access to a cycle store again would create security concerns.
- Proposed buildings too close to houses on Hedgerows.
- Traffic issues before and after construction.
- Construction noise and air pollution.
- Increasing demands on schools.
- Too many flats.

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

11.0 Parking Provision

11.1 129 spaces are proposed. With eight one-bed and 56 units with two beds or more, plus an expected visitor parking of 0.25 per unit (i.e. 16 spaces) the minimum requirement would be 136 spaces. The application presents 116 spaces, plus 13 unallocated visitor parking spaces. There is therefore a shortfall of 7 spaces. It must be noted, however, that a main bus route in to Colchester, and an improved bus stop for journeys in the opposite direction, are immediately to the front of the site.

12.0 Open Space Provision

12.1 See Development Team determination (paragraph 8.10) and comments on garden sizes in following 'report' section.

13.0 Report

13.1 Members are reminded that signing of a legal agreement to application 072125 would lead to permission for a scheme of 85 units. The current scheme is held to be an improvement in that it is more spacious within the confines of the site and allows more breathing space for the Listed Buildings.

Listed Building Issues

- 13.2 The proposed interventions to the fabric of the Listed Buildings themselves are acceptable. The Master's House has previously been greatly altered within (mouldings, fireplaces, joinery and so on having been removed) and it is proposed to leave the exterior unaltered by designing the proposed flats around the existing fenestration. The workhouse has been similarly altered, and the proposal to re-instate the original form of fenestration will help to return it to its original look. Works to Rose House include the removal of various accretions including the fire escape and fire doors and the reinstatement of the original style of doors and windows. The Chapel will have a mezzanine floor inserted to allow conversion, cills will be lowered to create doorways and allow more light into the dwellings. Rooflights are also to be inserted.

Layout:

- 13.3 The proposed layout is to enhance the octagonal arrangement and to leave the open frontage on London Road. New blocks A and H are angled to accentuate the geometry, and thus form a type of crescent at the front of the site which reads well with the formalised semi-circular lawn. The remaining new-build is to run along the entire eastern and western parts of the site, and address a newly-formed north-south minor access road at the rear. The pattern of new development is, overall, in the form of short terraces, as advocated by the Georgian Society.

Scale:

- 13.4 In terms of the scale of the proposed new buildings, these are all to be smaller than the existing in terms of ridge and eaves height, floor heights and windows.

Design

- 13.5 The applicants have opted for a more contemporary style and detailing so as not to compete with the Listed Buildings. Materials are to be largely brick (of varying colour), with some render and cladding, roofs are to be a mixture of natural slate and clay tiles. The submitted photomontage gives a clear indication of the desired look, with white rendered buildings and contrasting bricks on blocks A and H complementing the Master's House and Workhouse.

Garden sizes

- 13.6 The proposal is for the converted buildings (minus the chapel) to have two communal gardens. The spaces, including walkways, equate to 400m² and 550m² respectively, although the actual usable, planted, areas equate to 265m² and 400m² respectively. The chapel's three houses are set to have gardens of 95m², 120m² and 155m² respectively.

13.7 Proposed gardens for the new dwellings vary in size. Plot 4 boasts 170m² and plot 6 140m². Others, however, are smaller. Some are as small as 50m². Our adopted policy DP16 seeks a minimum of 50m² for one or two bedroom houses, 60m² for 3 bedroom houses and 100m² for 4 bedroom houses. Most of the gardens fall within these stipulations, although the four flatted scheme next to the Chapel does only have a usable garden space of 70m², equating to 17.5m² per flat as against an expected 25m².

Highways

13.8 The previously existing one-way access off of London Road has been retained to serve the Masters House and the adjacent blocks, whilst the remaining units are served by adoptable access roads from New Farm Road. The Highway Authority is in agreement with this arrangement. That Authority has also requested bollards around the grass crescent to the front to prevent indiscriminate parking.

Residential amenity

13.9 The scheme has been designed as much as possible within the restrictions of the site to minimise overlooking and other loss of amenity within the development itself. The existing residential properties most likely to be affected by the proposal are number 3 London Road, and the houses on the Hedgerows development to the rear.

13.10 The occupiers of number 7, otherwise known as “Bishopstone”, Hedgerows has raised concern about invasion of privacy. In response to this, the applicants have modified the scheme, and the window to the proposed first floor flat on Block E has now been moved to the west elevation. The occupiers of 3 Cobble Row have voiced similar concerns, however in this case the situation is less critical. The proposed new windows, in this case bedroom windows on plot 15 of Block D, are 27 metres from the window of the existing house. This complies with the standards laid down in the Essex Design Guide which request a minimum separation of 25 metres. The Essex Design Guide also states that new buildings should be at least 15 metres from the boundary in a rear to rear scenario. In this case the new blocks (E and D) are about 14.5 metres. In addition, there is a small amount of screening from existing vegetation. This on its own would be insufficient, but when combined with the separation contributes to a satisfactory arrangement.

13.11 The comments from 3 London Road concern potential overlooking also in relation to the bedroom window of proposed plot 36 (Block H). Rear window to rear window measures 14 metres. The ideal is 25 metres. The Essex Design Guide allows a relaxation to 15 metres if the houses are angled more than 30 degrees from each other. In this case the angle is only about 10 degrees, but the houses are offset from each other by several metres, thus reducing the field of vision. The applicants have agreed to hand the dwelling in question so that the back room window is closest to 3 London Road. This further reduces the field of vision.

13.12 The applicants have also verbally agreed to hip the roof of plot 36 to reduce its bulk as seen from 3 London Road. This will allow more light into that dwelling and its garden which are already overshadowed by a tree covered by a preservation order. Amended drawings covering both this, and the overlooking issue are awaited.

13.13 The remaining concerns voiced by the occupier of “Bishopstone” are noted. Whilst it would be better for the parking to be further away from that dwelling’s garden, it is separated by a planting belt of about 1.2 metres (to the side) up to two metres (to the rear). The proposed track to the cycle store is also two metres to the boundary of Bishopstone. The concern about having flats to the rear of that house is not a valid reason for refusing this application.

Other matters

13.14 Issues relating to potential traffic nuisance during construction are covered by our standard demolitions and constructions advice note. Future highway concerns are not shared by the Highway Authority, which has not objected to the application. Issues about the perceived need for flats, and the affected future value of existing houses are not material considerations. Essex County Council has not requested a contribution to its schools budget, but as the previous landowner it has received a cash sum for the site and therefore issues around increased demand for schooling are not held to be vital in determining this application.

14.0 Conclusion

14.1 The St. Albright’s site has been out of use for four years and has clearly deteriorated through this disuse, leading to weathering and vandalism. Whilst there is a slight deficiency in parking, and in one or two cases in amenity space provision, the proposed scheme is an improvement on the original and presents a chance to bring back into use, and a good state of repair, an attractive set of Listed Buildings whilst respecting their setting as much as possible. Given this, as well as the supply of a small amount of affordable housing and highway improvements, Members are requested to approve these applications

15.0 Background Papers

15.1 Core Strategy; DPDP; HA; HH; EH; AT; GS; DHU; TL; AW; DT; PTC; NLR

Recommendation for 101524

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:

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 implemented in all respects strictly in accordance with the revised drawing nos 09/02/01 H, 09/02/17, revision A (both dated and received 3rd December 2010); 09/02/32, 09/02/01 rev G, 09/02/14 rev A, all dated 29th November 2010 and received 1st December 2010; dated, in addition to those originally submitted which are not superseded, i.e. drawing nos 09/02/02, 09/02/03, 09/02/04 Rev B, 09/02/05 Rev B, 09/02/06 Rev A, 09/02/08 Rev A, 09/02/09, 09/02/10 Rev A, 09/02/11 Rev A, 09/02/12 Rev A, 09/02/13, 09/02/15, 09/02/17, 09/02/18, 09/02/19, 09/02/20.

Reason: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.

3 - Non-Standard Condition

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

Reason: To ensure that the development does not harm the character or appearance of the Listed Buildings on this site.

4 - Non-Standard Condition

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

Reason: To ensure that the development does not harm the character or appearance of the Listed Buildings on this site.

5 - Non-Standard Condition

The parking spaces and cycle provision shown on the drawings hereby approved shall be provided for each unit of accommodation prior to their occupation.

Reason: To ensure sufficient on site parking in the interests of Highway safety, and to accommodate alternative green travel options.

6 - Non-Standard Condition

Prior to the commencement of development, the applicant shall provide details of the proposed bollards to the front crescent. These details shall be agreed in writing by the Local Planning Authority, and shall be implemented as such prior to the occupation of any unit within the Masters House or any unit within Block A or Block H.

Reason: To ensure that the development does not harm the character or appearance of the Listed Buildings on this site.

7 -Non-Standard Condition

Prior to the occupation of any unit within the Masters House or any unit within Block A or Block H, the applicant shall submit details of signage to the front of the site indicating that the crescent be a one way road only. These details shall be agreed in writing by the Local Planning Authority and shall be implemented as such prior to the occupation of any of the above units and shall be kept in place in perpetuity.

Reason: In the interests of highway safety.

8 - Non-Standard Condition

Prior to the occupation of any unit, the applicant shall provide details of a proposed Historical information board or other monument. These details shall be approved in writing by the Local Planning Authority and be implemented prior to the occupation of the 20th unit, and maintained at all times thereafter.

Reason: To commemorate the historic use of this site in the interests of the history of the Parish of Stanway.

9 - Non-Standard Condition

Prior to the commencement of development, the applicants shall provide two priority junctions off New Farm Road to provide access to the proposal site, as shown in principle on application drawing number 09/02/01 Rev H as prepared by Arcady Architects.

Reason: In the interests of highway safety.

10 - Non-Standard Condition

Both junctions shall include a 70 x 2.4 x 70 metre visibility splay maintained clear to the ground at all times.

Reason: In the interests of highway safety.

11 - Non-Standard Condition

A 90 x 4.5 x 90 metre visibility splay, maintained clear to the ground at all times at the London Road/New Farm Road junction, shall be provided, unless otherwise agreed in writing by the Highway Authority.

Reason: In the interests of highway safety.

12 - Non-Standard Condition

Prior to the occupation of any of the units hereby approved, the applicants shall upgrade to current Highway Authority standards the two bus stops in London Road in the vicinity of the proposal site. These details shall be agreed with the Highway Authority.

Reason: To encourage alternative forms of green travel.

13 - Non-Standard Condition

Prior to the occupation of any of the units hereby approved, the applicants shall provide a controlled pedestrian crossing in London Road in the vicinity of the proposal site and the two bus stops mentioned above. These details shall be agreed with the Highway Authority.

Reason: To encourage alternative forms of green travel.

14 - Non-Standard Condition

Prior to the occupation of any of the units hereby approved, the applicants shall agree a scheme with the Highway Authority to provide Travel packs to the occupiers of the new units. These packs shall subsequently be provided as agreed.

Reason: To encourage alternative forms of green travel.

15 - Non-Standard Condition

Measures shall be provided to ensure no mud and/or debris is deposited on the public highway by any vehicle associated with construction of the proposal. Details to be agreed with the Local Planning Authority and Highway Authority.

Reason: In the interests of highway safety.

16 - Non-Standard Condition

No unbound material shall be used in the surface finish of any driveway within 6 metres of the (proposed) highway boundary.

Reason: In the interests of highway safety.

17 - Non-Standard Condition

The carriageways of the proposed estate roads shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access. The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months from the occupation of such dwelling.

Reason: In the interests of highway safety.

18 - Non-Standard Condition

All independent footpaths shall be a minimum 2 metres wide, drained and lit to an extent to be agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of pedestrian safety and to encourage alternative forms of green travel.

19 - Non-Standard Condition

Details of all trees proposed within areas, which are to be adopted, shall be agreed with the Highway Authority. All these trees shall be sited clear of all underground services and visibility splays as well as to complement the proposed street lighting. All these trees shall require a contribution for future maintenance (details to be agreed with the Highway Authority).

Reason: In the interests of highway safety.

20 - Non-Standard Condition

Prior to the commencement of development, the applicants shall provide details of an amended Landscaping scheme as per the following conditions 23, 24 and 25. This shall be agreed in writing by the Local Planning Authority and shall be implemented as such in a phased manner to be agreed in writing by the Local Planning Authority. Such a scheme shall include:

- The frontage to London Road to be enclosed with vertical bar railing with finials (such as a subtle ball top) to complement the formality of the listed buildings frontage and its setting. This railing will need to extend from the northwest corner of the site through to the northeast corner of plot 4;
- The visitor parking to the London Road frontage to be in the same tar spray and shingle finish as the drive;
- New tree planting to the London Road frontage to allow for well spaced large dominant specimen trees (e.g. 4-6 limes managed on high clear stems) and removal of the proposed shrub layer in order to maximise the softening of the street scene whilst complementing the setting of the listed building and exposing its façade to London Road. The crowns of these trees are to be given room to mature fully without the suppression by or of the existing or proposed tree cover, this involving the removal of some of the holly & all the sycamore currently established along the frontage between the entrances to facilitate this new dominant structure;
- The 2 groups of 3 trees proposed to the D shaped lawn to be removed. A simple structure of large dominant trees within an evergreen shrub layer to either flank enclosing a simple D shaped lawn with the magnolia as a focal point.
- Trees within the car parking areas to be within their own planting beds - a minimum 1-2m wide (dependent on the trees' mature size/life span) rather than hard landscape. The existing trees within these courts and the formal garden areas.
- The proposed management of incidental small areas of exposed soft landscaped beds outside plot enclosure, e.g. to the northwest corner of plot 11, south west corner of plot 10 and roadside edge and rear of plot 4 to be clarified as managed by a management company or enclosed within the individual plot. Where areas are to be managed by a management company this needs to be clarified on plan.

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

21 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

22 - 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.

23 - 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 the provision and implementation of a reasonable standard of landscape in accordance with the approved design.

24 - 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 extensions shall be constructed (other than any expressly authorised by this permission or any other grant of express planning permission), nor freestanding buildings erected on any part of the site nor an access/hardstandings created, nor any development within part 40 of the General Permitted Development (Amendment) (England) Order 2008, namely micro-generation, nor any solar panels or photovoltaic cells shall be installed without the prior written permission of the local planning authority.

Reason: In the interests of visual amenity in the setting of these Listed Buildings.

25 - 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 fences, gates or walls, shall be erected within the curtilage of any dwellinghouse or flat.

Reason: In the interests of visual amenity in the setting of these Listed Buildings.

26 - Non-Standard Condition

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

Reason: To ensure that the development does not harm the character or appearance of the Listed Buildings on this sites.

27 - Non-Standard Condition

The development hereby approved shall be in accordance with the submitted arboricultural method statement and any additional amendments as requested by our Arboricultural Officer.

Reason: In the interests of the long term health of the trees on site.

28 - Non-Standard Condition

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

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

29 - 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.

30 - Non-Standard Condition

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

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

31 - Non-Standard Condition

Contaminated condition to follow on amendment sheet

Informatives

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

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

Anglian Water advisory

Recommendation - 101255 - Listed Building Consent

Conditions

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

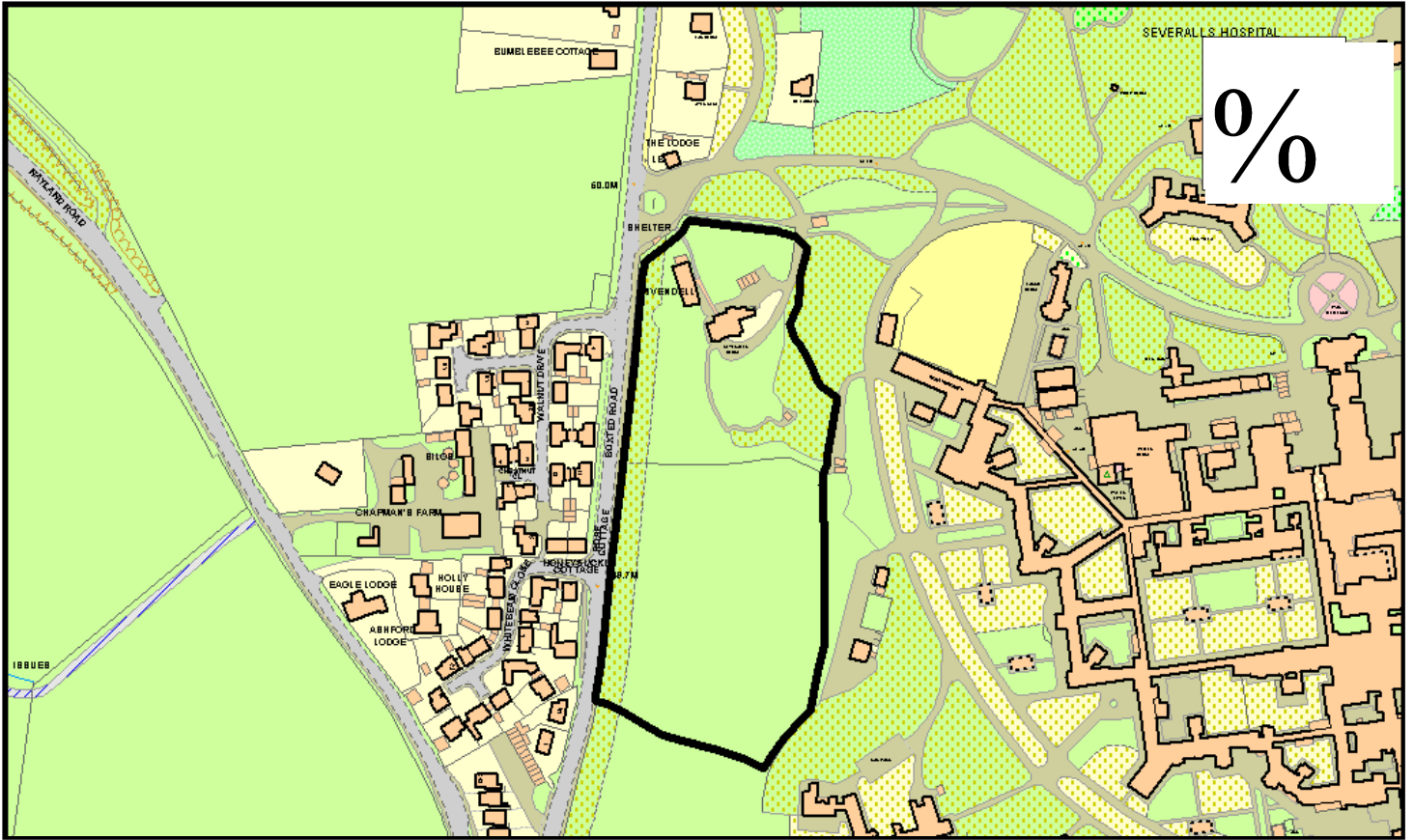
The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

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

2 - Non-Standard Condition

The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawing nos 09/02/01 H, 09/02/17, revision A (both dated and received 3rd December 2010); 09/02/32, 09/02/01 rev G, 09/02/14 rev A, all dated 29th November 2010 and received 1st December 2010; dated, in addition to those originally submitted which are not superseded, i.e. drawing nos 09/02/02, 09/02/03, 09/02/04 Rev B, 09/02/05 Rev B, 09/02/06 Rev A, 09/02/08 Rev A, 09/02/09, 09/02/10 Rev A, 09/02/11 Rev A, 09/02/12 Rev A, 09/02/13, 09/02/15, 09/02/17, 09/02/18, 09/02/19, 09/02/20.

Reason: To ensure the development will be carried out as approved and because any changes must be agreed in advance in writing by the local planning authority.



Application No: 101527

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

Scale (approx): 1:1250

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7.7 Case Officer: Vincent Pearce**MAJOR****Site:** Severalls Hospital, Boxted Road, Colchester, CO4 5HG**Application No:** 101527**Date Received:** 21 July 2010**Agent:** Mr Alan Howard**Applicant:** Mr Paul Fenton**Development:** Erection of Child and Adolescent Mental Health Unit, including 25 bedrooms in 2 wards, entrance/reception/administration building, education building and section 136 suite, associated parking, drainage and landscaping.**Ward:** Mile End**Summary of Recommendation:** Conditional Approval**1.0 Planning Report Introduction**

1.1 This report relates to the construction of a new Child & Adolescent Mental Health Service unit on this 3.7ha site within land at Severalls Hospital retained for mental health purposes by North Essex Partnership NHS Foundation Trust. The new unit will replace the current CAMHS facility known as Longview in Turner Road.

2.0 Synopsis

This report considers the merits of this proposal to build a new mental health facility for children and adolescents within the grounds of Severalls Hospital, a former mental hospital.

3.0 Site Description and Context

3.1 The site lies within the wider grounds of the former Severalls Hospital which amongst other things provided mental health care. The majority of the wider site is now redundant awaiting redevelopment following the grant of planning permission for mixed redevelopment in 2006.

3.2 This 3.7ha broadly rectangular generally flat site lies at the western end of the wider Severalls Hospital site and has one long boundary fronting onto Boxted Road and the other long boundary fronting onto part of the internal kidney shaped track that runs around the original hospital complex of eschelon buildings. The northern boundary is the south side of the existing Boxted Road entrance to Severalls Hospital and the southern extent is a point roughly opposite no 1a Boxted Road.

- 3.3 No demolition of existing buildings is proposed and therefore the properties named Rivendell and Severalls House remain.
- 3.4 The western edge of the site is demarcated by a ditch, hedge and beautiful tree belt. This is retained as is an existing wooded area on the eastern margin of the site. The location of the new centre has been carefully planned to occupy an existing open grassed area that sits within the trees and tree loss is minimal as a result.

4.0 Description of the Proposal

- 4.1 **Full planning permission** is sought for the construction of a building within which will be delivered new and expanded mental health support for children and young people in the form of a new purpose built state of the art centre that will replace the existing smaller and older Longview Centre in Turner Road.
- 4.2 This project has secured funding in the face of stiff regional competition and if it is approved by the Planning Committee its construction will represent a significant upgrade in the level of mental healthcare that can be offered to young people in Colchester.
- 4.3 The extensive range of facilities being provided within the building are:-

1.	Generic ward (total 15 beds)	872 sq.m.
2.	Intensive care ward (total 10 beds)	731 sq.m.
3.	Shared common space	643 sq.m.
4.	section 136 suite	50 sq m.
5.	1 st floor administration area	385 sq.m.
6.	Education	275 sq.m.
	TOTAL	2958 sq.m.

- 4.4 For many young people the new centre will provide ‘in-patient’ support for a variety of common illnesses and the architects for the building and NEPFT have worked with the young people that currently use Longview to create a facility that does not look like a centre that specialises in mental health issues. Even today the Severalls site still carries with it some stigma as does the mention of mental illness.
- 4.5 Happily this shadow is gradually lifting the more that is known about mental illness. Indeed 1 in 4 of us will experience some mental illness in our lives. Particular care has been taken to create an environment inside the building that is light, airy, safe and more homely than a traditional hospital environment as some residents may stay at the centre for treatment lasting several months.
- 4.6 Essentially the centre has been designed around three open central courtyards and therefore forms three distinctive quads which allows good separation of functions and operational uses as well as providing outside recreational space, and light and airy rooms. The majority of the building is arranged on a single storey but central facilities are provided in a second storey element which also emphasises the entrance to the centre.

- 4.7 Externally the building has been given a contemporary look and slavish reference to Edwardian institutional architecture has been discouraged by the Planning Service. Some common references have however been used to help provide some aesthetic harmony – such as the use of red bricks.
- 4.8 The internal elevations around the courtyards have been given a colourful and energetic treatment and the use of bright colours is a deliberate choice. Colour can have a therapeutic impact as well as an aesthetic one.
- 4.9 This development has also embraced the use of sustainable technology and is seeking to meet the BREEM rating ‘excellent’. The roof shape and pitch has to some degree been dictated by the fact that maximum solar exposure is being sought to maximise the benefits arising from the use of solar panels on the roof. Additional sustainable technology being used includes:-
- Ground source heat pumps.
 - Photovoltaic panels
 - Sun tubes
 - Smart metering
 - Natural ventilation
- 4.10 The new building is almost moated by a near ring of swales. A swale is a generally shallow depression which is dry for most of the year but provides storage for run off during particularly rainy periods that allows water to slowly percolate into the soil thereby creating a sustainable drainage system (SUDS) and prevents the need for water to be piped away.
- 4.11 The application is to be accompanied by a Unilateral Undertaking offered by the applicants to provide land adjacent to Boxted Road at nil cost in the event that Essex County Council require highway/footway improvements at some point in the future.
- 4.12 The application is subject to a Planning Performance Agreement with the Council. (PPA).

5.0 Land Use Allocation

- 5.1 Predominantly residential
- 5.2 Regeneration Area (North Colchester)
- 5.3 Close to (but not affecting) the line of Northern Approach Road phase 3 (NAR3) a proposed strategic transport corridor linking the new A12 junction to NAR2.
- 5.4 TPO
- 5.5 The site does not affect the setting of any Listed Building.
- 5.6 The parkland to the wider Severalls Hospital site is Registered Historic Park and Garden.

6.0 Relevant Planning History

- 6.1 O/COL/01/1624: Outline planning permission was granted 21 March 2006 for Residential redevelopment (approximately 1500 dwellings including conversion of some retained hospital buildings), mixed uses, including community facilities, employment and retail, public open space, landscaping, new highways, transport improvements, reserved route of the Northern Approaches Road Phase Three (NAR3) and associated development. This permission has yet to be implemented. It is subject to an associated S106 Agreement.
- 6.2 The site that now comprises the application before members whilst shown as being potential residential development at some point in the future on the Severalls Hospital Masterplan was demarcated on that document as retained mental health land.
- 6.3 The Lawful Use of the application site is for hospital use and in particular the provision of mental health facilities.
- 6.4 The proposed use is therefore acceptable and conforms to the Severalls Hospital Masterplan as attached to the Severalls Hospital/Cuckoo Farm S106 Agreement.

7.0 Principal Policies

- 7.1 The following National planning advice is relevant:-
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 5: Planning for the Historic Environment
- 7.2 The following policies from the Adopted Colchester Borough Core Strategy (December 2008) are relevant:-
SD2 Delivering Facilities and Infrastructure (Partner NEPFT)
SD3 Community Facilities (Health)
UR1 Regeneration Areas (North Colchester)
UR2 Built Design and Character
TA5 Parking
ENV1 Environment
ER1 Energy, Resources, Waste, Water and Recycling
- 7.3 In addition, the following policies from the Adopted Development Plan Document (October 2010) are relevant:-
DP1 Design and Amenity
DP4 Community Facilities
DP14 Historic Environment Assets
DP19 Parking Standards
DP20 Surface Water Drainage
DP21 Nature Conservation
DP25 Renewable Energy
- 7.4 Regard should be given to the following Supplementary Planning Document:-
Parking Standards

8.0 Consultations

- 8.1 Essex County Council as Highway Authority raises no objection subject to securing a unilateral undertaking to secure the safeguarding of land along the sites Boxted Road frontage for highway/footway improvements should they be needed at some point in the future.

Conditions are suggested requiring (i) the pedestrian link from Boxted Road to the proposed building being widened to provide a footway/cycleway. The applicant has agreed this and (ii) Measures to prevent the deposit of mud on the road during construction.

- 8.2 The Councils Arboricultural Officer raises no objection to the proposal subject to appropriate tree protection, hand digging in specific locations and appropriate replanting where tree removal has been agreed.
- 8.3 The Council's Landscape Planning Officer has negotiated the landscape scheme with the applicant's landscape consultant and is satisfied with the proposal subject to technical specification and the erection of new boundary treatment to the sites Boxted Road frontage and the removal of an unsightly high concrete post and mesh fence.
- 8.4 The Council's Natural History Curator has made the following comments:-

"Protective species have been found on this and in the near vicinity. Surveys for mammals and reptiles should be undertaken at an appropriate time of year to update the surveys carried out some years ago. Invertebrate interest is likely to be low on the bulk of the site due to mowing. The Severalls site is also known for its wax cap community in the acid grassland generally."

Officer Comment: The entire Severalls site was the subject of intense ecological appraisal at the time of determining the original planning application O/COL/01/1624. In view of the comments made in respect of the interest being low because of mowing it is not considered appropriate to require further analysis on this part of the Severalls site. In the event that protected species are unexpectedly found these would be protected under the Wildlife and Countryside Act.

- 8.5 The Council's Contaminated Land Officer has made the following comment:-

"This report includes a good desk study, initial intrusive investigation and revised conceptual site model. It has been concluded that there are no unacceptable risks to human health for the proposed use from on-site soils and that therefore no remediation will be required. Based on the submitted information, this conclusion appears reasonable to Environmental Control and I will no longer be recommending that contamination conditions be applied to any permission granted.

I note that the Environment Agency have previously recommended contamination conditions and their comments should be sought with regard to controlled water receptors."

- 8.6 Anglian Water has made no comment other than a water main runs down the east side of Boxted Road outside of the site. The proposed works do not affect this asset.

- 8.7 The Environment Agency has been involved with the architect in the design of the Sustainable Urban Drainage System (SUDS) for the site and comments:-

“Flood Risk Issues

A Flood Risk Assessment (FRA) dated 18 June 2010, prepared by Curtins Consulting Ltd has been provided in support of the application.

Environment Agency position

The proposed development will only be acceptable if the following measure(s) as detailed in the Flood Risk Assessment dated 18 June 2010 submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 18 June 2010 and the following mitigation measures detailed within the FRA:

1. Surface water shall be disposed of through sustainable drainage techniques including swales, permeable paving and geocellular soakaways which will provide storage for the 1 in 100 year storm, inclusive of climate change, as detailed within the submitted FRA.
2. Prior to the commencement of development, details of who shall be responsible for the maintenance of the drainage scheme shall be agreed in writing with Colchester Borough Council.

Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To ensure the scheme is managed and maintained in such a way to ensure the scheme operates at its design standard for the lifetime of development.

Land Contamination Issues

We recommend that the following condition be appended to any planning permission granted. We consider that previous uses of the site (or adjoining sites) may have caused, or have the potential to cause, contamination of controlled waters. We recommend that the following condition be appended to any planning permission granted.

Condition

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all the following elements unless specifically excluded, in writing, by the Local Planning Authority.

1. A desk study identifying:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual mode of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1.) to provide information for an assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and risk assessment (2.) and a method statement based on those results giving full details of the remediation measures required and how they are to be undertaken.

4. A verification report in the completion of the works set out in (3.) confirming the remediation measures that have been undertaken in accordance with the method statement and setting out measures for maintenance, further monitoring and reporting. Any changes to these agreed elements require the express consent of the Local Planning Authority.

Reason: To ensure that the development complies with approved details in the interests of protection of controlled waters.

Informative / Advice to applicant

Any culverting or works affecting the flow of a watercourse requires the prior written Consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its Consent for such works will not normally be granted except as a means of access.

Should this proposal be granted planning permission, then in accordance with the waste hierarchy, we wish the applicant to consider reduction, reuse and recovery of waste in preference to off site incineration and disposal to landfill during site construction.

The Duty of Care regulations for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate licensed disposal site and all relevant documentation is completed and kept in line with regulations.

If any controlled waste is to be removed off site, then site operator must ensure a registered waste carrier is used to convey the waste material off site to a suitably authorised facility.

If any waste is to be used on site, the applicant will be required to obtain the appropriate exemption or authorisation from us. We are unable to specify what exactly would be required if anything, due to the limited amount of information provided. If the applicant wishes more specific advice they will need to contact the Essex Environment Management Team at our Kelvedon office or look at available guidance on our website <http://www.environment-agency.gov.uk/subjects/waste>.

In England, it is a legal requirement to have a site waste management plan (SWMP) for all new construction projects worth more than £300,000. The level of detail that your SWMP should contain depends on the estimated build cost, excluding VAT.

You must still comply with the duty of care for waste. Because you will need to record all waste movements in one document, having a SWMP will help you to ensure you comply with the duty of care. Further information can be found at <http://www.netregs-swmp.co.uk> “

Officer Comment: In view of the comments of the Council's Contaminated Land Officer it is not considered appropriate to attach the general contamination conditions suggested above but to apply those relating to controlled waters.

8.8 English Heritage comments thus:-

“...We do not feel it is necessary for this application to be notified to English Heritage..”

8.9 The Council's Archaeological Officer states:-

“No recommendation. This area was evaluated in 1997 and there were no archaeological deposits found.”

9.0 Parish Council's Views

9.1 Myland Parish Council provide the following observations:-

1. The roofing material colour

It is clear from the elevation that the roof has been made the predominant feature of the design. MPC understands the security need for standing seam metal sheet roof construction. However, the proposed finish and colour of silver causes concern in that:

- It is too predominant and alien a colour in this area of historic interest.
- This colour makes the building look like a food factory.
- The psychological and social need for the building to be associated with home and a supportive environment is negated by this colour and material
- This colour may attract unwelcome attention from football supporters who attend the stadium and other facilities at Cuckoo Farm.

MPC therefore recommends the roofing covering material is changed in colour to a softer green.

Officer comment: The concern of the Parish Council is understood and shared. A highly reflective roof will glint in the sun and will prove to be an overly dominant feature. Officers have explored the use of a verdi-gris coloured metal roof to reproduce the effect of weathered copper and whilst this has not been rejected an alternative colour scheme has been selected to better match the predominant grey of most of the roofs on Severalls and in order not to prove intrusive to residents living opposite.

2. The footpath on to Boxted Rd

There is concern for the security of the home and its residents that leads MPC to suggest that an uncontrolled access in to the site directly off Boxted Rd may not be a good idea.

MPC therefore recommends the service install control measures on the gate.

Officer comment: The concern of the Parish Council for the safety of residents is acknowledged but NEPFT has gone to great lengths is designing the facility to create an open environment that better suits the therapy being provided. The eastern side of the site is open and it must be for NEPFT to determine the level of security provided on its sites for its residents/patients.

10.0 Representations

- 10.1 One e-mail making observations that are a potential cause for concern has been received. Whilst these were logged on the Council's web-site as objection the author contacted the Service by e-mail to say the comments were no objections but expressions of concern.

These were:-

1. Consideration needs to be given to car parking (visitors, staff (and shift patterns with overlap) and clients) and the competition for spaces that may occur. Failure to provide sufficient off street spaces could lead to further congestion in nearby residential streets.

Officer comment: The scheme provides sufficient off-street parking to meet the Council's adopted standards as will be demonstrated in the main body of this report.

2. The flow of traffic and its speed down Boxted Road especially pedestrians after a match at the Weston Homes Community Stadium and particularly after evening games needs addressing. Concern is expressed that supporters may use the new centres car parking facilities thereby pushing additional parking pressure onto nearby residential streets.

Officer comment: The impact of crowds to and from the stadium is restricted to those occasions when Colchester United is playing a home game and these are a small percentage of the days in the year. Evening games represent even fewer occasions. The remedying of this situation lies outside of the scope of this application and the level of traffic associated with the new use is not considered significant enough to warrant footway/cycleway improvements to Boxted Road. That said the Council's Street Services Dept. and ECC Highways are looking at methods to control crowd movement. When the remainder of Severalls Hospital is redeveloped for housing purposes additional highway improvements are likely to be implemented which will further improve access. The concerns of the commentator are noted in respect of parking pressure and NEPFT will no doubt implement its own parking control system if unauthorised parking becomes a problem.

3. Noise and music pollution – How will this be addressed?

Officer comment: The proposed use is not one that is likely to give rise to any noise nuisance to residents on the other side of Boxted Road. This is a hospital and will be subject to careful management by qualified staff. Whilst residents may play music in their rooms or in common areas there is no reason to suspect that this will not be anything other than as may be found in anyone's home.

11.0 Report

Design and amenity

- 11.1 The application is supported with a Design & Access Statement (DAS) which has been expanded in the form of an amended DAS. This clearly sets out the rationale for the design approach taken as described earlier in paragraphs 4.4 – 4.10 above. The comments of the Parish Council in respect of toning down the appearance of the roof have been acted upon and the design changed. The architect was encouraged to find a contemporary design solution to the proposal because many of the Edwardian Severalls buildings are powerfully institutional in character and have an austere, even sombre somewhat melancholy feel. The new building reflects the new approach to the provision of support in the treatment of mental illness. The design solution feels right for young people who have had a hand in the design of the centre. The building creates its own sense of place and is set within a wooded environment that doesn't compete with the old buildings for attention and nor does it detract from their own very special aura.
- 11.2 As discussed in paragraph 10.1.3 above the use has been carefully sited not to cause any amenity issues for those living nearby. Nor will it pose any threat to amenity for the new community that will evolve over time as the remainder of the wider site is redeveloped for residential purposes.

The Use

- 11.3 Severalls has a long history of providing mental health support and this new building continues that tradition but delivers a facility fit for future in a building that will sit comfortably and harmoniously within its fine wooded setting.
- 11.4 As discussed earlier the architects for the scheme have kept the majority of the building low but have accentuated the entrance with a two storey rendered focal point. Visual interest is provided by the use of brick, boarding and bright coloured panels and an attractive standing seam metal roof, the pitch of which allows for easy maintenance of plant from within and maximum exposure to sunlight for its solar panels. The window detailing includes box bays which will create added visual interest.

Parking

- 11.5 The Council's maximum vehicle parking standards for a hospital are defined as "to be considered on a case by case basis" whereas minimum cycle parking is defined as "1 space per 4 staff with visitors being considered on a case by case basis".
- 11.6 The proposal itself currently provides 60 new vehicle parking spaces within the site and for a wards totalling 25 beds this is considered appropriate. There is sufficient land within the site to extend parking if required at any point in the future.

Trees and Landscape

- 11.7 The architects for the scheme and the landscape consultants have taken great care to ensure that this new development does not harm the wooded character of the site and they have been aided in this objective by the fact that the central portion of the site is open grassland and this is where the new building sits. The habitat potential of the site will be enhanced by the introduction of extensive swales which will form the sites new sustainable drainage system (SUDS) thereby providing wet features for part of the year.
- 11.8 Additional planting is also proposed and the landscape will be protected during construction and maintained thereafter.

Heritage.

- 11.9 The proposed use does not affect the setting of any nearby listed building because there are not any and when the masterplan for the site was approved the whole of this part of the site was potentially open to wholesale residential development. This much lower key less intense development will do much to protect and retain (even enhance) the parkland setting of this part of the wider site. The outline planning permission of 2006 has already established the acceptability of large scale redevelopment on this site and the current proposal does not affect the core areas of parkland garden.

Access

- 11.10 The site will be well served by existing and proposed new pedestrian and cycle links many of which will connect to the wider residential development as it evolves and beyond. The new centre will sit alongside the older community that is Myland the new extended Myland community as the wider site begins to transform through regeneration.

12.0 Conclusion

- 12.1 This is a very well thought out proposal that will deliver a much needed new health facility that will benefit many young people in Colchester and beyond along with their families. No adverse impacts are expected to arise from the development were it to be granted planning permission.

13.0 Background Papers

Council

- Adopted Colchester Core Strategy (Dec 2008)
- Adopted Development Plan Document (Oct 2010)

Applicant

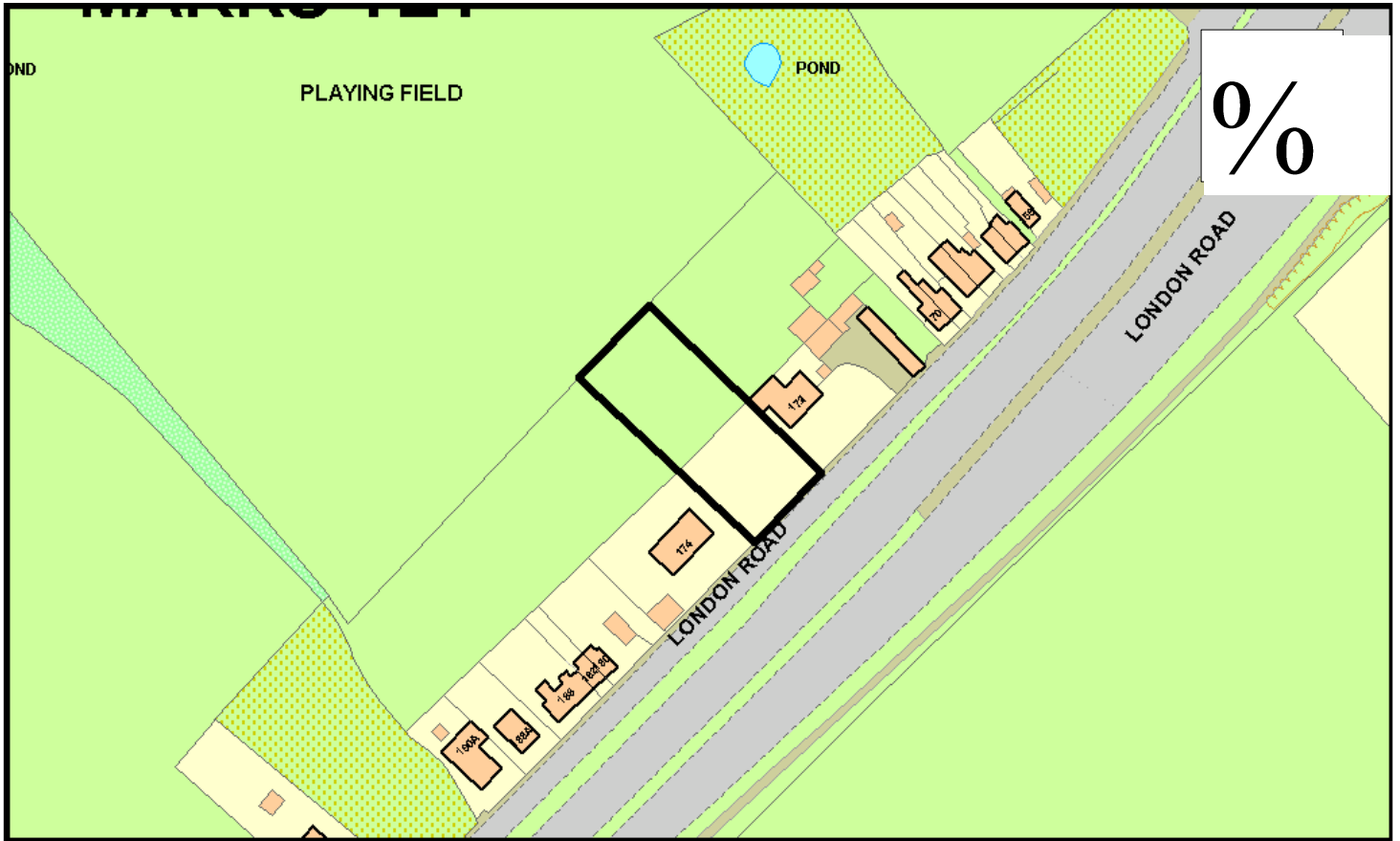
- KLH's Design & Access Statement Jun 2010 & XX
- RSK Group's Geotechnical & Geoenvironmental Report Nov 2009
- Hayden's Tree Survey, Arboricultural Implication Assessment & Method Statement.

14.0 Recommendation

14.1 That the application be deferred and subject to the receipt of a satisfactory Unilateral Undertaking from the applicants which provides for the safeguarding of land adjacent to Boxted Road for future highway improvements /footway improvements and its availability at nil cost to the highway authority or those carrying out such works where approved then the Head of Environmental & Protective Services be authorised to GRANT conditional planning permission .

Conditions to include.

1. Std time limit for implementation
2. Restriction on the use to that proposed for a child & adolescent mental health service unit
3. Tree protection
4. Boundary treatment
5. provision and retention of adequate vehicle parking
6. provision and retention of additional secure cycle parking



Application No: 102202

Location: 172 London Road, Marks Tey, Colchester, CO6 1EJ

Scale (approx): 1:1250

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7.8 Case Officer: David Whybrow

EXPIRY DATE: 17/12/2010

MINOR

Site: 172 London Road, Marks Tey, Colchester, CO6 1EJ

Application No: 102202

Date Received: 22 October 2010

Agent: Peter Le Gry

Applicant: Mr P Hollingsworth & Mr M Hollingsworth

Development: Erection of 1 no. 4 bedroom dwelling. Resubmission of 100285.

Ward: Marks Tey

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is placed before Members as a consequence of representations received. It is a resubmission of an earlier application, 100285, refused under delegated powers for reasons of inappropriate development within the setting of a listed building and potential adverse effect on trees. The application is accompanied by an application for listed building consent (see following item) in respect of removal of a rear boundary wall and repair/alteration of a front boundary wall to facilitate access onto the site to serve a garage/car port to be shared between the existing and proposed residences.

2.0 Synopsis

2.1 This application is recommended for approval. The following report will consider the specific objections to the previous scheme and explain how these concerns have been addressed by the present proposal.

3.0 Site Description and Context

3.1 The application site lies on the north-west side of Old London Road which runs in parallel to the A12 Trunk Road. 172 Old London Road is a Grade II listed building dating from the mid 19th century. It is part of a ribbon of development of generally later date, including a modern bungalow to the south-west. The listed building is in gault brick and slate roofing and the same brick is used in the frontage wall. The wall to the south-west boundary is in soft red bricks and a similar wall returns along the rear of the listed building, although the curtilage extends further to the north-west where it abuts the village playing field.

3.2 The setting for the listed building is generally leafy in character. A substantial conifer hedge lies behind the frontage wall while a mix of conifers and birch trees marks the north-west and south-west boundaries. A mature beech tree stands alongside the site entrance.

4.0 Description of Proposal

- 4.1 The proposed dwelling has an L-shaped plan and hipped roofs and is to be constructed in a soft red brick with slate roofing. The basic form of the building reflects, but is subordinate to, the scale of the host building, while features such as the window design and doorway take reference from the listed building's elevation detailing. Other features such as bay windows have been introduced so as to create a dwelling with its own identity.
- 4.2 The existing vehicular access is to be widened to provide a shared facility and the present accessway is to be extended to serve a garage/car port in black boarding to provide a facility shared between the existing and new houses. The extended driveways will be in permeable gravel.
- 4.3 The application is accompanied by a Unilateral Undertaking, Design and Access and Heritage Statement, Tree Survey and Arboricultural Report, details of which may be inspected on the Council's website.

5.0 Land Use Allocation

- 5.1 The front of the site is within the village envelope; the rear gardens are without notation.
- 5.2 172 Old London Road is listed Grade 2.

6.0 Relevant Planning History

- 6.1 100285 - Erection of 4 bedroom dwelling - Refused July 2010
- 6.2 100286 - Removal of rear boundary wall and reconstruction of front boundary wall - Refused July 2010

7.0 Principal Policies

- 7.1 The following national policy statements are applicable in this case:-
PPS5 - Planning for the Historic Environment
PPS1 – Delivering Sustainable Development
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2010) are relevant:-
SD2 - Delivering Facilities and Infrastructure
UR2 - Built Design and Character
ENV1 - Environment

- 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
DP14 - Historic Environment Assets
DP16 - Private Amenity Space and Open Space Provision for New Residential Development
DP17 - Accessibility and Access
DP19 - Parking Standards

8.0 Consultations

8.1 The Highway Authority recommend approval with conditions.

8.2 The Design and Heritage Unit comment as following:-

"Given the size of the garden area, there is the potential to erect a new modest building on this site without unduly compromising the setting of the listed building. The proposed building is set centrally within the application site and is of a polite straight forward stripped classical design. Given the context of this site, the proposed building in terms of its relationship (distance) from 172 London Road is considered adequate not to cause material harm to the setting to this listed building. The design of the proposed building is not dissimilar to that of the listed building and this design approach would, in my view, serve to undermine the setting of the original house.

The alteration of the front boundary enclosure is also proposed as a part of this application. The character of the existing boundary to the house is that of a solid boundary enclosure set at the back edge of the pavement; the two existing access points form modest features within the existing boundary frontage. The creation of a 5.5m wide vehicular opening with pedestrian visibility splays would not preserve the setting of this listed building and would have a detrimental impact on the historic character of the existing boundary treatment."

8.3 The views of the Tree Protection Officer are anticipated before the meeting.

9.0 Parish Council's Views

9.1 Marks Tey Parish Council raise no objection to the proposals.

10.0 Representations

10.1 3 letters of representations have been received from neighbouring residents. Full details may be viewed on-line but the following is a summary of the chief points raised:-

1. The proposed dwelling would blend slightly better with the original house at No. 172 but the added traffic, including groundwork and construction traffic, if left in London Road, will exacerbate an unacceptable problem of parking congestion caused by private commuter parking. It would cause major disruption to residents and other regular access traffic.

2. If permitted, the development would result in traffic accidents and obstruct emergency vehicles (see 1.).
3. The garage/car port is outside the village envelope, will be visible from adjoining properties and should not be permitted.
4. It is unacceptable to use as a valid reason to allow development "the isolation of the property and position in an ordinary street" as the agent suggests.
5. Any removal of part or all of the rear boundary wall adjacent to my boundary, shed and oil tank (No. 174) could lead to collapse and danger to human health. A condition should require rebuilding or repair of the side wall.

11.0 Parking Provision

- 11.1 The application provides for a minimum of 4 spaces per dwelling and includes ample turning facilities.

12.0 Open Space Provision

- 12.1 The subdivision of the extensive plot of No. 172 which extends rearwards as far as the village recreation ground, leaves 2 generously-sized gardens.

13.0 Report

- 13.1 The specific issues raised by the earlier refusal may be summarised as follows:-

1. Intrusive and cramped development with insufficient space between the house and the listed building.
2. Creation of separate access and disruption of street enclosure.
3. Confused design with poorly proportioned elements.
4. Unresolved parking/garaging arrangements.
5. Potential adverse effect on trees.

- 13.2 This resubmission has been submitted in order to address these matters and follows negotiations with planning and urban design officers. The elevational treatment has been simplified, greater spacing has been achieved from the host dwelling and a single access point (involving the removal of a cracked and damaged part of the frontage wall) serves a shared garage/car port located to the rear of the dwellings. This report will go on to consider the main aspects of the proposal in greater detail.

Design and Layout

- 13.3 The design of the dwelling has been simplified and the footprint reduced so as to afford greater separation from the listed building and not compete with it. It will be seen that the Design and Heritage Officer has criticisms of the elevational treatment and specifically the similarity in the symmetry and rhythm of the fenestration of the front elevation. To resolve this the agent has, at the request of officers, used contrasting materials, reduced height and scale and use of a simple doorcase rather than a projecting porch. These contrasts are considered to give the proposal its own identify while respecting the general form of the host building and have been accepted by your urban designer.

Impact on Area

- 13.4 The width of the plot allows for a dwelling to be comfortably located here within the village envelope. Objections to the previous scheme included the creation of a new vehicular access with removal of frontage wall and unresolved parking arrangement for both the existing and proposed dwellings which would have been liable to lead to parked vehicles visually dominating both sites. The provision of a single, shared access and shared garage/car port to the rear of the dwellings is considered to be a solution, although as indicated in the representations the siting of the garage extends a little outside the village envelope. In this case the building projects into established curtilage, not open countryside and while it may be seen by other residents, is of a low key, traditional appearance that is not considered harmful or intrusive in a rural context.
- 13.5 In terms of trees on site, it is proposed to retain the main beech tree and birches to the site boundary but remove all conifers, including those on the front elevation. A more appropriate beech hedge will then be planted as a means of enhancing the soft landscaping of the site.

Impact on Neighbouring Property

- 13.6 The separation between the proposed dwelling and no. 174 are sufficient to ensure no adverse effect on the amenities of that property and Members will note that the site lies to the north-east of 174 so that daylighting will not be an issue. No windows are proposed on this elevation of the proposed dwelling and can be prevented by condition attached to any consent granted.

Highway Issues

- 13.7 This is the area of greatest concern by residents due to the prevalence of on-street commuter parking during the day and the obstruction and hazards it causes. The additional use of the improved access should not aggravate this situation and the Highway Authority have recommended approval with conditions relating to visibility splays, parking/turning facilities and surface treatment of driveways. The question of visibility splays will be considered more fully in the following report, but, in essence, it is not considered that the refusal of planning permission on highway grounds could be justified here despite the on-going problem caused by on-street parking. Objectors have identified the issue of parking of contractors' vehicles in the highway during the construction period and a condition requiring such parking and storage of materials on site would be appropriate in this case.

14.0 Conclusions

- 14.1 The submitted scheme has been the subject of negotiations to overcome objections to the previous scheme and in your officer's opinion results in a development that satisfactorily infills the gap in an otherwise substantially built-up area, does not visually compete with the listed building, nor adversely affect the amenities of adjoining residents. The Design and Heritage Officer's views have been heeded and amendments requested to address these before the Meeting and so long as these are received it is recommended that permission be granted.

15.0 Background Papers

15.1 ACS; DPDPD; HA; NLR; DHU; PTC

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

Conditions

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

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

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

2 - A2.2 Development to Accord With Revised Plans

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

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

3 - 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 ensure that the development preserves and enhances the character and or appearance/visual amenity of the Conservation Area.

4 - 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.

5 - C4.1 Large Scale Drawings

Additional drawings that show details of proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at a scale between 1:20 and 1:1 as appropriate, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works. The development shall thereafter be carried out in accordance with such details.

Reason: To ensure an appropriate level of detail compatible with the listed building on the adjoining site.

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 not form part of the vehicular surface of the access.

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

7 -Non-Standard Condition

Prior to occupation of the development the vehicular parking and turning facilities, as shown on the submitted plan, 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 to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

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 interests of highway safety to ensure accordance with Policy 1.1 of the Highways and Transportation Development Control policies.

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

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

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

11 - C12.2 Details of Walls or Fences

Prior to the commencement of the development details of screen walls/fences/means of enclosure etc shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position/height/design and materials to be used and shall ensure the stability of the south-west boundary wall following the demolition of the rear red brick wall. The fences/walls shall be provided as approved prior to the occupation of the proposed dwelling and shall be retained thereafter.

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

12 – Non Standard Condition

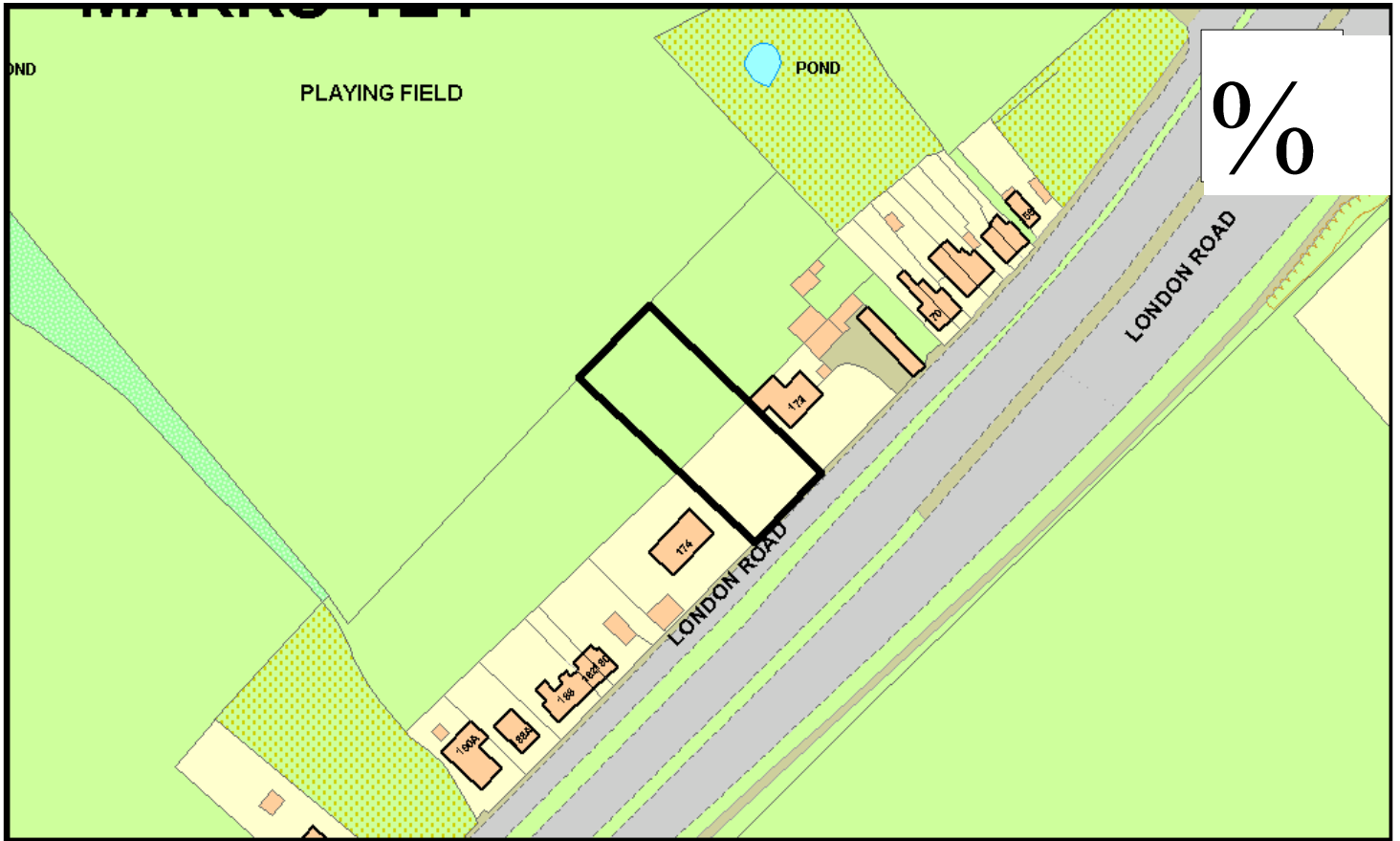
During the construction period all contractors' vehicles and stored materials shall be contained within the site, clear of the highway.

Reason: In order to not aggravate an existing on-street parking problem, in the interests of the convenience and safety of other road users.

Informatives

All works affecting the highway shall be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made initially by phone on 01206 838969 or by email on highways.eastarea@essex.gov.uk.

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



Application No: 102205

Location: 172 London Road, Marks Tey, Colchester, CO6 1EJ

Scale (approx): 1:1250

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7.9 Case Officer: David Whybrow

EXPIRY DATE: 17/12/2010

OTHER

Site: 172 London Road, Marks Tey, Colchester, CO6 1EJ

Application No: 102205

Date Received: 22 October 2010

Agent: Peter Le Grys

Applicant: Mr P Hollingsworth & Mr M Hollingsworth

Development: Listed building application for the removal of rear boundary wall and removal/reconstruction of front boundary wall. Resubmission of 100286

Ward: Marks Tey

Summary of Recommendation: Conditional Approval subject to receipt of amended drawings to mitigate the concerns of the Design and Heritage Officer

1.0 Planning Report Introduction

1.1 This is the companion application to the previous item. It proposes the removal of a rear red brick wall and repair and alterations to the front gault brick wall to create an improved vehicular entrance. Again, it is resubmission of an earlier application (100286) which was refused on the grounds that the demolition of part of the front garden wall to provide an access to serve a new dwelling and removal of rear garden wall would be unacceptable in the absence of an acceptable development that gave rise to the need for the works.

2.0 Synopsis

2.1 This application is recommended for approval. The following report will consider the specific objections to the previous scheme and explain how these concerns have been addressed by the present proposal.

3.0 Site Description and Context

3.1 The application site lies in the north-west side of Old London Road which runs in parallel to the A12 Trunk Road. 172 Old London Road is a Grade II listed building dating from the Mid C19. It is part of a ribbon of development of a generally later date, including a modern bungalow to the south-west. The listed building is in gault brick and slate roofing and the same brick is used in the frontage wall. The wall to the south-west boundary is in soft red bricks and a similar wall returns along the rear of the listed building although the curtilage extends further to the north-west where it abuts the village playing field.

3.2 The setting for the listed building is generally leafy in character. A substantial conifer hedge lies behind the frontage wall while a mix of conifers and birch trees mark the north-west and south-west boundaries. A mature beech tree stands alongside the site entrance.

4.0 Description of Proposal

4.1 Rather than creating a new access as proposed previously a single access point is now proposed in the front wall with some widening of the gateway and driveway. The present wall is in a poor structural condition, probably as a result of the conifers growing behind it which are now to be removed. Second hand bricks will be used in any repair work and the bonding pattern and mortar mix will reflect that of the original.

4.2 The agent indicates his awareness of on-street parking problems but understands ECC Highways are considering parking restrictions to be introduced shortly.

4.3 The rear red brick wall is to be removed to provide access to the proposed garage/car port and also afford ready access to the proposed dwelling's rear garden.

5.0 Land Use Allocation

5.1 The front of the site is within the village envelope; the rear gardens are without notation.

5.2 172 Old London Road is listed Grade 2.

6.0 Relevant Planning History

6.1 100285 - Erection of 4 bedroom dwelling - Refused July 2010

6.2 100286 - Removal of rear boundary wall and reconstruction of front boundary wall - Refused July 2010

7.0 Principal Policies

7.1 The following national policy statements are applicable in this case:-
PPS5 - 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 2010) are relevant:-
UR2 - Built Design and Character
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 - Design and Amenity
DP17 - Accessibility and Access

8.0 Consultations

8.1 The Highway Authority's recommendation is as set out under 102202.

8.2 The Design and Heritage Officer indicates that the front boundary to 172 London Road is formed by a brick wall set at the back edge of the pavement: the 2 existing access points form modest features within the existing boundary frontage. The creation of a 5.5m wide vehicular opening with pedestrian visibility splays would result in a significant gap in the boundary frontage which would be alien in character to the historic boundary treatment with a detrimental impact on the historic character of the wall and the setting of the listed building.

9.0 Parish Council's Views

9.1 Marks Tey Parish Council raise no objection to the proposals.

10.0 Representations

10.1 3 letters of representations have been received from neighbouring residents. Full details may be viewed on-line but the following is a summary of the chief points raised:-

1. The proposed dwelling would blend slightly better with the original house at No. 172 but the added traffic, including groundwork and construction traffic, if left in London Road, will exacerbate an unacceptable problem of parking congestion caused by private commuter parking. It would cause major disruption to residents and other regular access traffic.
2. If permitted, the development would result in traffic accidents and obstruct emergency vehicles (see 1.).
3. The garage/car port is outside the village envelope, will be visible from adjoining properties and should not be permitted.
4. It is unacceptable to use as a valid reason to allow development "the isolation of the property and position in an ordinary street" as the agent suggests.
5. Any removal of part or all of the rear boundary wall adjacent to any boundary, shed and oil tank (No. 174) could lead to collapse and danger to human health. A condition should require rebuilding or repair of the side wall.

11.0 Report

11.1 This is an application for listed building consent and its determination must hinge on the issues raised by the Design and Heritage Officer. The Highway Authority do not stipulate a minimum width for the proposed access but require vehicle/vehicle sight splays of 2.4m x 43m and 1.5m x 1.5m pedestrian splays. The former cannot be achieved without further removal of the wall on both sides of the access point and given the relatively small increase in traffic to be generated by this proposal, are not considered to be warranted.

11.2 The agent has been asked however to reduce the width of the entrance and incorporate pedestrian visibility splays by curving the walls inward to either side so as to maintain as much enclosure as possible to the street.

11.3 The rear red brick wall, although a boundary structure afforded listed building protection, is not considered to be of sufficient intrinsic merit to require its retention.

12.0 Conclusion

12.1 Upon the receipt of amended drawings, as described, to mitigate the concerns of the Design and Heritage Officer, it is recommended that permission subject to conditions.

13.0 Background Papers

13.1 ACS; DPDPD; HA; NLR; DHU; PTC

Recommendation

Conditional Approval upon the receipt of amended drawings to mitigate the concerns of the Design and Heritage Officer.

Conditions

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

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

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

2 - A2.2 Development to Accord With Revised Plans

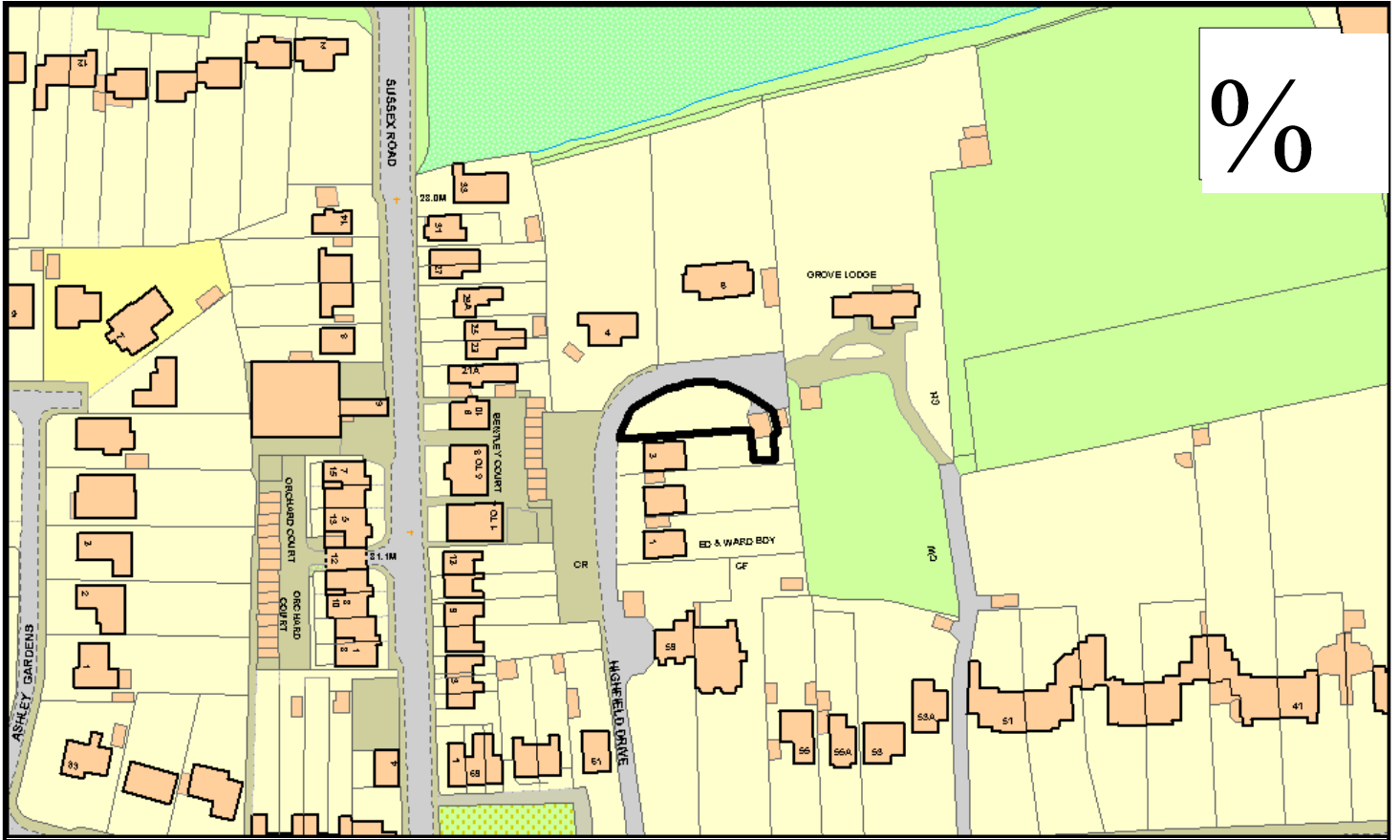
The development hereby permitted shall be implemented in all respects strictly in accordance with the revised drawings.

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

3 - 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 ensure that the development preserves and enhances the character and [or appearance/visual amenity] of the Conservation Area.



Application No: 102315

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

Scale (approx): 1:1250

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7.10 Case Officer: Mark Russell

EXPIRY DATE: 05/01/2011

MINOR

Site: 3 Highfield Drive, Colchester, CO3 3QA

Application No: 102315

Date Received: 10 November 2010

Agent: Marguerite Livingstone

Applicant: Mrs. C Vinall

Development: One detached three bedroom house and replacement garages.
Resubmission of 101564.

Ward: Lexden

Summary of Recommendation: Conditional Approval subject to Unilateral Undertaking

1.0 Planning Report Introduction

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

2.0 Synopsis

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

3.0 Site Description and Context

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

4.0 Description of the Proposal

4.1 This outline application relates to a proposal to erect a detached three bedroom house in a position which is similarly aligned to numbers 1 – 3 Highfield Drive. A detached garage is proposed to the far rear of the new property with parking spaces in front. These will serve both the existing and the proposed dwelling.

4.2 Whilst this is only an outline application, matters of access, layout, appearance and scale are covered, with only landscaping left to Reserved Matters. The scale and design is sympathetic to numbers 1-3 Highfield Drive, with a bay window to the living room, and red brick walls with a choice of slates or pantiles.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

6.1 101564 - One detached four bedroom house and replacement of existing detached garage. Refused 2nd November 2011.

7.0 Principal Policies

7.1 In addition to national and regional policies, the Development Plan (2010) policies are relevant to the consideration of this application:

DP1- Design and amenity,
DP12 – Dwelling Standards,
DP16 – Private Amenity Space.

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

SD1 - Sustainable Development Locations
UR2 - Built Design and Character

7.3 Also of relevance is Colchester Borough Council's own publication, the Supplementary Planning Document "Backland and Infill" and the adopted SPD "The Essex Design Guide".

8.0 Consultations

8.1 The Highway Authority had previously stated at the time of application 101564:

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

8.2 Museum Resources, at the time of 101564 had asked for a Watching Brief condition, given that Roman burials have been reported in the vicinity. This request will be carried forward to the current application.

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

9.0 Representations

9.1 At the time of writing (6th December 2010) six letters of objection from nearby residents and Councillor Hardy have been received. These are all from neighbouring and nearby properties. The salient points are:

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

10.0 Parking Provision

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

10.2 As proposed, the parking appears to comply with the required standards. There has been suggestion that the applicant does not own sufficient land for this purpose. If it later transpires that the entirety of this land is not in the ownership of the applicant, then provision of the parking may not be able to be implemented, and this would mean that the permission could not be implemented.

11.0 Open Space Provision

11.1 Not applicable.

12.0 Report

12.1 Members are reminded that application 101564 was refused at Committee for reasons of parking, incongruity and loss of amenity. The full reasons were as follow:

Policy DP1 of the Local Development Framework Development Plan (LDFDP) 2010 states that: "The Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009."

This document states that a minimum of two spaces per dwelling shall be provided for houses of two bedrooms and over and that these spaces should be 2.9m x 5.5m, or 6m when in front of a garage. It also states that garages of less than 7m x 3m, as measured internally, should be discounted as parking spaces.

Based on all of the information provided by the applicant during the course of this application, it is clear that the proposed spaces are inadequate in length when compared with the above standards and would lead to vehicles overhanging a common area which is used as a turning head. The proposed garages are deficient in both dimensions, and would not qualify as usable parking spaces, and could therefore lead to extra vehicles being parked in the hammerhead, and elsewhere along Highfield Drive. The parking offer is therefore contrary to the above guidance and would cause congestion and haphazard parking, contrary to the interests of highway safety.

Policy UR2 of the Local Development Framework Core Strategy (LDFCS) 2008 states, inter alia: "Developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported."

Policy DP1 of the LDFDP states, inter alia: "All development must be designed to a high standard, avoid unacceptable impacts on amenity.....Development proposals must demonstrate that they will:

- (i) Respect and enhance the character of the site, its context and surroundings in terms of its.....townscape and/or landscape setting.....*
- (v) Respect or enhance the landscape and other assets that contribute positively to the site and the surrounding area....."*

Colchester Borough Council's Adopted Supplementary Planning Document "Backland and Infill" (2009) states, in its introduction: "The development of corner plots can also result in the loss of green space and have an adverse impact on the visual amenity of the locality."

Section 5 of the guidance adds: "A backland or infill development should make a positive contribution to the character of the existing locality. If a proposal fails to complement or enhance the local area.....planning permission will be refused."

The section continues: "A character appraisal will be required to inform the housing development.....Designers need to consider the characteristics of the surrounding neighbourhood, so that the development can reflect or improve on that character." The tick list asks: "Is there a strongly defined character? What is it?....How big are plot sizes and what are their shapes?.....Are buildings stepped or set back from the street or in continuous straight building lines?...."

In this instance, Highfield Drive is a secluded, wooded lane, with a row of three houses sharing a common building line. The corner subject to this application is a green feature which enhances the open, airy, character of the area. The proposed dwelling would lead to the loss of this green corner, and would see a house set back from the main row in a visually incongruous manner. This would further undermine the character of the area, and would be contrary to the aims and intentions of LDFCS policy UR2 and LDFDP policy UR2 as well as the above Supplementary Planning Document.

The above mentioned LDFDP policy DP1 further states that development shall: "Protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight."

The proposed dwelling, albeit it shown in illustrative form, will adversely affect the amenity enjoyed by the existing number 3 Highfield Drive as a result of its close proximity, staggered juxtaposition and scale and bulk. This would lead to a loss of light and outlook from several of the windows and part of the rear garden of that dwelling. This is contrary to policy DP1 of LDFDP.

- 12.2 The applicant has answered the concerns over parking and amenity, and has sought to place the new dwelling in a more visually acceptable position.

Design and Layout/Scale, Height and Massing.

- 12.3 Whilst this is only an Outline application, the issues of access, layout, appearance and scale are covered by this application and give a good idea of what the dwelling would look like, and how it would fit in with the prevailing pattern of development. The alignment of the proposed dwelling is now more in keeping with the rest of the row and the overall design and Layout, scale, height and massing are held to be sympathetic within the context of Highfield Drive.

Impact on the Surrounding Area

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

Impacts on Neighbouring Properties

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

Amenity Provisions

- 12.6. The new dwelling would enjoy a garden of in excess of 120m², whilst the host would retain a similar amount to this. This complies with standards, although it is worth noting that numbers 1 and 2 have in excess of 200m² each.

Highway Issues

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

Other Matters

12.8 Issues of nuisance during the construction phase are covered by the demolitions and constructions advisory note. It is conditioned that any change to the front garden in terms of removal of walls shall be first agreed in writing by the Council. This is in the interests of visual amenity and to prevent indiscriminate and unsatisfactory parking. The garages will also be conditioned to be used only for this purpose, although it is impossible to insist that the occupiers' cars be parked there.

13.0 Conclusion

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

14.0 Background Papers

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

Recommendation

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

Conditions

1 - A1.1 Outl Perms (submission of reserved matters (1)

Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.

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

2 - A1.2 Outl Perms (submission of reserved matters (2)

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

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

3 - A1.3 Outl Perms (time limit for subm of res matter

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

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

4 - A1.4 Outl Perms (time limit for commencement of Development)

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

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

5 - Non-Standard Condition

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

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

6 -Non-Standard Condition

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

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

7 - Non-Standard Condition

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

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

8 - Non-Standard Condition

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

Reason: In the interests of promoting sustainable development and transport.

9 - Non-Standard Condition

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

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

10 - A7.5 Rem of Perm Dev Extens Rel to Erect Bldngs et

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

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

11 - A7.7 Exclusion of Garages Conversions

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

12 – Non Standard Condition

The existing front garden to 3 Highfield Drive shall not be used for the parking of vehicles. Any alteration to the front garden to facilitate such parking shall be approved in writing by the Local Planning Authority.

Reason: To ensure that any such provision is supplied in a visually satisfactory manner and does not lead to unsatisfactory parking of vehicles.

Informatives

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

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



Application No: 102169

Location: Land Adjacent To, Alefounders Barn, Wick Road, Langham, Colchester, CO4 5PG

Scale (approx): 1:1250

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7.11 Case Officer: Simon Osborn

MINOR

Site: Alefounders Barn, Wick Road, Langham, Colchester, CO4 5PG

Application No: 102169

Date Received: 18 October 2010

Agent: Mr Mark Perkins

Applicant: Mr & Mrs Eels

Development: Application for approval of reserved matters following outline approval on application 080543 - Erection of 1 No 4 bedroom house - resubmission of 101017

Ward: Dedham & Langham

Summary of Application: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because an objection has been received to the proposal from the Parish Council. This is a reserved matters application, outline planning permission (080543) having previously been granted for a four-bedroom house on 28th April 2008.

2.0 Synopsis

2.1 The principle of a new dwelling in this location has already been agreed at outline stage. It is considered that the design and appearance of the proposed dwelling within this reserved matters submission will be appropriate to the setting of the site within a loose-knit part of Langham village adjacent to open countryside. The application is recommended for approval.

3.0 Site Description and Context

3.1 The application site is a rectangular shaped parcel of land which is situated behind properties known as The Rectory and Lavender House which front Wick Road. The plot is opposite the house and curtilage of Alefounders Barn, whose occupiers are the owners and applicants. Both Alefounders Barn and the application site share a vehicular access along a lane leading from Wick Road. The plot is enclosed on its northern, western and eastern boundaries by established hedgerows and trees.

4.0 Description of the Proposal

4.1 This is the reserved matters application, which is for a single-storey 4-bedroom dwelling.

5.0 Land Use Allocation

5.1 Village settlement

6.0 Relevant Planning History

6.1 080177 – proposed one 4-bedroom house with associated cart-lodge: refused March 2008.

6.2 080177 – proposed one 4-bedroom house: approved April 2008

6.3 01017 – reserved matters for 4-bedroom house: withdrawn June 2010.

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
ENV1 - Environment
ENV2 - Rural Communities

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP12 Dwelling Standards
DP19 Parking Standards

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 Highways Authority stated no objection subject to the following:

- Prior to occupation of the development the vehicular parking and turning 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 ensure accordance with Policy 1.21 of the Highways and Transportation Development Control policies.

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

8.2 Landscape Officer recommended agreement to the landscape aspect of the application subject to a planning condition regarding tree and shrub planting.

8.3 Environmental Control recommended the standard Demolition and Construction informative.

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

9.0 Parish Council's Views

9.1 The Parish Council have stated that:

"The borough council is reminded that the Parish Council objected strongly to the previous approved application no. 080543 on the grounds that it was backland development against Policy H7, would adversely affect the existing pattern and character of development of both the local area and the village as a whole and would not harmonise with the local distinctiveness. As such we were very concerned that this building would set a precedent for other backland development locally, resulting in planning sprawl. As such it also contravened the principles of the Langham Design Statement, now adopted by the borough council.

The present application, a resubmission of 101017, is now a single storey design with new chimney stacks of a more traditional design.

The relatively large footprint has expanded to give additional accommodation at ground floor level. We consider that the revised design has changed little and remains out of character with neighbouring properties and out of keeping with the Langham vernacular. The site is also visible from a public road.

Accordingly we register our objection to this application".

10.0 Representations

10.1 None received

11.0 Parking Provision

11.1 The application makes provision of one garage with internal dimensions of 3m x 7m and additional space at the front of the dwelling for at least 2 cars to park and turn. This meets current parking standards as recommended by DP19.

12.0 Open Space Provisions

12.1 The application site shows a rear garden well in excess of 100 sq.m. A unilateral undertaking was submitted and agreed as part of the outline application towards public open space, sports and recreation facilities. This meets current adopted standards.

13.0 Report

- 13.1 Outline planning permission was granted in 2008 for the erection of one 4-bedroom house. The plans submitted showed the approximate footprint of a proposed one-and-a-half storey building and a condition was imposed limiting the dwelling to being no greater than one-and-a-half storeys in height. The reserved matters submission is for a single storey dwelling only. This has resulted in an alteration to the footprint of the building, as all the accommodation is proposed at ground floor level. Nonetheless, the footprint of the proposed dwelling shown within the reserved matters submission is not dissimilar in scale to that shown on the outline planning permission, with the overall maximum width of this proposal being the same as the outline proposal (at 20m) and the maximum depth of this proposal being 17m compared with a maximum depth of 14m in the outline scheme.
- 13.2 The bulk of building proposed has been concentrated into a central plan with additive forms originating from the central core, seeking to emulate a traditional plan form that has been extended. A number of improvements have been negotiated by Officers over the earlier withdrawn reserved matters submission, including: alterations to the number, position and design of the chimneys; the elimination of a disguised first floor flat roofed element, and moving the garage further away from the hedge line to the east of the site. Vernacular materials are proposed including clay plain tiles on the roof, red/orange bricks to the plinth walls, with a mix of render and weatherboarding above. Windows are to be softwood painted traditional sashes.
- 13.3 The Parish Council has referred to its earlier concerns regarding this being an inappropriate form of backland development. Whilst the principle of development cannot be reconsidered at this stage, nonetheless the proposal is considered to be consistent with the Infill and Backland SPD adopted in 2009. The development is located with a frontage onto an existing access drive and results in a loose arrangement of dwellings around this access drive, which include Alefounders Barn further to the east. The plot is similar in overall size to other plots in the immediate area and would leave a large rear garden and good separation to the sides. Whilst there will be views of the proposed dwelling from Wick Road, these will be limited to oblique views. Existing hedgerows around the perimeter of the site will help to mitigate the impact of the proposal on the open countryside to the east of the village settlement boundary.
- 13.4 The character of this part of the village settlement of Langham is varied, with a fairly loose arrangement of 2-storey dwellings, of 2-storey traditional form, within a setting of trees and hedgerows. The principle of development on the application site has been agreed and whilst the single-storey nature of the proposed dwelling is different from the predominantly 2-storey nature of most of the surrounding dwellings, it is considered that the proposal will fit in with the predominant character of the area; retaining the loose knit pattern of development within a setting of hedgerows. The single storey nature of the proposal will not unduly intrude visually either on the open countryside to the east, or from Wick Road to the west.

13.5 As a single storey dwelling, with good separation to neighbouring properties, it is considered that the proposal will not unduly impact upon the amenity of neighbouring properties. The Highway Authority is happy with the detail of the proposals. A Unilateral Undertaking in respect of the new dwelling was secured at the outline application stage.

14.0 Conclusion

14.1 The principle of a new dwelling in this location has already been agreed at outline stage. It is considered that the design and appearance of the proposed dwelling will be appropriate to the setting of the site within a loose-knit part of Langham village adjacent to open countryside. The application is therefore recommended for approval.

15.0 Background Papers

15.1 PPS; Core Strategy; DCDP; SPG; HA; TL; HH; PTC

Recommendation - Conditional Approval

Conditions

1 – Non-Standard Condition

The reserved matters planning permission hereby granted is given in accordance with the terms and conditions of the outline planning permission reference 080543 relating to this site and the conditions attached thereto remain in force.

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 in strict accordance with the approved plans 796/01, 796/02B, 796/03 and 796/05 submitted with the application registered on 18th October 2010, unless otherwise agreed in writing by the Local Planning Authority.

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

3 – Non-Standard Condition

No habitable accommodation shall be formed within the roof space, nor shall any dormer window or other form of opening (other than those expressly authorised by this permission) shall be constructed above ground floor level in the dwelling hereby permitted, without the prior approval in writing of the Local planning Authority.

Reason: The application has been submitted as a single-storey dwelling only and the Local Planning Authority wish to ensure that the design of the dwelling remains compatible with the location and does not unreasonably impact upon the amenity of neighbouring properties.

4 – Non-Standard Condition

Prior to occupation of the development the vehicular parking and turning 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 ensure accordance with Policy 1.21 of the Highways and Transportation Development Control policies.

Informatives

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

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

This reserved matters application is also subject to the terms and conditions of the outline planning permission (reference 080543) granted on 28th April 2008 and to the S106 Unilateral Undertaking dated 28th April 2008; the latter requires payment to the Council of the Public Open Space Contribution, prior to the commencement of development.



Application No: 102214

Location: 31 Creffield Road, Colchester, CO3 3HY

Scale (approx): 1:1250

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7.12 Case Officer: Jane Seeley

EXPIRY DATE: 22/12/2010

OTHER

Site: 31 Creffield Road, Colchester, CO3 3HY

Application No: 102214

Date Received: 27 October 2010

Agent: Baldwin Design Ltd

Applicant: Mr Tim Heath

Development: Demolition of existing garage and conservatory and erection of new conservatory and attached garage.

Ward: Christ Church

Summary of Recommendation: Conditional Approval subject to no objections being raised by the Arboricultural Officer

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because it has been called by Cllr Cope. He considers that the impact of the development on the amenity of an adjacent householder should be discussed. He has referred to criteria in SPD Extending your House and Policy DP1.

2.0 Synopsis

2.1 This report describes the site and its surroundings and gives details of the proposed development. Consultation replies and representations are then detailed and these are discussed in the main report section. Conditional approval is then recommended.

3.0 Site Description and Context

3.1 No 31 is on the north side of Creffield Road close to the junction with Oxford Road. To the west is an entrance to and buildings associated with Colchester Royal Grammar School. East of the site is Joyce Brooks House, a sheltered housing unit. The rear garden of No 31 has been separated from the plot and a chalet bungalow and detached garage have been erected (k/a Capel Lodge). Access to this new dwelling is from Keble Close. The site supports a mid/late 19th century Italianate villa that is used as a domestic property. To the side of the house is an early 20th century garage. A brick boundary wall marks the east boundary. Access to the site is in the form of an 'in and out' drive arrangement. There are trees and shrubs on the frontage that include a TPO tree. Adjacent to the side/rear of the site in the grounds of Joyce Brooks House are a number of lime trees.

4.0 Description of the Proposal

4.1 This application proposes 2 side extensions:

- i) To the east of the dwelling, a garage/storage building which will be immediately adjacent to the side boundary wall with Joyce Brooks House. The extension will project to the rear of the house by approx 2.9m and will be within approx 0.6m of the rear boundary with Capel House. The extension will be predominately 4.5m (approx) to the ridge but there will be a rear wing with a ridge height of approx 5.1m to towards the rear of the extension, however this higher roof line is positioned so that it is not to the rear of the existing house. An existing 'motor house', a corrugated steel structure currently at the rear of the garden, is to be removed to facilitate the extension.
- ii) To the east elevation a replacement conservatory to proposed.

5.0 Land Use Allocation

5.1 Residential
Conservation Area
Article 4 Direction
TPO 05/00
Draft Local List

6.0 Relevant Planning History

- 6.1 O82040 - Proposed 2 no. side garages - Withdrawn 16.02.2009
- 6.2 090236 - Erection of 8ft high wooden close boarded fence – Approved 19.05.2009
- 6.3 090932 – New garages, offices (resubmission on 082040)

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
- 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
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Extending your House

Consultations

8.1 The Urban Design Officer comments as follows:-

- The scale and detailing of the two structures is secondary to, and does not compete, with the existing Victorian house. The replacement conservatory closely follows the silhouette and detailing of the original.
- Both structures are set back to appear subordinate and to preserve the corner quoin detail of the main building. The proposed materials are to match existing as closely as possible for a coherent look. As a group of buildings, the main house with a conservatory on one side and the garage building on the other reinforces the symmetry typical of period buildings in the area. The simple forms and the setback relate the secondary nature of the outbuildings and reinforce the hierarchy with the house as a main structure. Accordingly the development does not detract from the Conservation Area status of the locality.
- The house and garage are included on the Draft Local List of buildings of special historical/architectural merit and will be given some protection should they be approved in the final list. No alterations to the late Victorian building are proposed. It is understood that the original conservatory was a later addition to the house, and as such it is not considered an important part or adding to the character of the main building.
- The garage has also been altered on a number of occasions and is currently not in good condition due to the changes and the lack of a solid foundation. The impact of the proposed new garage on the main house is more noticeable due to the more forward position and the larger scale of the structure. However care has been taken to minimise the impact by developing a simple traditional form, setting back to preserve the corner quoin detail of the main building, maintaining a single storey height to the front, and reducing the bulk of the rear with an appropriate, while functional, roof form.
- Materials need to be conditioned to ensure appropriate detailing.
- The scale and mass of the garage has been optimised to ensure no detrimental impact on the street scene and the Victorian house. Although higher than the existing garage structure, the building is within acceptable height limits and slightly lower than the garage at No.6 Keble Close immediately behind. The taller short rear wing connecting to the existing house at the rear section is well set back from the street and its impact on the main house façade and the street scene is minimal. The roof configuration of this wing also ensures minimising the bulk as is practically possible, while allowing a link at first floor level.

8.2 The views of the Arboricultural Officer are awaited

8.3 The Archaeological Officer has no comments to make.

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 from one writer:

- It is difficult to assess the height of the proposed 2 storey extension; it is certainly higher than garage in Capel Lodge and the proposed new garage. It would lead to an unreasonable loss of natural daylight and sunlight to kitchen/dining room and upstairs bedroom. Capel Lodge was designed to maximise morning sunlight. It would also cause overlooking.
- The fact that the property is on the local list must affect the demolition of the conservatory which is an original feature

9.2 The Victorian Society has been advised of the application as they commented on the previous application. If comments are received they will be reported on the amendment sheet.

The full text of all of the representations received is available to view on the Council's website. Please note that at the time of finalising this report the period for response following additional to neighbour notification had not expired. Any additional comments received will be reported on the amendment sheet.

10.0 Parking Provision

10.1 The adopted Parking Standards requires 2 spaces for this site and that garages should be a minimum of 7m x 3m to be considered as a parking space. The proposed garage will provide 2 appropriately dimensioned parking spaces and there is also on site parking available on the retained driveway.

11.0 Open Space Provisions

11.1 Not applicable

12.0 Report

Background

12.1 A planning application was submitted in 2009 (090932) for 2 extensions to the east side of the dwelling. The larger of these extensions projected to the rear boundary of the site and was approx 5.3m at it highest point. Both extensions were contemporary in design with curved copper roofs. The application was considered by Planning Committee and is was resolved to refuse permission because it was considered that proposed extensions, due to their design, size, materials and layout did not sit comfortably with the host building and failed to enhance or preserve the Conservation Area.

12.2 There have been a number of discussions with the applicants and their agent since the refusal in order to achieve a more traditional design solution. This has resulted in the scheme proposed in this application.

Design

- 12.3 There have been a number of discussions with the applicants and their agent since the refusal of 090932 in order to achieve a more traditional design solution. This has led to the scheme proposed in this application. The 2 extensions are simple traditionally styled additions. It is considered that they reflect the character of, and are subordinate to, the main house and reinforces the symmetry typical of buildings in the area. The proposed materials are in line with those used for the house apart from the walling of the east elevation. This will be in light-weight construction in order to reduce the impact on the retained boundary wall. A condition is proposed to ensure the use of suitable external materials/finishes.

Impact on the Conservation Area/ Local List

- 12.4 As the site is within a Conservation Area Government Guidance and Policy require that any development must not detract from and should preserve and enhance the character of the locality. The impact of the conservatory in the Conservation Area is negligible due to limited views into this part of the site. The garage, whilst more visible, has been designed to be sympathetic to the site and locality. It is considered that the proposed works, due to the careful attention to detailing and materials, will have a positive rather than negative impact on the Conservation Area.
- 12.5. The house and garage are included on the draft local list however this list currently has no status and the inclusion on the list does not offer any protection. Neither is Conservation Area Consent required for the demolition of the garage or existing conservatory. Accordingly there is no control over the removal of either structure.
- 12.6 Information provided by the applicant's agent advises that the garage has been altered on a number of occasions and is in a poor condition due to these changes and the lack of solid foundations. The applicants have again advised that they are willing to donate the garage to anyone who wishes to dismantle and remove it for rebuilding elsewhere.
- 12.7 It is understood that the conservatory is not an original feature of the building but was added at the time of alterations to the rear of the house. It is in a poor state of repair. It is considered that the replacement of the conservatory has a neutral effect on the character of the house as care has been taken to replicate the proportions and detailing of the original conservatory and it is set back to preserve the corner quoin detail of the main building.

Impacts on Neighbouring Properties/Amenity

- 12.8 There is one side window in the elevation of Joyce Brooks House adjacent to the proposed extension which is believed to be a landing window. Whilst the east side extension will be visible from the garden and windows facing north and west of that complex there is adequate separation to ensure no undue amenity concerns arise.

12.9 Capel Lodge, to the rear of the site is orientated so that the front elevation faces east. It is acknowledged that there will be views of the rear of the side extension from the kitchen. There may be some loss of early morning sunlight, however, the kitchen does have the benefit of a glazed door to the south and windows/French doors to the west. The refused application proposed an extension which was closer to the boundary with Capel Lodge. That extension would have appeared bulkier when viewed from Capel Lodge than the now proposed extension. In that case the refusal did not include an amenity reason for refusal. It is not considered that the impact on residential amenity would be so adverse as to warrant refusal. There is a window and a glazed door in the west side elevation; these will be screened by the existing boundary fence/wall. A condition to require no additional windows to in the roof of the extension is suggested.

12.10 There are no amenity issues relating to the conservatory.

Tree Matters

12.11 This issue will be reported on the amendment sheet following receipt of the Arboricultural officer comments relating to the TPO tree on the road frontage and The Limes in the grounds of Joyce Brooks House.

13.0 Conclusion

13.1 It is considered that the proposed development is in accordance with Council Policies and guidance relating to design, protection of Conservation Areas and amenity issues and can therefore be supported.

14.0 Background Papers

14.1 PPS; Core Strategy; DBDP; SPG; DHU; AT; AO; NLR; VS

Recommendation

That subject to no objections being raised by the Arboricultural Officer planning permission is 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 in accordance with the following approved plans: 4690-02H received 27.10.2020.

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

3 – Non-Standard Condition

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no windows/dormer windows, doors, voids or openings of any kind, other than those expressly authorised by this permission' shall be constructed in any plain roof plain of the extension.

Reason: To protect the amenities and privacy of adjoining residents.

4 – Non-Standard Condition

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted and details of the proposed finishes have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity.

5 – Any conditions recommended by the Arboricultural Officer.

Informatives

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



Application No: 102225

Location: New Bungalow, Maypole Road, Tiptree, Colchester, CO5 0EP

Scale (approx): 1:1250

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Site: **New Bungalow, Maypole Road, Tiptree, Colchester, CO5 0EP**

Application No: **102225**

Date Received: 28 October 2010

Agent: Mr Mike Bowler

Applicant: Miss Corinne Foster

Development: Removal of condition 06 of application 85/0670/a in order to convert garage to granny annexe.

Ward: Tiptree

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of an objection raised by Tiptree Parish Council.

2.0 Synopsis

2.1 The application will consider the individual planning merits of this proposal and the objection submitted by Tiptree Parish Council. Having regard to all material planning considerations it is recommended that permission should be granted.

3.0 Site Description and Context

3.1 New Bungalow, Maypole Road, Tiptree, is a detached dwelling set back approximately ten metres from Maypole Road. It is located within a predominantly residential area with dwellings to the south, and to the west, along Maypole Road. Immediately north and to the east of the site lies the Thurstable School

3.2 The property has a group of buildings positioned adjacent to the rear elevation of the bungalow. Included within this small group is a single garage, approximately 2.8m x 5.5m, linked to the rear corner of the bungalow. This garage is also linked to the detached garage at the adjoining dwelling, Alfrine, Maypole Road, Tiptree.

4.0 Description of the Proposal

4.1 The application seeks planning permission to convert this existing garage into a small granny annexe. The floor plans show the provision of combined sitting/bedroom and a small en-suite.

4.2 The proposal includes the provision of a new pitched roof clad in concrete interlocking tiles to match the existing.

5.0 Land Use Allocation

5.1 Predominantly residential area of Tiptree

6.0 Relevant Planning History

6.1 85/0670 and 85/0670/A – Outline and Reserved Matters applications for the erection of detached bungalow with garage. Approved 04/06/1986.

6.2 101910 – Certificate of Lawfulness for proposed conversion and alterations of an existing attached garage to a granny annexe. Withdrawn 22/10/2010.

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:
SD1 - Sustainable Development Locations
UR2 – Built Design and Character
TA5 - Parking

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

7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 The Highway Authority comments that, having regard to the potential intensification in use of this access, it does not object provided that no unbound material is to be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

9.0 Parish Council's Views

9.1 Tiptree Parish Council objects to this application as insufficient reason has been given to remove the condition.

10.0 Representations

10.1 None received

11.0 Parking Provision

11.1 The front garden area, which measures approximately 10 metres x 10 metres is currently surfaced and used to provide on-site parking and turning facilities. There is also a hard surfaced -strip of land between the existing garage and the front parking area, which can be used provide additional parking. On this basis parking for more than 2 cars can be accommodated within the site.

11.2 The applicant has been asked to submit an additional drawing showing the provision of on-site parking, together with a vehicular turning area.

12.0 Open Space Provisions

12.1 There is no requirement for the provision of Open Space or any related contributions

13.0 Report

13.1 The conversion of the existing garage would not normally require planning permission were it not for a condition imposed upon the 1985 permission for the erection of the original dwelling and garage. Condition 6 of this permission stated that:-

‘A 5 metre x 2.5 metre hardstanding convenient to the front door and a garage or garage space shall be provided and maintained as such for the benefit of the dwelling.

Reason: To avoid the necessity to park on the highway’

13.2 Whilst the comments of Tiptree Parish Council are appreciated, it is considered that, given the availability of alternative parking within the site, there are no sound reasons why the applicant should be required to maintain the garage for its primary role.

13.3 The conversion itself does not have any impact upon either visual or residential amenity.

13.4 Whilst the accommodation that can be provided within this relatively small building is extremely modest, the Highway Authority’s comments regarding the surface treatment of the parking area is acknowledged. Any permission should be conditioned accordingly.

14.0 Conclusion

14.1 The site can accommodate alternative parking to compensate for the proposed alternative use of the garage. The conversion itself does not have any adverse impact upon visual or residential amenity and the size of the accommodation to be provided is very modest.

15.0 Background Papers

15.1 PPS, Core Strategy; BPD; SPG; HA; PTC

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be constructed in accordance with the approved drawing number 5259/10/1.

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

3 - Non-Standard Condition

The use of the building hereby permitted as described shall remain ancillary and subservient to the primary use of the site as a dwelling, known as New Bungalow, and shall not become a separate or dominant use of the site. The site to which this condition relates is defined on the application site plan.

Reason: For the avoidance of doubt as to the scope of the permission and to protect the amenities of the surrounding area.

4 - Non-Standard Condition

A minimum of two car parking spaces, together with a vehicular turning area shall be provided prior to the occupation of the annex and retained thereafter to serve the development.

Reason: In order to provide adequate on-site car parking in the interests of the amenity of other residential properties and in the interests of highway safety.

5 – Non Standard Condition

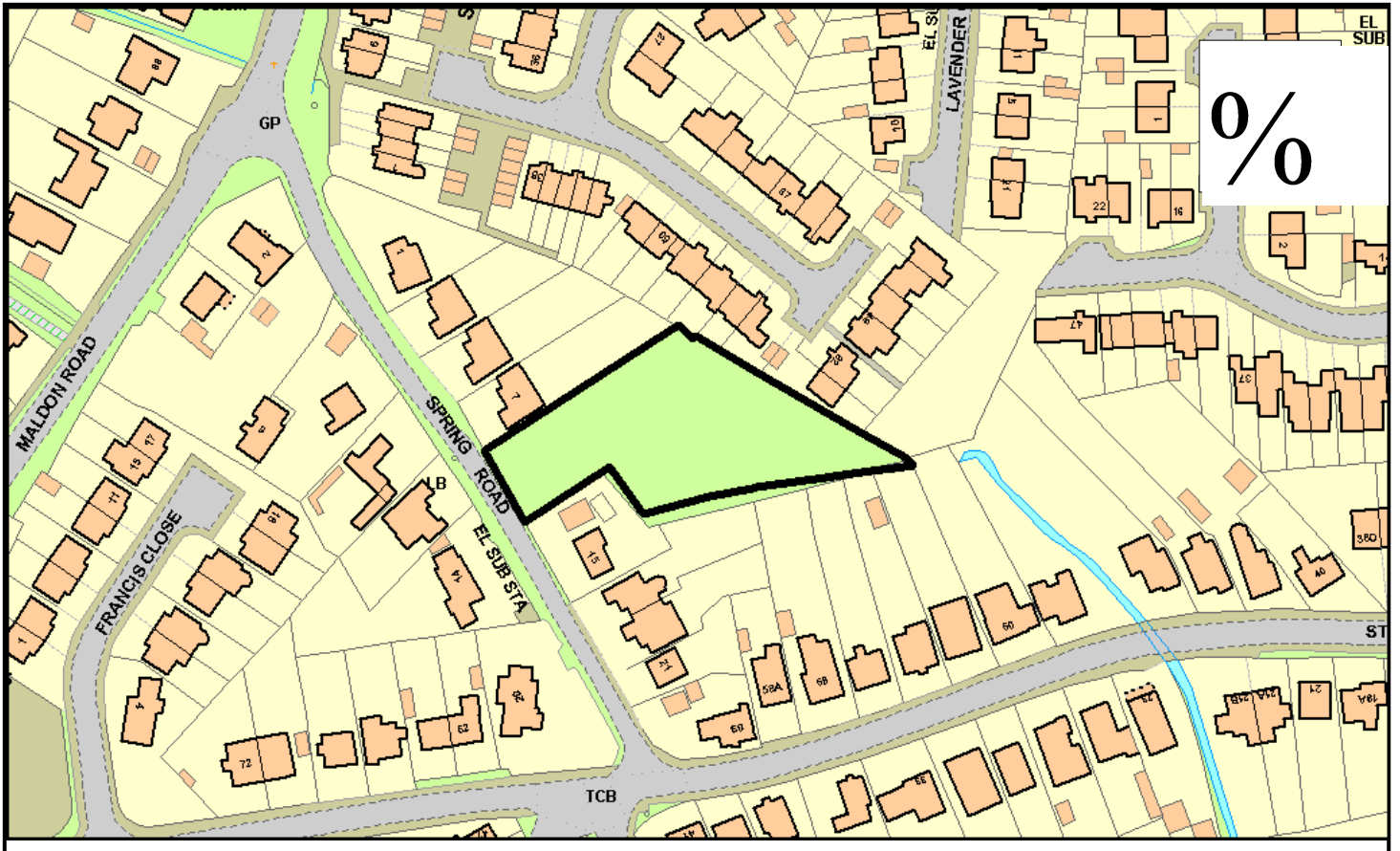
No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid displacement of loose material onto the highway in the interests of highway safety.

Informatives

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

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



Application No: 102230

Location: 11 Spring Road, Tiptree, Colchester, CO5 0BD

Scale (approx): 1:1250

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7.14 Case Officer: Nick McKeever **EXPIRY DATE: 24/12/2010**

OTHER

Site: **11 Spring Road, Tiptree, Colchester, CO5 0BD**

Application No: **102230**

Date Received: 29 October 2010

Agent: John Finch Partnership

Applicant: Mr Ewin

Development: Application to vary condition 19 of planning application 090897 which requires that all existing trees are to be retained.

Ward: Tiptree

Summary of Conditions: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of any objection by Tiptree Parish Council.

2.0 Synopsis

2.1 The application will consider the individual planning merits of this proposal and the objection submitted by the Parish Council. On consideration of the planning merits of the case the view is taken that there is no objection to the proposed removal of this particular tree.

3.0 Site Description and Context

3.1 The site forms part of a recently built scheme of three detached houses and one detached bungalow on land that comprised the original dwelling, No. 11 Spring Road, and its domestic curtilage. The entire development site is enclosed on all sides by established residential areas. There are a number of mature trees along the north eastern boundary.

4.0 Description of the Proposal

4.1 The application seeks permission to remove an existing oak tree within what is now the rear garden of 11C Spring Road (Plot 4 as shown on the approved development plans). The trees that remain within the development site as a whole are protected by condition 19 of the planning permission 090897.

5.0 Land Use Allocation

5.1 Residential

6.0 Relevant Planning History

- 6.1 071184 – Demolition of existing bungalow and erection of 3 no. chalet style dwellings and 1 no. bungalow. Approved 28/09/2007
- 6.2 090897 – Reserved Matters application for demolition of existing bungalow and erection of 3no. chalet style dwellings and 1 no. bungalow. Approved 11/11/2009
- 6.3 091443 – Variation of condition no.17 of application 090897 to substitute 1 no. chalet style dwelling (plot 3) with a two storey dwelling. Approved 28/01/2010
- 6.4 100041 – Removal of condition 20 of application 090897. Erection of 3 no. chalet style dwellings and 1 no. bungalow. Approved 08/03/2010

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:
SD1 - Sustainable Development Locations
UR2 - Built Design and Character
TA5 – Parking
ENV1 - Environment
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP21 – Nature Conservation and Protected Lanes

8.0 Consultations

- 8.1 The Council's Arboricultural Officer comments that the tree in question is of relatively low amenity value and was described as being categorised as C as per BS 5837:2005. This tree is of limited value and would not have constrained the development process. It would be inappropriate to insist on the retention of this tree as a result.

9.0 Parish Council's Views

- 9.1 Tiptree Parish Council objects to this application due to insufficient evidence being provided that the tree needs to be removed.

10.0 Representations

- 10.1 None received

11.0 Parking Provision

11.1 Not applicable

12.0 Open Space Provisions

12.1 Not applicable

13.0 Report

13.1 The application refers to the original tree survey and Arboricultural Implication Assessment submitted in support of the application 090897 wherein this tree was described as follows:-

‘Tree is in generally quite poor condition, having lost its top at some point. There is a large amount of debris and under storey, making it difficult to fully assess, but crown is poor, containing significant deadwood’.

13.2 The application mentions that the aforementioned report recommended that the tree be pollarded, and that this was done.

13.3 It is clear from a site inspection that what remains of this tree has no amenity value. In this context the comments made by the Council’s Arboricultural Officer are acknowledged and appreciated.

14.0 Conclusion

14.1 The conclusion reached by the Council’s Arboricultural Officer is noted and that no objections are raised to the proposal to remove what remains of this oak tree.

15.0 Background Papers

15.1 PPS; Core Strategy; CPDP; AO; PTC

Recommendation - Conditional Approval

Conditions

1 – 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.

2 – C11.12 Landscape Works Implementation

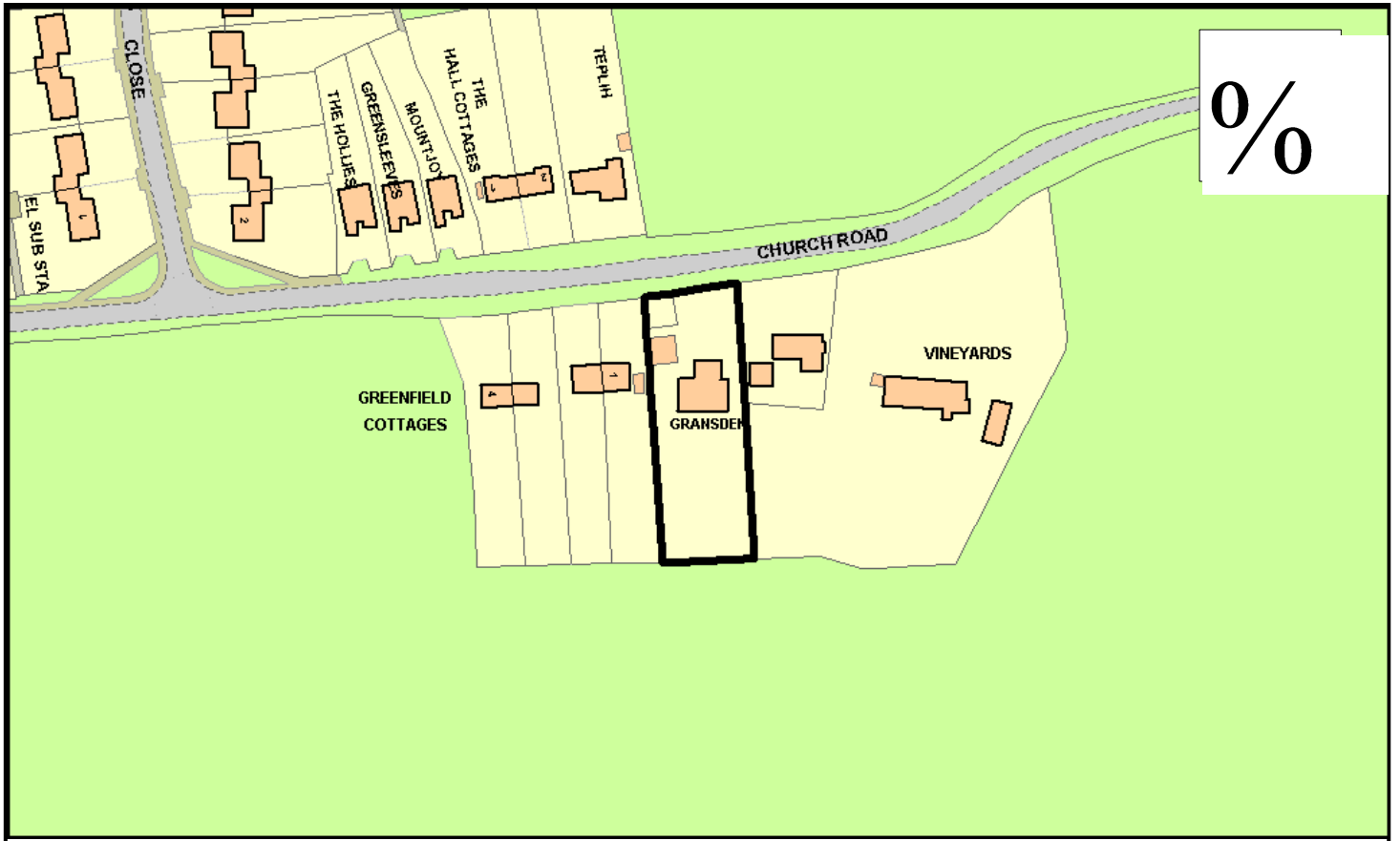
All approved hard and soft landscape works shall be carried out in accordance with the implementation and monitoring programme agreed with the Local Planning Authority and in accordance with the relevant recommendations of the appropriate British Standards. All trees and plants shall be monitored and 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.

3 – C10.18 - Tree and Hedgerow Protection: General

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

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



Application No: 102314

Location: Gransden, Church Road, Copford, Colchester, CO6 1DE

Scale (approx): 1:1250

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7. 15 Case Officer: James Firth

EXPIRY DATE: 05/01/2011

OTHER

Site: Gransden, Church Road, Copford, Colchester, CO6 1DE

Application No: 102314

Date Received: 10 November 2010

Applicant: Mr Martin Nelson

Development: Construction of garden room on rear of property.

Ward: Copford & West Stanway

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because the applicant is an employee of Colchester Borough Council.

2.0 Synopsis

2.1 The report will consider the design of the proposed garden room extension against the Council's adopted policies and other relevant material considerations. The design of the proposal is acceptable in principle and will not have an unacceptable adverse impact on the character of the area or on residential amenity. Approval is recommended as the proposal would not conflict with Local Development Framework policies.

3.0 Site Description and Context

3.1 Gransden is a detached property located within the settlement boundary at Copford. The area has a rural character with open fields to the front and rear of the property. Existing hedgerows run along most of the boundaries of the site. To the west are two semi-detached properties and the east is Annie's Cottage, a larger detached property. An existing garage within the curtilage of Annie's Cottage screens the majority of views from the dwelling into the application site. Towards the rear of the garden area the application site adjoins the curtilage of Vineyards, a listed building. A substantial existing hedgerow runs along the boundary at this point.

4.0 Description of Proposal

- 4.1 The application is for the construction of a single storey garden room on the rear of the property. The proposed garden room would be approximately 4 metres in width and would extend 3 metres beyond the rear wall of the existing dwelling. The pitched roof of the proposed garden room would extend to approximately the same height as the existing dormer windows in the south elevation. The west and south elevations of the proposed garden room would include patio style doors. The east elevation would include a window of a style matching that of the existing windows in this elevation. Both the west and east elevations of the proposed garden room would include two Velux style windows in the roof slope. The materials proposed would match those used on the existing dwelling.

5.0 Land Use Allocation

- 5.1 Colchester Adopted Proposals Map indicates that the village settlement boundary for Copford runs through the rear garden of this property. Residential development would need to be contained within this area in accordance with Core Strategy Policy ENV1. The proposals map indicates that the boundary is located approximately 6.5 metres beyond the existing rear wall of the property and runs in an east-west direction broadly parallel to the rear wall of the existing property. The plans indicate that the proposed extension would project approximately 3 metres beyond the rear wall and would therefore remain within the defined settlement area.

6.0 Relevant Planning History

- 6.1 COL/92/0314 - Outline application for the erection of one dwelling house. Approved conditional 27/04/92. This application removed permitted development to safeguard the amenity of the area, to protect the amenity of adjoining residential occupiers, and to prevent overdevelopment of the site.
- 6.2 COL/92/0314A - Reserved matters application. Details for the erection of 1 no. detached house and garage - Refused 24/03/1993
- 6.3 COL/92/0341B - Revised reserved matters application. Details for the erection of 1 No. detached house and garage. Approved conditional 27/07/1993. This application required external materials to be agreed and to take the form of good quality clay plain tile, red facing brick and cream or buff coloured render.

7.0 Principal Policies

- 7.1 In addition to national and regional policies, the following policies from Colchester Adopted Core Strategy (December 2008) are relevant to the consideration of this application:
UR2 - Built Design and Character

7.2 In addition to this the following Adopted Development Policies (October 2010) are also relevant to the application:
DP1 - Design and Amenity
DP13 - Dwelling alterations, extensions and replacement dwellings
DP16 - Private Amenity Space and Open Space Provision for New Residential Development.

7.3 Regard should also be given to the Adopted Extending Your House Supplementary Planning Document (April 2005)

8.0 Consultations

8.1 None

9.0 Parish Council's Views

9.1 Not yet received

10.0 Representations

10.1 None received

11.0 Parking Provision

11.1 There is a large gravel driveway and parking area to the front of the property including an existing detached garage. The proposed rear extension would not reduce the amount of parking available nor would it increase the potential demand for parking by creating an additional bedroom.

12.0 Open Space Provision

12.1 The property has a large rear garden area of approximately 800 sq.m. The proposed garden room would only slightly reduce available amenity space by approximately 12 sq.m. The resulting levels of private amenity space would still remain well in excess of those required by Adopted Development Policy DP16.

13.0 Report

13.1 In accordance with Development Policy DP1, the principal considerations for this application are the impact of the proposal on the character of the site, its context and surroundings. The proposal must also protect existing public and residential amenity.

Design and Layout

13.1 The design of the proposed extension is in keeping with that of the existing dwelling. The roof pitch of the proposed garden room is designed to match that on the existing roof slope when viewed from the south or east elevation. The materials proposed are reclaimed red brick, glazed gable walls and farmhouse brown plain roof tiles with Velux roof lights. Windows and doors would have a dark oak stain finish. These would match the materials used in the existing dwelling. The materials proposed are considered acceptable and in keeping with the original property.

- 13.2 There is no articulation proposed on the east side elevation. Matching materials on this elevation will therefore be particularly important. This elevation is, however, not easily visible from the road and is largely screened from view from neighbouring properties by the existing garage within the curtilage of Annie's Cottage and the existing hedgerow boundaries. The design of the proposed extension is considered visually acceptable and would not detract from the appearance of the original building.

Scale, Height and Massing

- 13.3 The scale and height of the proposed garden area is clearly subservient to the existing dwelling. It would not lead to an unacceptable increase in the massing of the dwelling.

Impact on the Surrounding Area

- 13.4 The proposed extension is not easily visible from the front of the property or from other public areas. The design of the proposed extension would respect the character of the surrounding area.

Impacts on Neighbouring Properties

- 13.5 The proposed garden room extension would be mostly screened from Annie's Cottage to the east by the existing detached garage within its curtilage. The side elevation of the extension would only be visible from the first floor dormer window in the rear elevation of Annie's Cottage. Substantial hedgerows on the boundary with Annie's Cottage and Vineyard's also prevent views into the site. The west side elevation of the proposed extension may be visible from the rear garden areas of 1 and 2 Greenfield Cottages. The distance from these properties and the small scale of the extension means it is considered the extension would have no adverse effects. It is considered that the proposal would not unreasonably affect the amenity of the residents of the neighbouring properties by reason of overbearing impact, unreasonable loss of daylight or sunlight, or by undue overlooking.

14.0 Conclusion

- 14.1 The proposed garden room extension is of a modest form, the design is considered visually acceptable and would not detract from the appearance of the original building. The materials proposed are considered acceptable and in keeping with the original property. The proposed extension would not be easily visible from the public highway or from neighbouring properties. It is therefore considered that the proposal would not unreasonably affect the amenity of the residents of the neighbouring properties by reason of overbearing impact, unreasonable loss of daylight or sunlight or by undue overlooking. Approval is recommended as the proposal would not conflict with Local Development Framework policies.

15.0 Background Papers

- 15.1 Core Strategy; DPDP; SPG

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development hereby permitted shall be carried out in accordance with the approved plans submitted with the application and received by the Council on 10 November 2010.

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

3 - Non-Standard Condition

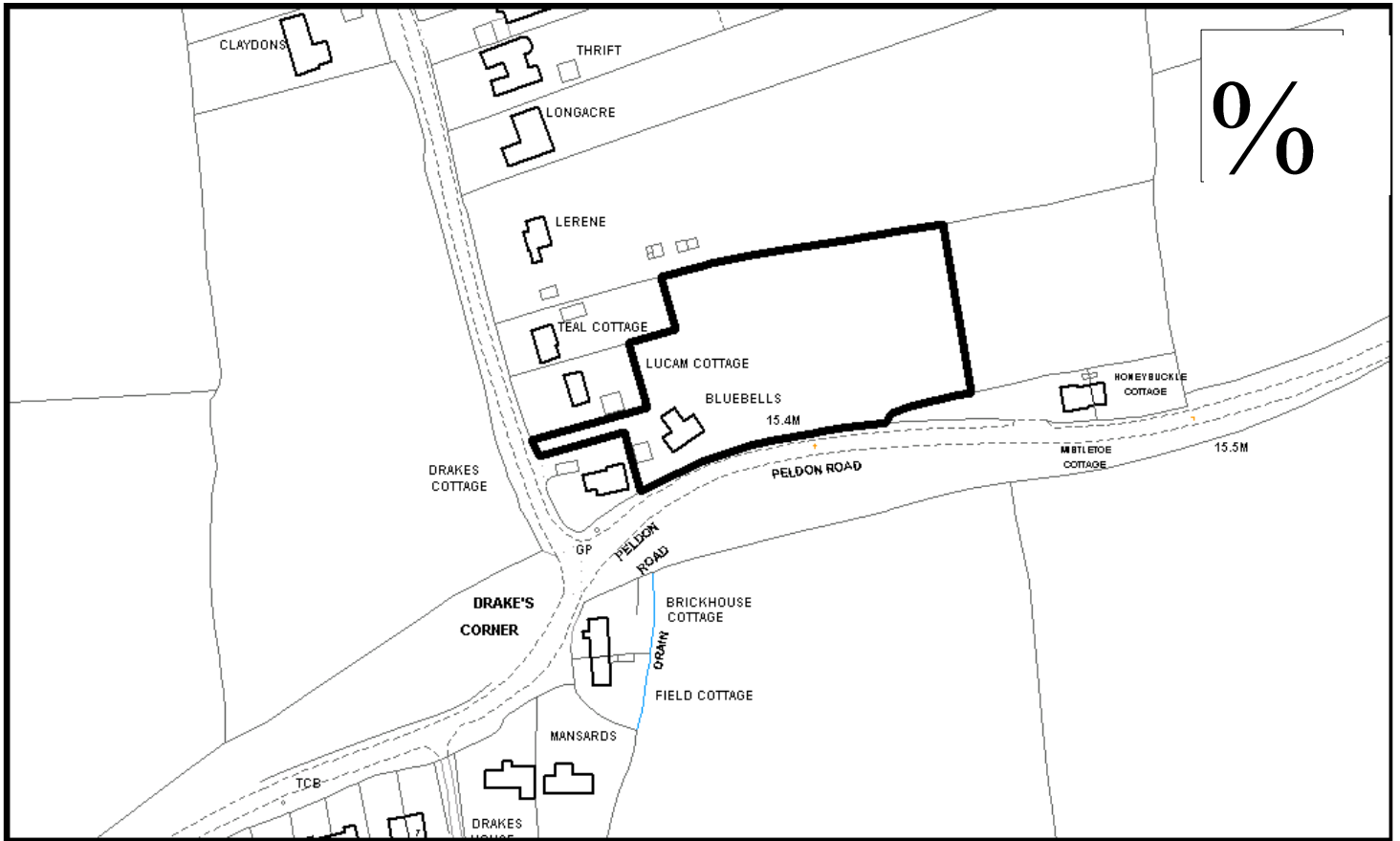
The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason: To harmonise with the character of existing building in the interests of visual amenity.

Informatives

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

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



Application No: 100704

Location: Bluebells, Drakes Corner, Great Wigborough, Colchester, CO5 7SA

Scale (approx): 1:1250

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7.16 Case Officer: Sue Jackson

OTHER

Site: Bluebells, Drakes Corner, Great Wigborough, Colchester, CO5 7SA

Application No: 100704

Date Received: 11 May 2010

Applicant: Mr G Taylor

Development: Retrospective application for stable block/hay store

Ward: Birch & Winstree

Summary of Recommendation: Conditional Approval

1.0 Introduction

1.1 Members will recall this application was deferred at the Committee meeting on 1 July 2010 for officers to see if it were possible to negotiate an amended position for the stable building further away from Teal Cottage. Officers were also asked to arrange a meeting with the neighbour and applicant together to see if it was possible to agree a mutually acceptable location.

1.2 The Planning Services Manager and the Case Officer have met the applicant and neighbour separately but it has not been possible to arrange a joint meeting.

1.3 Environmental Control has been re-consulted and legal advice sought. These comments and any additions to the report are in bold type otherwise the previous report is produced below.

1.4 The position of the stable building has not altered since the earlier report as officers consider the conditions proposed will protect residents' amenity.

2.0 Planning Report Introduction

2.1 This application is reported to committee for a decision as objections have been received and the officer recommendation is for permission. This is a retrospective application to use former agricultural land as domestic garden/paddock and to retain a stable. The application also proposes an extension of the stable to form a hay store.

2.2 The report explains the details of the application, planning history, consultations received and the objections raised by neighbours. It also describes the amendments made to the application in response to the neighbours concerns. Finally permission is recommended subject to conditions designed to protect the amenity of neighbours.

3.0 Site Description

3.1 The site comprises land to the rear of Bluebells School Lane (Drakes Corner) Great Wigborough. The house and a small area of rear garden are within the Village Envelope which comprises mainly frontage development; although Bluebells is the exception to this being set back behind the road frontage accessed by a private drive. The land the subject of the application is within a rural area, this land used as paddock and garden extends behind Teal Cottage and has a frontage onto Peldon Road. The land is predominantly flat and has established hedgerows to the side and rear boundaries it has land owned by adjacent residents on 3 sides with Peldon Road on the 4th.

4.0 Description of Proposal

4.1 Planning permission is sought to use agricultural land as part paddock part residential curtilage, retain a stable building and extend it to provide a hay store. The stable building is constructed of boarding with a slate roof. The application proposes a small extension to the rear to form a hay store; the roof will be extended to form a catslide roof. There is one horse on the site at present and the applicant has indicated there is no intention to increase the number.

5.0 Land Use Allocation

5.1 The land the subject of this application is outside the village envelope but as explained above land on 3 sides is in the ownership of neighbouring residents and on the fourth is a road.

6.0 Relevant Planning History

6.1 COL/94/0038 application to retain a pre-existing access, a condition on planning permission COL/91/1646 for a dwelling (Bluebells) required the removal of this access. Appeal allowed. This application is relevant to comments made by the Parish Council.

7.0 Principal Policies

7.1 Core Strategy
UR2 - Built Design and Character
ENV1 – Environment

7.2 Adopted Review Colchester Borough Local Plan
DC1 – Development Control considerations
P1 – Pollution
H12 - Extending Gardens into Open Countryside

7.3 Development Policies have been adopted since July and the following policies are relevant:

DP1 – Design and Amenity
DP13 - Dwelling Alterations, Extensions and Replacement Dwellings

8.0 Consultations

8.1 Environmental Control:-

"I have received a complaint regarding the position of the manure heap at these premises. An abatement notice was served on 15th April 2010. The nuisance has been abated and the owner has advised me he will be changing the bedding in the stables to reduce the amount on the heap in the future.

The owner has also advised me he will liaise with me so as not to cause a nuisance again. I have advised him the following conditions will be put onto any permission granted."

(Officer comment: The conditions relate to storage of animal waste and restrict the use to domestic use only. For the full text please see conditions 6 and 7)

8.2 Following receipt of the objection letter Environmental Control has been re-consulted and asked to comment on the issues raised in particular the proximity of stables to residential properties **but they have confirmed the Council does not set a minimum distance for manure storage in relation to residential properties as it considered on a case by case basis.**

8.3 Environmental Control has confirmed they have no objection to the application.

8.4 Environment Agency has assessed the application as having a low environmental risk and therefore has no objection to the proposed development subject to advisory comments. These include the storage and disposal of liquid and solid animal /vegetable wastes and associated contaminated waters and storage of oils, fuels and chemicals drainage systems.

9.0 Parish Council Comments

9.1 Great Wigborough Parish Council comment as follows:-

"We have no objection to the retrospective application for the stable block but would wish to see a condition applied that there should be no-horse related access (animals or vehicles) on or from the Maldon Road (Peldon Road.)

Officer comment - Peldon Road is a classified road and planning permission is required for a new access. However there is an existing access allowed at appeal (referred to in the planning history) which allows use for the paddock area.

10.0 Representations

10.1 Two letters of objection have been received one from the owners of Teal Cottage and the second from a relative supporting their objection. A third has been received from the neighbour's doctor.

10.2 Teal Cottage object for two principal reasons:-

1. The close proximity of the manure pile and stable building. The stable building has been sited directly to the rear of my property the direction in which the majority of windows and doors face. Smells, pests and dirt blow directly into the rear of my property making it impossible to open windows and doors use the garden or hang out washing. This will clearly be untenable with the warmer weather. With Mr Taylor having built the stable in November 2009 I can already demonstrate in full the nuisance impact caused. I have erected new fencing to try to alleviate the problem but to no avail. The plan submitted does not indicate an extension built at my property and the rear of the property is 9m further into the garden than shown.

Colchester Council does not appear to have specific conditions on the distance stables should be constructed from neighbouring properties but many do including Chorley Council which advises a minimum of 30 metres to adjacent residential properties.

The manure pile was established in December 2009 and by May 2010 it had grown to over 6 feet in height and approx 12ft around we were unable to use our garden, open windows or hang out washing. Environmental Control served a Nuisance Abatement order. This gives clear and unequivocal evidence that in the applied for position the manure heap gives rise to nuisance.

- 10.3 2. The stables offer considerable risk to my wife's health from her severe horse allergies, a situation Mr Taylor was aware of before he built the stables. My wife has attended Addenbrookes Hospital for a number of years for unsuccessful treatment to help alleviate her severe allergy to horses; exposure could cause her to go into full anaphylactic shock (see attached letter from Dr Woodcock). My Grandfather knows the applicant and spoke with him before the stable was erected and asked if it could be erected away from Teal Cottage this request was ignored and my wife is now unable to use the garden.

Alternative solutions. I have no objection to a properly managed stable being erected on the land. The plan shows Bluebells is bordered to the south by Peldon Road with no properties on the opposite side of the road the stables and manure placed in this part of the site would cause no nuisance to any neighbour

Further information

Whilst the plans show the manure pile 11m from my boundary it is on the bound boundary with Lerene Cottage.

The stable was completed in December 2009 and despite repeated requests an application has only just been made.

Mr Taylor did not take the opportunity to consult with neighbours Bluebells was build in the late 1980's and this plot has never been used as paddock only domestic garden.

- 10.4 A letter from the applicant's grandfather re-iterates the point that he spoke to Mr Taylor before the stable was erected and made him aware of his granddaughter's severe allergy to horses and requested the stable was erected away from the boundary with Teal Cottage
- 10.5 The letter from Dr Woodcock confirms Mrs Knights suffers from a significant allergy to horses and has been investigated by the allergy specialists at Addenbrookes Hospital.
- 10.6 Members are advised the full text of these objections is available on the Council's website and includes details of the separation distances required by other local authorities together with photographs taken by the neighbour.

Officer Comment: Following the deferral at the July meeting and Members' concern at the unique health circumstances of the neighbour, Legal advice has been sought. This advice confirms that these special circumstances are not material planning considerations.

11.0 Report

11.1 This application raises are four main issues

- Land Use Policy/Planning History
- Impact on residential amenity
- Design
- Highways/parking

Land Use Policy/Planning History

- 11.2 The application seeks to regularise the use of land as a domestic paddock and garden. The authorised use of the land is not clear cut. Whilst no application has been received for a change of use from agriculture to garden in the 1994 application, (see planning history) the land was in the ownership of Bluebells and was described as paddock and this description was used by the Inspector. At the time the applicant suggested the use was more akin to domestic curtilage, and although the Inspector makes reference to this suggestion he indicates it for the local planning authority to take any action on this matter. In his letter of objection the owner of Teal Cottage states the land has been used as domestic garden since the late 1980s. If this is the case it would now be an authorised use and the stable would not require planning permission.
- 11.3 A small part of the application site is now clearly used as domestic curtilage and contains children's play equipment; however the majority is used as a paddock for a single horse. Reference to an aerial photograph of the area (a copy will form part of the presentation to Members) shows the site in relation to surrounding gardens and land which is owned by adjacent residents.

11.4 Policy H12 Extensions to Gardens in the Countryside states:

“A proposal for extension of a domestic garden into the open countryside will be permitted only if:

- (a) there is no material adverse impact on the surrounding countryside;
- (b) it would not mean the material loss of good agricultural land, or otherwise seriously interfere with a neighbouring agricultural enterprise;
- (c) it would not set a precedent for unacceptable extensions to gardens at one or more neighbouring properties. Applicants will be expected to relinquish their Permitted Development Rights over the new area of garden.”

11.5 Development Policy DP13 indicates garden extensions are acceptable if the proposal respects and enhances the landscape character and setting of the site and the wider rural area.

11.6 Your officer considers the aerial photograph clearly demonstrates the proposal will not have a material adverse impact on the countryside; lead to a loss of good agricultural land or set a precedent and the proposed uses are therefore considered acceptable. The land is in effect land-locked and could not easily be used for agriculture. Conditions are proposed which allow a small part of the site to be used as domestic curtilage and the larger part to be used as paddock only.

Impact on residential amenity

11.7 The representations from and on behalf of the owners of Teal Cottage are set out above. The rear boundary of this property is next to the paddock and close to the stable. Measurements taken on site indicate the stable is 3metres from this boundary. The objections relate to the storage of manure and the nuisance this has caused in the past. Environmental Control has recommended conditions requiring details of the manure storage and disposal to be submitted and agreed, the details will include the location of the manure storage. Your officer has also suggested to the applicant that they erect additional fencing to prevent the horse having access to the land to the rear of the stable building immediately adjacent to the boundary with Teal Cottage. The applicant has agreed to this amendment and the plan presented to Members will show the proposed position for this fence. A condition on the planning permission will require the erection and retention of this fence and will also preclude horses having access to this area. It is considered this represents a sensible compromise and whilst the stable will be only 3 metres away the side and rear elevations contain no windows or openings, the doors fronting onto the paddock.

Design

11.8 The building and proposed extension will be constructed of traditional materials, boarding and slate and does not impact on the rural character of the area

Highways/parking

11.9 The site contains ample parking to the front of the house. The access onto Peldon Road is authorised to serve the paddock only.

12.0 Conclusion

12.1 The use of the land is considered acceptable and subject to the amendments and safeguarding conditions proposed it is considered the amenity of neighbours is protected.

13.0 Background Papers

13.1 ARC; Core Strategy; HH; NR; PTC; NLR

Recommendation - Conditional Approval

Conditions

1 – Non-Standard Condition

This permission relates to the use of the land hatched blue on the returned approved plan as residential garden.

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

2 - Non-Standard Condition

The land edged green on the returned approved plan shall be used as paddock only and shall be used only in association with the dwelling known as Bluebells School Lane (Drakes Corner) Great Wigborough.

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

3 - Non-Standard Condition

Within 56 days from the date of this permission a 1.2 metre high ranch style fence (or other style of fence as agreed in writing with the local planning authority) shall be erected in the position marked in brown on the returned approved plan. The approved fence shall thereafter be retained to the satisfaction of the local planning authority.

Reason: To protect the amenity of adjacent residents.

4 - Non-Standard Condition

Within 56 days from the date of this permission a 1.2 metre high ranch style fence (or other style of fence as agreed in writing with the local planning authority) shall be erected in the position marked in orange on the returned approved plan. The approved fence shall thereafter be retained to the satisfaction of the local planning authority.

Reason: To avoid doubt as to the extent of the site which is authorised as residential garden.

5 - Non-Standard Condition

The area hatched black is excluded from use as a paddock and the horse and any subsequent horse/s ponies shall not use this area for any purpose

Reason: To protect the amenity of adjacent residents.

6 - Non-Standard Condition

Within 28 days from the date of this permission a detailed scheme for the siting and storage of manure within the site and its subsequent disposal shall be submitted to and approved in writing by the local planning authority in consultation with Environmental Control. The approved scheme shall be fully implemented to the satisfaction of the local planning authority within 14 days of its approval and the storage and disposal of manure shall be carried out in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenity of adjacent residents.

7 -Non-Standard Condition

The building and associated paddock/grazing land hereby permitted shall only be used for the stabling of horses and storage of associated foodstuffs in connection with and for the personal enjoyment of the occupants of the application property. No commercial uses including a livery, riding establishment within the meaning of the Riding Establishments Act 1964, gymkhanas, industrial or other storage uses shall take place whatsoever.

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

Informatives

A copy of the Environment Agency notes are attached to this permission.



Application No: 101018

Location: Rose & Crown, Crown Street, Dedham, Colchester, CO7 6AS

Scale (approx): 1:1250

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7.17 Case Officer: Nick McKeever**MINOR****Site:** Crown Street, Dedham, Colchester, CO7 6AS**Application No:** 101018**Date Received:** 24 May 2010**Agent:** Miss Serena Page**Applicant:** Industrial Investment Partnership**Development:** Demolition of public house and one residential unit and erection of three dwellings**Ward:** Dedham & Langham**Summary of Recommendation:** Conditional Approval subject to Unilateral Undertaking**1.0 Planning Report Introduction**

1.1 This application is referred to the Planning Committee at the request of Councillor Garnett and as a result of the objections from Dedham Parish Council as well as local residents.

2.0 Synopsis

2.1 This is an outline planning application, with all matters of detail being reserved for subsequent approval. The application is however supported by an indicative layout and front elevation drawings. The following report will describe the details of the scheme and consider the objections. The report will also consider the loss of the existing Public House as a community facility.

3.0 Site Description and Context

3.1 The site is stated in the Design and Access Statement as being 0.1ha, located on the eastern side of Crown Street, and to the south of the Parson's Field junction. The site is occupied by the Rose and Crown P.H., the use having ceased in December 2008, and the building is currently unoccupied. The accommodation within the building is arranged over two floors. The ground floor comprises the bar area and dining area. The first floor contains living accommodation. The rear garden area contains an out-building used for storage.

3.2 The site is surrounded by existing residential properties consisting mainly of semi-detached, two storey dwellings in the immediate vicinity, which front onto Crown Street. The properties within Parsons Field to the north and to the east form part of an estate development. The northern boundary of the site is immediately adjacent to a conservation area. Immediately adjacent to the eastern boundary is a vehicular access off Parson's Field leading to a small block of garages.

4.0 Description of the Proposal

- 4.1 The application seeks outline planning permission with all matters for subsequent approval. An indicative layout has been submitted, and subsequently amended following comments made by the Design and Heritage Unit. This layout was submitted in order to demonstrate that a workable scheme can be accommodated within the site.
- 4.2 The amended indicative layout drawing shows the erection of three, two storey, detached dwellings fronting onto Crown Street. All of these dwellings are provided with a detached garage set back behind the rear elevation, together with an area of hardstanding in front of the respective garages.

5.0 Land Use Allocation

- 5.1 Village envelope/Countryside Conservation Area

6.0 Relevant Planning History

- 6.1 COL/90/0594 – Demolition of existing detached toilet block. Approved 08/05/1990
- 6.2 COL/92/1507 – Alterations and extensions. Approved 25/01/1993

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 3: Housing
Planning Policy Statement 4: Planning for Sustainable Economic Growth
Planning Policy Statement 5: Planning for the Historic Environment
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
PR1 - Open Space
TA5 - Parking
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP18 Transport Infrastructure Proposals
DP19 Parking Standards
DP22 Dedham Vale Area of Outstanding Natural Beauty

- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Backland and Infill
Community Facilities
Vehicle Parking Standards
Sustainable Construction Open Space, Sport and Recreation
Extending your House
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 The Highway Authority has no objection subject to conditions.
- 8.2 Environmental Control recommends the inclusion of the standard informative relating to demolition and construction.
- 8.3 Spatial Policy comment as follows:-

“Following the comments supplied by Planning Policy on 16/7/10 Colchester’s Site Allocations and Development Policies DPDs have now been formally adopted by the Council. These documents, together with the Core Strategy, have now replaced the 2004 Local Plan.

The application site remains within the existing settlement boundary and is immediately adjacent to the Dedham Conservation Area. The site is also within the Dedham Vale Area of Outstanding Natural Beauty (AONB).

Development Policy DP14 (Historic Environment Assets) states that development will not be permitted that will have an adverse impact on a conservation area. Development Policy DP22 (Dedham Vale Area of Outstanding Natural Beauty) states that development in or near the AONB will only be supported where it makes a positive contribution, does not adversely affect character, and supports wider objectives in the AONB management plan. The existing buildings provide a strong street frontage and it is therefore important that any demolition and redevelopment of the site does not adversely impact on the character of the area (Core Strategy Policy UR2), the conservation area or the AONB.

The comments relating to PPS3, density, the net gain of units and affordable housing provision remain unchanged from those submitted on 17/6/10.

Local Plan Policy CF4 (Retention of Key Community Facilities) has now been superseded by Development Policy DP4 (Community Facilities). Paragraph 3.11 makes clear that public houses can be considered community facilities for the purposes of this policy. This policy states that any proposals that would result in the loss of a site or building currently or last used for such a use will only be supported if an alternative facility is provided nearby; or it is proven that it is not economically viable to retain the site/building for a community use and the community facility has

been marketed to the satisfaction of the Local Planning Authority. A satisfactory assessment is also required that proves there is an excess of such provision and the site or building is not needed for any other community facility or use. The requirements of Policy DP4 are therefore somewhat more stringent than that of the previous Local Plan Policy.

The supporting market statement outlines a range of marketing methods that have been undertaken since July 2009. These appear to demonstrate detailed information relating to the commercial marketing of the site. The planning statement also indicates that the site has been offered to local community groups but there is less detailed information on it. The application and supporting information appears to demonstrate that a detailed scheme of marketing has been undertaken that demonstrates a lack of demand for the premises. It is not however clear whether the marketing has sufficiently considered the potential for alternative community uses as required by Development Policy DP4 and it may therefore be appropriate to seek additional information to clarify this.”

For Members information, the previous comments made by Spatial Policy are reproduced as Appendix to this report.

- 8.4 The Council’s Urban Design Officer has commented that the current proposal which although different to the initial advice, does give an impression of free standing houses, which is seen ,in the vicinity of the site (e.g. houses along Parson’s Field). A few issues remain. The gable projections on Plot 2 and 3 have been a concern and still are – the logical approach will be to maintain the building line established by the existing building. The applicant has not considered this proposal but the layout element and the gable detailing can be dealt with at reserved matters.
- 8.5 The suggested architectural style of the proposed dwellings appears very bland and, given the sites sensitive location, it is considered important that a much higher quality of design is achieved in terms of the final detailing of the dwellings. If permission is to be granted the design of the dwellings will need to be conditioned accordingly.
- 8.6 Dedham Vale AONB and Stour Valley Project raise the following concerns:-
1. Given the proximity of the conservation area the development will need to be constructed to a high standard, using vernacular materials and detailing. The scheme lacks quality of finish and design. The existing building is a positive statement of suburban arts & crafts and the re-use of the building has not been fully explored
 2. The development should provide for smaller size, affordable housing.
 3. These comments are in accordance with the Dedham Vale AONB and Stour Valley Management Plan 2010-2015.

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 as follows:-

“We have spoken with all the original Parishioners who commented on the original proposal and below are the listed responses:-

1. The two of the frontages are close to the public footpath and it is questioned if there is sufficient visibility for any vehicle being able to clearly see any pedestrians (school children and parents) when exiting their driveway.
We have concluded that the only safe distance from the rear of the footpath in this situation to the front building line of the properties is at least 2.4 metres back into the site.
2. The garage to the proposed house next to No. 1 Crown Street should be on the opposite side of the plot.
This would allow landscaping and the retaining wall to be designed to minimize the first problem stated above, and allow a better visibility line from the driveway.
3. How is it proposed to stop the drive of No. 1 Crown Street falling into the plot 3, and how is the close boarded fence to be located?
4. For some considerable time the Parish Council have been attempting (since the early stages of the Local Development Framework) to negotiate with the Strategic Policy and Regeneration Group that their concept is at odds with the findings of a Housing Needs Survey, the Village Design Statement and the data being received from our current Parish Plan Project which all indicate that there is minimal to no affordable housing requirement but that the need is in other housing stock.
We enclose an example copy of past correspondence to Colchester Borough Council on the matter which so far have not been acknowledged.

Our recommendation therefore is that the application be refused as there has been minimal to no compliance with the Village Design Statement, Policies UEA13, UE3 and CO2 and there is not a requirement for this type of housing currently in Dedham.”

10.0 Representations

10.1 Representations have been received from three local residents. Their comments are summarised as follows:-

1. It has already been established that Dedham needs small; i.e. 2 bedroom, properties, e.g. Studio bungalows or houses – with small gardens, to cater for a substantial number of ‘older’ residents. Dedham has its’ fair share of ‘affordable’ housing and the thinking has always been to try to keep ‘young’ people in the village - surely now is the time to recognise that it is the ‘older’ residents who give most to maintain village life and should therefore receive due consideration in future developments.
2. There is a need for smaller properties for young families
3. It has long been the policy to demolish bungalows etc. coming onto the market, or to use new sites, and rebuild 4,5,6 bedroom ‘executive’ houses, some of which are still unsold after a long period of time. If existing residents could downsize, this would release larger properties for resale.

4. Four bedroom properties could easily have 2 or more cars; the site of the Rose & Crown is close to the school; there is already a problem with school traffic in that area, so predictions of worsening problems in Crown Street seem inevitable.
5. The layout of three detached dwellings is not in keeping. A pair of semi-detached houses and one detached dwelling would be more appropriate

10.2 The occupiers of No.1 Crown Street raise the following concerns:-

1. The drawing is misleading in terms of the distance between their property and Plot 3.
2. Possible brick wall will affect their views down Crown Street.
3. There is a drop of approximately 1060mm at the boundary with Plot 3.
4. At approximately 2000mm from their driveway there is a sewer serving all eight of the existing dwellings, which connects with Crown Street.
5. Possible problem of land slip.
6. The drawing should show close boarded fence to the boundary.

10.3 Councillor Garnett refers to the matters raised by the occupier of No.1 Crown Street. In addition an ever increasing number of elderly residents are asking for new developments to be suitable for two bedroom properties with off street parking. Such developments would allow the elderly to compete with increasing Council taxes, which already consume a sizeable portion of their disposable income. The development is out of keeping with the village scene.

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

11.0 Parking Provision

- 11.1 The Council's adopted standards require the provision of a minimum of two spaces for each of these dwellings, together with 0.25 of a space for visitor parking for each dwelling rounded up to the nearest whole figure (in this case 1 additional space).
- 11.2 The indicative layout shows the provision of a detached single garage with hardstanding for one car on plots 2 and 3, and a detached garage plus hardstanding for two cars on plot 1.
- 11.3 Each of the garages and parking space complies with the standard in terms of their dimensions (e.g. 7m x 3m for a garage and 5.5m x 2.9m for a parking space).

12.0 Open Space Provisions

- 12.1 There is no requirement for the provision of open space within this small development. The submitted unilateral undertaking provides for the required contribution towards Open Space, and Community Facilities, in accordance with the Council's adopted SPD.

13.0 Report

Design, Layout, Scale and Massing

- 13.1 The policy DP1 requires that all developments respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, height, size scale, form. Massing, density, proportions, materials and townscape.
- 13.2 In this context it is recognised that the site lies immediately adjacent to the conservation area and that any redevelopment of this site has to achieve a high standard of layout and design.
- 13.3 The application as submitted seeks outline planning permission with all matters, including layout, appearance, scale, access and landscaping being the subject of further applications. The application does, however, include an indicative layout and street scene. These details have been the subject of on-going discussion with the Applicant in order to achieve a form of development which is acceptable for this site.
- 13.4 In this context the comments and recommendations made by the Urban Design Officer are acknowledged
- 13.5 What the indicative drawing does show is that the site can accommodate three, two storey dwellings in compliance with the Council's adopted standards (e.g. physical separation from the boundaries and private garden areas)
- 13.6 Given that all matters are reserved, no details of the external materials have been submitted. In terms of the Council's relevant policies and adopted SPD, the external materials will have to be drawn from the vernacular palette. This would need to be a condition of any consent.

Residential amenity

- 13.7 The indicative layout drawing shows that the erection of the three dwellings have a good degree of physical separation from the neighbouring dwellings numbers 1-4 Crown Corner and 1 Crown Street. In this respect the new buildings will not have any significant impact in terms of being overbearing or in terms of any over shadowing or in terms of loss of privacy. All of these adjoining dwellings are two storeys as are the proposed dwellings.
- 13.8 There are no dwellings immediately to the rear of the site, only a small group of garages.
- 13.9 On this basis the impact upon residential amenity is not considered to be an issue.

Loss of Community Facility

- 13.10 In terms of the Council's policies, the existing public house is regarded as being a community facility. This matter has been addressed in the comments submitted by Spatial Policy. The Applicant has provided the following response:-

"We consider that the information that has been submitted in support of the application demonstrates that a detailed scheme of marketing has been undertaken and that there is a lack of demand for the premises. I outline below some of the methods of advertising the site that local community groups/uses would have been aware of:

Marketing Board: upon confirmation of our appointment a Bidwells 'V' board measuring 5" x 4" was erected directing all enquiries to Bidwells. A board has been on the premises since July 2009 and is clearly viewable from Crown Street. Members of the local community passing the site, have therefore, been made aware of the availability of the site for sale for in excess of 16 months. Advertising: the property has been advertised in the Essex County Standard, the most recognised commercial property publication in the region. In addition to the above the site has a listing on the most recognised national commercial web-site.

Despite the above, there have been no enquiries from parties wishing to redevelop the site for alternative community facilities. We know that the Parish Council are aware of the sale of the Public House, as we have had telephone conversations with them regarding the relocation of outdoor furniture to a local allotment. We can confirm that Bidwells has not been approached by the Parish Council in relation to the sale of the site.

In summary, we consider that the proposal meets the requirements of Policy DP4, as our assessment has proven that the building is not needed for any other community facility or use, evidenced by the lack of demand for the facility which has been on the market for over 16 months".

- 13.11 Spatial Policy has confirmed that this information is sufficient to meet the requirements of Policy DP4.

Other Matters

- 13.12 The objections from Dedham Parish Council and local residents include concerns that these are larger properties, whereas there is a need for smaller dwellings for either young families or for the more elderly residents.
- 13.13 In this context the adopted Village Design Statement makes reference to:-
- The provision of limited affordable housing for local needs;
 - In the Crown Street, Forge Street and Parsons Field areas a slow increase in the provision of Housing Association and similar affordable housing should be encouraged in response to demonstrable need;
 - In terms of General Guidelines, affordable housing should be located throughout the Parish, in small groups as at present. Starter homes and down sizing cottages/bungalows should be built in preference to further large or extended developments.

- 13.14 Whilst members will appreciate that this application has to be considered upon its merits, the Core Strategy policy H4 requires that within the Borough's villages affordable housing will be sought for developments for 3 or more dwellings. In the adopted SPD on affordable housing it is clear that the affordable housing policy will apply to the total number of units regardless of what previously existed on the site. There is, therefore, a requirement for one of the units to be used as affordable housing. The Applicant has accepted this requirement and this will need to be secured via a legal agreement.
- 13.15 In terms of the housing mix the provision within this small scheme of one of the units as a three bedroom dwelling is considered to be acceptable in terms of the policy requirements.
- 13.16 With regard to the comments submitted by the occupier of No.1 Crown Street, the Agent has provided the following response:-
- The differences in levels have been indicated on the sketches submitted. There will have to be a brick retaining wall along the boundary which should only need to project above ground level and may have a fence on top (subject to engineers design) to give adequate enclosure to any new garden. We have not detailed any new boundary treatment however, as this is an outline application. We are therefore unsure where the objector perceives that the proposal will block out views. The reserved matters will ensure that the amenity of the adjacent properties is given due consideration in all matters relevant to planning, which does not extend to an occupier's right to a view. The detail of the proposals, at reserved matters stage will take full account of the context of the site and will ensure that there will not be a negative impact on the character and appearance of the local area as well as no impact on the amenity of adjacent occupiers e.g. privacy and overlooking.
 - The retaining wall mentioned above will be designed by a chartered engineer with all necessary warranties and any land to the neighbours side of the wall should be unaffected including existing drainage.
- 13.17 The existing building on this site is attractive in that it reflects the arts and crafts ethos. It is however not within the conservation area nor is it afforded any special protection by way of it being a listed building. Whilst there may be some regret at its demolition, the redevelopment of the site for residential use is acceptable in terms of land use.

14.0 Conclusion

- 14.1 The site lies within the designated village envelope and as such residential use of this site is acceptable in principle. In terms of current government advice (PPS3 – June 2010), the site can be considered to be previously developed land where it is a public house, associated garden and car park. The indicative drawing submitted with the application does demonstrate that the erection of three dwellings can be accommodated within this site without appearing cramped and without detriment to the amenity of the existing dwellings that adjoin the site.
- 14.2 The application has addressed the issue of the loss of this existing community facility in terms of its retention as a public house.

- 14.3 The indicative drawings also show that adequate on-site parking in accordance with the Council's current adopted standards can be provided. In other respects the Highway Authority are satisfied that the development is acceptable in terms of highway safety and the impact upon the current road network.
- 14.4 There is a requirement under the Core Strategy policy H4, and the associated adopted SPD, for the provision of one of the three dwellings to provide affordable housing. This is accepted by the Applicant and will need to be secured via a legal agreement
- 14.5 The application is also accompanied by a unilateral undertaking for contributions towards the provision of Open Space and Community Facilities, as required by the adopted SPD.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; HA; HH; PP; DHU; DV; PTC, NLR

Recommendation

Conditional Approval subject to a Unilateral Undertaking for a contribution towards the provision of Open Space and Community Facilities, together with the provision of Affordable Housing.

Conditions

1 - A1.1 Outl Perms (submission of reserved matters

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

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

2 - A1.2 Outl Perms (submission of reserved matters

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

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

3 - A1.4 Outl Perms (time limit for commencement of Development)

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

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

4 - 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 ensure the use of an appropriate choice of materials having regard to the importance of this scheme in the street scene and to ensure that the choice of materials will harmonise with the character and appearance of other buildings and development in the area.

5 - C3.13 External Joinery to be Painted Timber

All external joinery shall be of painted timber, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of appropriate materials having regard to the setting within the village and adjacent to the conservation area.

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

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

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

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

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

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

8 - C10.18 Tree and Hedgerow Protection: General

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

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

9 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

10 - 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.

11 - C12.1 Comprehensive Boundary Scheme

A scheme of environmental works including construction of walls/fences/railings/ planting of hedges etc and other structures on or adjacent to the boundary of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved scheme shall be completed prior to the development being brought into use and shall be maintained thereafter.

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

12 - D2.6 Car Parking Outline

The development hereby approved shall not commence until details of car parking/vehicle turning arrangements within the site have been submitted to and approved in writing by the Local Planning Authority and development shall not take place other than in accordance with those approved details.

Reason: To ensure adequate parking provision so that the development does not prejudice the free flow of traffic or the general safety along the adjacent highway or the convenience and amenities of local residents.

13 - Non-Standard Condition

Prior to occupation of the development, the accesses at their centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 70 metres to the north and 2.4 metres by 70 meters to the south, 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.

14 - Non-Standard Condition

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

Reason: To provide adequate intervisibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

15 - 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 interests of highway safety

16 - Non-Standard Condition

Prior to occupation of the development the vehicular accesses shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of each access at its junction with the highway shall not be less than 2.4 meters and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge.

Reason: To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety.

17 - Non-Standard Condition

Prior to commencement of the development details showing the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the access becoming operation and shall be retained at all times.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

18 - Non-Standard Condition

The vehicular hardstanding which is bounded by walls or other construction shall have minimum dimensions of 2.9 metres x 5.8 metres.

Reason: To encourage the use of off-street parking and to ensure adequate space for parking off the highway is provided in the interest of highway safety.

19 - Non-Standard Condition

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

Reason: To encourage the use of garages for their intended purpose and to discourage on-street parking, in the interests of highway safety.

20 - Non-Standard Condition

No works in connection with the proposed development shall commence until such time as a properly constructed footway measuring no less than 2m wide across the entire site frontage incorporating the proposed vehicle cross-overs has been provided entirely at the Developer's expense.

Reason: To make adequate provision within the highway for the pedestrian traffic in the area in the interests of highway safety.

Informatives

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

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

To: Development Control
Nick McKeever

From: Planning Policy
James Firth

Application No: 101018

Date of Response: 17/06/2010

Proposal: Demolition of public house and one residential unit and erection of three dwellings

Location: Rose & Crown, Crown Street, Dedham, Colchester, CO7 6AS

Planning Policy comments:

The application site is within the existing settlement boundary and is immediately adjacent to the Dedham Conservation Area. The site is also within the Dedham Vale Area of Outstanding Natural Beauty (AONB). In accordance with Saved Local Plan Policies UEA2 (Development affecting conservation areas) and CO2 (Dedham Vale AONB) it is therefore particularly important that any development on the site avoids any adverse impact on the character of the conservation area and/or AONB. The existing buildings provide a strong street frontage and it is therefore important that any demolition and redevelopment of the site does not adversely impact on the character of the area (Core Strategy Policy UR2), the conservation area or the AONB. As the current application is for outline permission issues of design would need to be addressed in a future reserve matters application although the design and access statement appears to show an indicative layout which would allow for street frontage to be maintained.

Planning Policy Statement 3 (amended June 2010) indicates that "*Previously-developed land is that which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure*". The definition now excludes "*land in built-up areas such as private residential gardens, parks, recreation grounds and allotments, which, although it may feature paths, pavilions and other buildings, has not been previously developed*". The public house site incorporates a pub garden and car park facilities, but there appears to be no private garden associated with the residential use on the site. As these facilities are within the curtilage of the public house the site can be considered previously development land as set out by Annex B of PPS3 (June 2010). The site remains within the settlement boundary of Dedham within which residential uses will generally be considered appropriate.

The proposed density of the site appears to conform with Core Strategy Policy H2 which suggests that indicative densities of 30 to 40 dph are likely to be most appropriate in the Borough's villages.

The application proposes the demolition of the public house and one residential unit, and to develop 3 no. 4 bed houses. The supporting planning statement

indicates that no affordable housing is provided by the site as it is argued the net gain of 2 units is under the 3 unit threshold required by Core Strategy Policy H4 (Affordable Housing). Colchester's adopted Affordable Housing Supplementary Planning Guidance (March 2004) makes clear at Q9 that the Council's affordable housing policy will be applied to the total number of new units to be built, regardless of what previously existed on the site. Local Plan Policy H4 has now been superseded by Core Strategy Policy H4 but this section of the Affordable Housing SPG is still relevant to the application. In April 2009 the Council consulted on a draft Affordable Housing SPD. This document has not yet been adopted and so only very limited weight may be attached. In this consultation draft it was proposed that contributions would be applied to the net gain of units on any sites where replacement dwellings are involved. The previous Affordable Housing SPG (March 2004), however, remains Colchester's current adopted guidance on the issue.

Another key consideration here is whether the residential use above the pub is ancillary to the public house use or if it should be considered a separate unit of accommodation as is implied by the application. If the use is ancillary the application would involve the loss of a public house with ancillary living accommodation rather than the loss of a single residential unit. This would clearly have implications for calculations concerning the net gain of units.

The existing public house on the site can be considered a community facility and therefore Saved Local Plan Policy CF4 is relevant to the application. This policy states that redevelopment that would result in the loss of a community facility will not be permitted unless:

(a) it provides replacement facilities of an equal or greater benefit within reasonable walking distance; or

(b) it is demonstrated that there is no longer a local need for the facility.

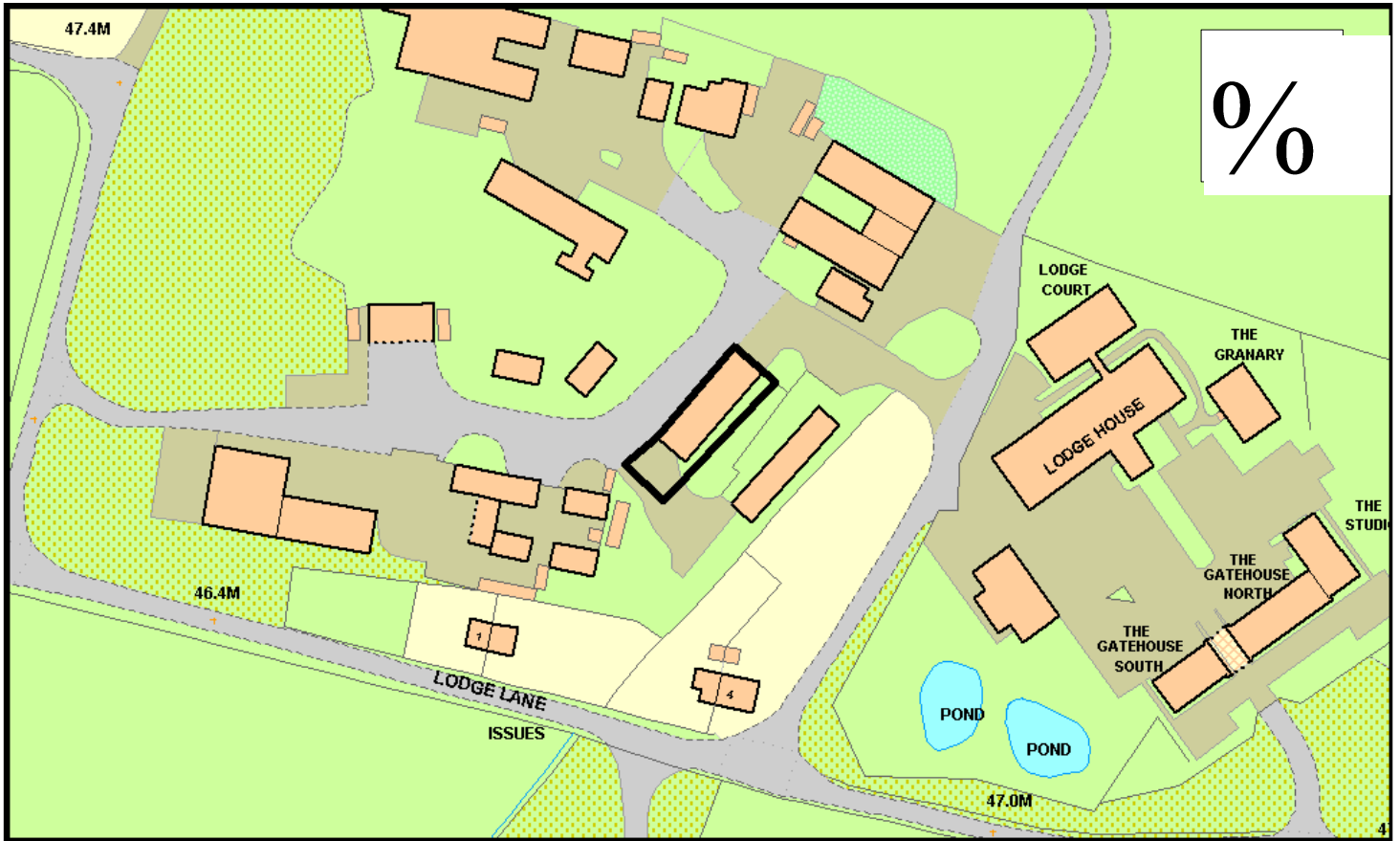
Advice in PPS7 (Sustainable Development in Rural Areas) is also relevant which supports the retention of key rural facilities and CS Policy SD1 which seeks to sustain the character and vitality of villages.

Emerging Development Policy DP4 (Community Facilities) also includes similar criteria. Given that the Inspector's report on the Development Policies DPD has not yet been received, however, very limited weight can be attached to the new policy at present and the application should be determined against saved Local Plan Policy CF4.

The preamble to LP Policy CF4 states that applicants will be expected to submit detailed documentary evidence proving the lack local community need for the facility if criteria (b) of the policy is to be met. The supporting market statement outlines a range of marketing methods that have been undertaken since July 2009. These appear to demonstrate detailed information relating to the commercial marketing of the site. The planning statement also indicates that the

site had been offered to local community groups but there is less detailed information on this it. Overall the application and supporting information appears to demonstrate a detailed scheme of marketing that demonstrates a lack of demand for the premises and therefore appears to comply with criteria (b) of LP Policy CF4.

The application fails to make provision for affordable housing as required by Core Strategy Policy H4 (Affordable Housing). Planning Policy therefore recommend refusal.



Application No: 101161

Location: Unit 14, Lodge Lane, Langham, Colchester, CO4 5NE

Scale (approx): 1:1250

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7.18 Case Officer: Simon Osborn

OTHER

Site: Unit 14, Lodge Lane, Langham, Colchester, CO4 5NE

Application No: 101161

Date Received: 25 June 2010

Agent: Chapelwood

Applicant: Lodge Lane Business Park

Development: Proposed extension and alterations to existing commercial building.

Ward: Dedham & Langham

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received from the Parish Council and a local resident.

2.0 Synopsis

2.1 The proposed extension is of modest form in relation to the scale of the existing building and subject to minor changes to the external appearance will fit well with the site context. The proposed addition is to an established commercial enterprise within a designated Local Employment Zone. The application is recommended for approval.

3.0 Site Description and Context

3.1 The existing building is a simple (half barrel-shaped) nissen-style hut dating from World War II, constructed of corrugated metal sheeting over a tubular steel framework secured to a concrete slab base. The building is part of an established Business Park within a predominantly rural area to the north of Colchester.

4.0 Description of the Proposal

4.1 The application proposes an extension to the existing industrial building (used as a joinery workshop and wood machine shop) to provide additional storage space, staff room, WCs and office facilities, part within a first floor. The extension is of similar proportions to the original building with a mansard style roof that follows the outlines of the existing curved roof profile. The site includes a large area of hardstanding around the building, which stretches toward a belt of trees around this part of the perimeter of the site. A Tree Survey and Arboricultural Assessment were submitted for consideration.

5.0 Land Use Allocation

5.1 Local Employment Zone

6.0 Relevant Planning History

6.1 None

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Statement 4: Planning for Sustainable Economic Growth
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:
CE1 - Centres and Employment Classification and Hierarchy
CE3 - Employment Zones
UR2 - Built Design and Character
ENV1 - Environment

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP9 Employment Uses in the Countryside
DP17 Accessibility and Access
DP19 Parking Standards

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

8.0 Consultations

8.1 ECC Highway Authority stated it had no objection to the proposal.

8.2 Planning Policy stated:

“The site is allocated as a Rural Business Site in the Local Plan under Policy EMP5 and is also allocated as a Local Employment Zone in the Site Allocations document which will supersede the Local Plan Policy once formally adopted.

Local Plan Policy EMP5 outlines that expansion and consolidation of appropriate existing authorised uses may be approved on a Rural Business Site. This sentiment is also seen in the Development Policies document Policy DP5.

As the proposal is for an existing commercial building the Planning Policy Team do not have any significant concerns with regards to the this proposal providing that the current use is compatible with the character and scale of the surrounding rural areas as outlined in Development Policy DP5.”

8.3 Environmental Control recommended the following informatives:

“Demolition and Construction Informative, relating to guidance for the avoidance of pollution; Contaminated Land Informative, advising the site is within 250m of filled land and recommending a risk assessment.”

- 8.4 Design and Heritage Unit stated the proposal should show a contemporary interpretation of a corrugated metal shed that fits well in the site context. This character can be reinforced by a more uniform, same material approach to the new extension. Could use slates throughout, or a combination of weatherboarding and interlocking slates (to give horizontal panelling effect). All joinery should be the same colour as the roof and cladding for a uniform look. Blue/black or dark green would be a suitable colour to fit in the setting.
- 8.5 Arboricultural Officer recommended agreement to the landscape aspect of the application subject to conditions.

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

9.0 Parish Council's Views

9.1 The Parish Council stated:

“The Borough will be aware that this building forms part of the original administrative area of the historic World War 2 Boxted Airfield Station 150 and that some months ago a number of large oaks and other trees on this site were felled and stumps uprooted close to the present buildings. Should the current application be preliminary to further applications for developments on this site we consider that it should be treated no differently to other requests and subject to scrutiny by the Planning Inspector, thereby forming part of the Site Allocations Submission documentation of the Local Development Framework. This particular application is for a modest extension within a designated employment zone. However, we consider that there are important buildings on this site which are worthy of protection and therefore should be referred to the borough's Heritage Unit. Overall, this application should be considered within the context of its special location amongst historic military installations.”

10.0 Representations

- 10.1 One objection was received, which raised the following issue: There should be no more extension to this Industrial site due to the high volume of traffic with articulated lorries, vans, motor cycles and cars travelling at excessive speeds.

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 adopted Parking Standards SPD sets a maximum car parking standard of 1 space per 50 sqm. The overall internal floor-space will be 396 sqm, which sets the standard at 8 spaces. The SPD also requires adequate provision to be made for the parking and turning of service vehicles. There is plenty of space within the Business Park for vehicles to park, albeit there are no formally laid out parking spaces. Nonetheless, the plans illustrate an area adjacent to the Unit where service vehicles can turn, and there is plenty of space around the building where vehicles can park.

12.0 Open Space Provisions

- 12.1 As an industrial use there is no requirement for any open space provision.

13.0 Report

- 13.1 Unit 14 on the Lodge Lane Business Park is an existing joinery business. The Business Park was designated in the Local Plan as a Rural Business Site, and now under the LDF is designated as a Local Employment Zone (LEZ). Unit 14 is part of this LEZ and the consolidation and expansion of existing uses can be supported in general policy terms.
- 13.2 The existing building is one of a number of a number of similar nissen-style buildings dating from WW II on the site. The application seeks to extend this building with the addition of a relatively modest extension, which is 8m long (the original building is 30m in length). In section, or end on, the proposed extension follows the outline of the original building but with a mansard-style finish rather than a curved roof finish. The existing building has a corrugated metal dark green finish. The extension as originally proposed comprised dark green hardiplank walls with a blue/black fibre cement slate finish to the roof. The Council's DHU Team considered the scale and form of the extension acceptable, but has recommended a more uniform approach to the external materials to provide a contemporary interpretation of a corrugated metal shed that fits in with the site context. Amended plans have been submitted showing a slate with a thin leading edge on the roof to give a horizontal emphasis to match the horizontal emphasis of the boarded walling. These have a smooth grey finish and it is recommended that the walling and joinery have a similar colour finish.
- 13.3 A narrow belt of trees lies to the east of Unit 14, adjacent to an area used for outside storage, parking and turning. An Arboricultural Assessment was requested in order to consider the impact on this area of landscaping. The report recommends the removal of an average C category tree for health and safety reasons and, a scheme of on site ground protection for the retained trees. The Council's Arboricultural Officer is satisfied with the arboricultural content of the proposal subject to appropriate conditions.
- 13.4 Concerns were also raised relating to the amount, type and speed of traffic using Lodge Lane in connection with the Business Park. The proposal is however, for a relatively minor extension to an existing commercial use within an authorised LEZ. It is considered that the proposal will not have a significant impact upon traffic generation and the ECC Highway Authority has confirmed they have no objection to the proposal.

14.0 Conclusion

14.1 The proposed extension is of modest form in relation to the scale of the existing building and subject to minor changes to the external appearance will fit well with the site context. The proposed addition is to an established commercial enterprise within a designated LEZ. The application is recommended for approval.

15.0 Background Papers

15.1 PPS; Core Strategy; DBDP; SPG; HA; PP; HH; DHU; AO; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development hereby permitted shall be constructed strictly in accordance with the approved drawing nos. CWJ/SM/WE/01, 02a, 03, 04 and 05 received on 16th June 2010 and amended drawing nos. 06B and 07B received on 2nd December 2010, unless otherwise agreed in writing by the Local Planning Authority.

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

3 - Non-Standard Condition

The external materials and finishes to be used in the development hereby permitted shall include Marley Eternit Edgemere interlocking slates with a grey finish and hardiplank walling and joinery both with a grey finish to match the colour of the slates, or unless otherwise agreed in writing by the Local Planning Authority

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

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

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

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

5 - 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.

6 - C10.18 Tree and Hedgerow Protection: General

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

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

Informatives

Informative 1

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

Informative 2

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

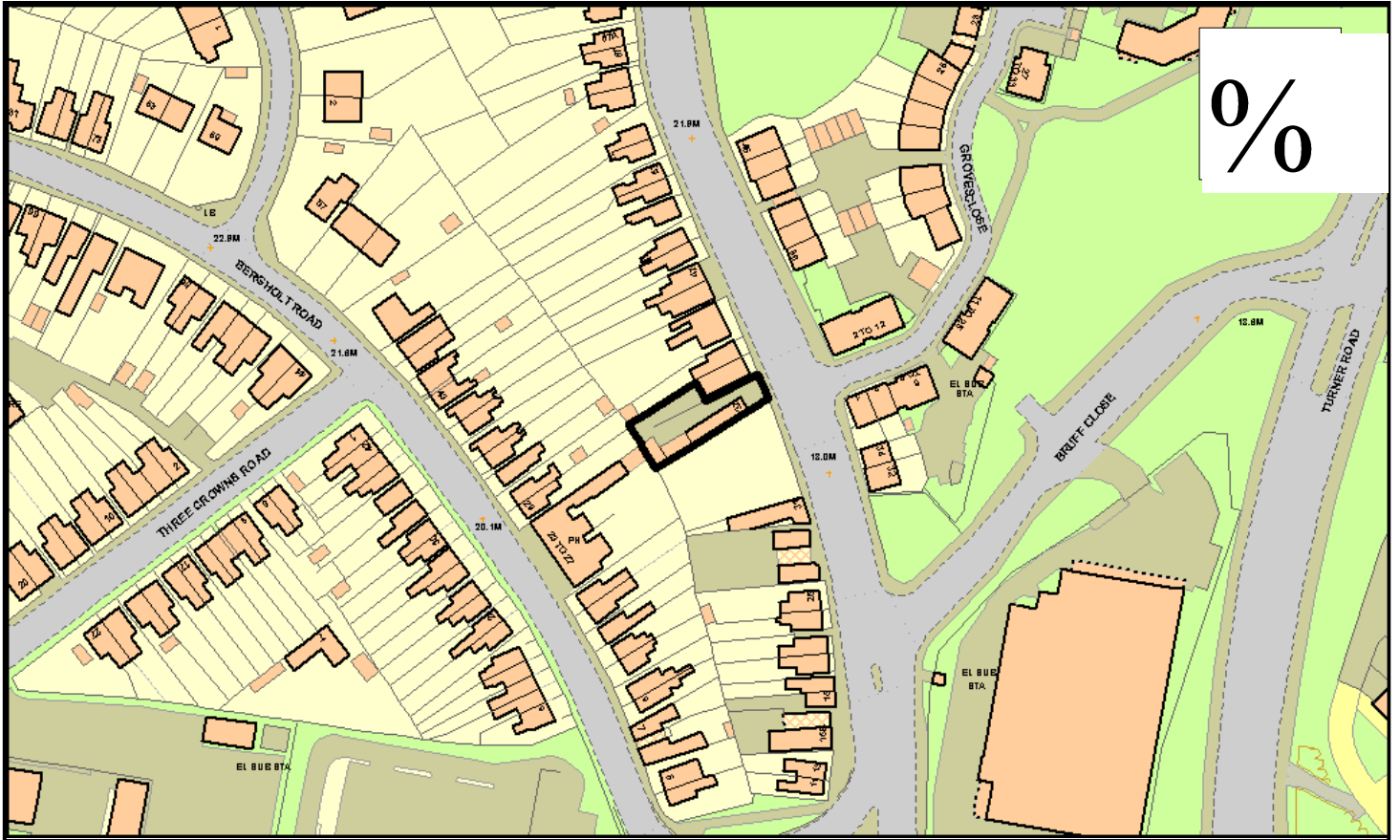
Informative 3

The applicant is advised that the site to which this planning permission relates is located within 250 metres of filled land. Under Approved Document C of the Building Regulations you will be required to consider this when designing the foundations of the development and precautionary measures should be incorporated to minimise risks from any ground gases.

Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The LPA should be given prior notification of any proposed remediation scheme. The applicant is advised that this must be conducted in accordance with current official guidance, including Approved Document C of the Building Regulations, DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

Reason for Informative: The site lies within 250m of a former (or suspected) landfill site and Environmental Control wish to ensure that development only proceeds if it is safe to do so. This informative should not be read as indicating that there is any known danger from landfill gas in this locality.



Application No: 101546

Location: 37 Mile End Road, Colchester, CO4 5BU

Scale (approx): 1:1250

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7.19 Case Officer: Nick McKeever**OTHER****Site:** 37 Mile End Road, Colchester, CO4 5BU**Application No:** 101546**Date Received:** 3 August 2010**Agent:** Mr Amar Bajaj**Applicant:** Mr Virendra Bajaj**Development:** Permission to use the shop for A2 Use(Estate Agents), in addition to A1 .**Ward:** Mile End**Summary of Recommendation:** Refusal**1.0 Planning Report Introduction**

- 1.1 This application was initially referred to the Planning Committee because of objections submitted by local residents and by Myland Parish Council. Whilst the recommendation was for permission the application was taken off the agenda by the Head of Environmental and Protective Services for clarification and consideration of the available parking and vehicular turning facilities within the site. The parking demand had to take into account the different uses within the site.
- 1.2 In the intervening period the Applicant has lodged an appeal against the non-determination of the application by the Council.
- 1.3 The report is, therefore, referred back to the Committee in order to seek members approval for the recommendation to be made to the Planning Inspectorate that, having considered the proposal, the Council would have resolved to refuse the application on the basis of insufficient information relating to the provision of on-site vehicle parking together with the provision of an appropriate vehicular turning facility.

2.0 Synopsis

- 2.1 This report will cover the issues raised in the submitted objections together with the planning considerations. The recommendation will be that in the event an appeal had not been lodged that the Council would have resolved to refuse the application for the reasons set out in the above paragraph.

3.0 Site Description and Context

- 3.1 The site as outlined in red on the submitted drawings includes an existing single storey building currently used as an A1 Shop, together with a storage building (currently used as two 'bed-sits', a garage and a temporary building also used for storage purposes. The main report clarifies which uses are authorised and which are unauthorised. At No. 39 is a two storey building converted into two flats (39 & 39A Mile End Road). There is an existing access between these two separate buildings leading to a hard surfaced rear garden area.
- 3.2 The site is within a predominantly residential area with dwellings to the north, east and to the north west. Immediately adjacent to the southern boundary is the car park of the existing Public House at 23 – 27 Bergholt Road.

4.0 Description of the Proposal

- 4.1 The application proposes the use of a permitted ground floor extension to the existing shop as an Estate Agent (Use Class A2). Under the planning permission 071940, dated 5th May 2007, consent was granted for the erection of a two storey building over and to the front of the existing shop, linked at first floor level to the adjoining building at 39 and 39A Mile End Road. The ground floor of the extended building was for A1 retail shop use, with residential accommodation at first floor level.
- 4.2 The floor area of the approved ground floor building is given as being 24 square metres.
- 4.3 In the period since the application was submitted the Applicant has erected the ground floor area but in the form of a single storey building with a pitched roof. Minor changes have also been made to the shopfront. On this basis this building is not considered to constitute an implementation of the 2007 permission. The Applicant has however submitted a retrospective application for the retention of this single storey building but as an extension to the existing shop (reference 102415).
- 4.4 Notwithstanding this situation the application remains to be considered as a proposed change of use of the approved extension to the existing shop to Use A2 (Estate Agents).
- 4.5 Reference to a B8 use has been deleted.

5.0 Land Use Allocation

- 5.1 Predominantly residential

6.0 Relevant Planning History

- 6.1 071946 – Erection of retail/storage unit with flat above. Approved 05/03/2008

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:-
Planning Policy Statement 1: Delivering Sustainable Development
- 7.2 In addition, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are also relevant:
SD1 - Sustainable Development Locations
UR2 - Built Design and Character
TA4 - Roads and Traffic
TA5 - Parking
- 7.3 In addition, the following are relevant in the adopted Colchester Borough Development Policies (October 2010):
DP1 – Design and Amenity
DP19 – Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents
Vehicle Parking Standards, The Essex Design Guide

8.0 Consultations

- 8.1 The Highway Authority has no objection subject to conditions.

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

9.0 Parish Council's Views

- 9.1 The Parish Council have stated that:

“There is concern regarding the parking availability on this site. The application states there are eight spaces. In planning approval 071946, condition 11, increased parking for the flats at 37 and 39 Mile End Road and the retail unit needed to be provided. Additionally there is the established cleaning company and at least one space will be used by the proposed Estate Agent. This will leave, at the most, just three spaces for customers of the retail unit and the Estate Agents plus delivery vehicles. When the cycle storage, refuse collection area and disabled parking space, are provided the turning area on site is likely to be reduced which could result in vehicles reversing onto the highway.

There is also concern regarding highway safety. The site is very close to a bus stop and a traffic island and these could cause problems for vehicles accessing and exiting the site.

This application contains insufficient information and is very vague.”

10.0 Representations

10.1 10 letters in support of the application have been received. The reasons for this support are summarised as follows:-

- Provides for more choice
- It will benefit the area
- Increased competition is to be supported
- Help growth in the area

10.2 2 objections have been received, The objections are summarised as follows:-

- Is adequate parking available, given the existing residential use, the retail use, established cleaning business.
- Additional vehicular activity in close proximity to a bus stop and a traffic island
- Is another estate agents necessary
- Adverse impact upon the quiet enjoyment of house and garden
- If permitted the hours of business should be restricted.

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

11.0 Parking Provision

11.1 In terms of the Council's adopted parking standards (December 2009) the parking standard for the permitted A1 use and the proposed A2 use are the same i.e. one space for every 20 sq. metres floor area. There is therefore no increased demand in terms of the permitted extension to the retail floor area in comparison to the proposed use as an estate agent.

11.2 In terms of these new standards the recommended minimum size of a single parking bay is 2.9m x 5.5m, as compared to the 2.4m x 4.8m which applied at the time that the 2007 permission was granted.

11.3 It is on this basis that the Applicant has been asked to provide full details of all the current uses within this site, together with a detailed and accurate drawing to an appropriate scale. This is in order that the required provision can be fully assessed and to determine whether or not the required vehicle parking, cycle parking and turning facility can be met.

11.4 Whilst the Applicant has provided some additional information, the required drawing has not yet been submitted.

- 11.5 Visits to the site were made by your Officers on separate occasions. At the time that these visits were carried out the uses within the premises 37 and 39 Mile End Road consisted of the existing shop, a storage building to the rear of the shop which has been converted into two units of accommodation, a garage converted into an office, a temporary storage building and the existing use of 39 Mile End Road as two flats. The 2 units of accommodation and office are unauthorised. The remaining space between the existing shop and No.39 on the frontage and these buildings at the rear of the site is used for parking.
- 11.6 Whilst the application states that 8 parking spaces are to be provided the area available for parking is limited. Unfortunately only limited details of the floor areas of the commercial buildings are provided (32 sq.m. retail plus 24 sq.m. for the proposed A2 use). No details of the number of bedrooms within the flats (39 and 39A Mile End Road) have been provided. On this basis it is not possible to arrive at an accurate assessment of the parking demand for all these uses.

12.0 Report

Design, Layout, Scale

- 12.1 The application is only for the use part of the approved new development (i.e. the ground floor extension to the existing shop). At the time that the application was submitted there was no suggestion that any changes to the approved buildings were proposed. It subsequently emerged that the Applicant had started to build the extension to the shop, but that this was to be finished with a flat roof on the basis that this was a first stage in the construction of the approved development.
- 12.2. The Applicant has also submitted drawings to the shop front elevation. These changes are included within the new stand alone application for the single storey building for use as an extension to the existing shop. This application also includes a pitched roof over the extended shop area, to be clad in roof tiles to match the existing shop.

Impact

- 12.3 The application proposes an additional use over and above the permitted retail and residential use of the site. Whilst the site lies within an established residential area it is located on a busy main road into the town centre and there are other commercial properties within Mile End Road to the south of the site. The site also adjoins the car park of the Public House in Bergholt Road. The site can not therefore be regarded as being within a quiet residential area. On this basis it is unlikely that a small business of the size that can be accommodated within the floor area proposed would give rise to significant levels of activity over and above that which are currently experienced in the vicinity. The proposed A2 use is, therefore, not likely to prejudice the amenity of nearby residential properties.

Highways

- 12.4 Whilst the concerns expressed in the submitted representations are acknowledged, it is noted that the Highway Authority do not raise any objections in terms of the impact of the development upon matters of highway safety.

13.0 Conclusion

- 13.1 The proposal seeks an alternative use to the use of the extended retail area permitted under 071946. The application as submitted did not propose any changes to the approved design. Whilst this has been over taken by subsequent events, the proposed change to the approved shop front detail is considered to be acceptable, apart from the provision of an externally mounted security blind, which would be better placed inside the shop window.
- 13.2 The scale of the development is such that it is unlikely to generate significant levels of activity within this area, which is located on a busy main road , in close proximity to existing commercial properties including a supermarket and a retail park, and close to the main railway station. On this basis the proposed A2 use is not likely to be prejudicial to residential amenity.
- 13.3 The parking standard for the approved shop extension and the proposed A2 use is the same. However the application does not provide sufficient detail in order to accurately assess the required parking provision for this use and the other existing uses. No details have been provided to demonstrate that the required provision, together with an appropriate size vehicular turning area, can be accommodated and in a satisfactory manner.
- 13.4 In this particular context it is considered that the proposed change of use is not acceptable and that Planning Inspectorate be advised that the Council would be mindful to recommend that the application be refused.

14.0 Background Papers

- 14.1 Core Strategy; HA; PTC; NLR

Recommendation

The Planning Committee are asked to confirm that having considered this application, the resolution would have been to refuse the proposed change of use for the following reason:-

Reasons for Refusal

1 - Non-Standard Refusal Reason

The adopted Local Development Framework Core Strategy (December 2008) policy TA5-Parking, requires that development should manage parking to accord with the accessibility of the location and to ensure people-friendly street environments.

The adopted Development Policies Development Plan Document (DPD) (October 2010), policy DP19 refers to the Essex Planning Officers Association (EPOA) Parking Standards Design and Good Practice, adopted by the Council as Supplementary Planning Document (SPD) in November 2009. This SPD sets out design standards and provision levels for developments. The level of parking provision required for new developments will depend on the location, type and intensity of use.

The adopted Parking Standards recognise that a lower provision of vehicle parking may be appropriate in urban areas where there is good access to alternative forms of transport and existing car parking facilities. However, the onus is placed upon the Applicant to demonstrate that the level of parking provided is appropriate and that it will not lead to problems associated with on street parking.

In terms of DPD Policy DP1: Design and Amenity, proposals must demonstrate that they, and any ancillary activities associated with them, will protect existing public and residential amenity and create a safe and secure environment.

The application as submitted fails to provide satisfactory information and detail as to the different uses that, in conjunction with the proposed use within Use Class A2, currently take place within and immediately adjacent the site as shown edged in red. This information is considered to be necessary in order to determine the likely demand and need for parking within the site. Furthermore the application does not provide detailed information as to the capacity of the site to accommodate on-site parking facilities in accordance with the Council's adopted standards in addition to a requirement for the provision of a turning facility to enable vehicles to enter and leave the site in forward gear.

The lack of a suitable level of on-site parking, together with a vehicular turning facility, is likely to result in parking within the highway to the detriment of the amenity of the area and local residents. The proposed development is, therefore, contrary to the aforementioned policies.



Application No: 101777

Location: S I Mckenzie Dental Practice, 54 Wimpole Road, Colchester, CO1 2DL

Scale (approx): 1:1250

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7.20 Case Officer: Mark Secker

OTHER

Site: 54 Wimpole Road, Colchester, CO1 2DL

Application No: 101777

Date Received: 31 August 2010

Agent: F P Manning And Sons

Applicant: Mr S I Mckenzie

Development: Single storey extension to rear to include waiting area, surgery, disabled wc and disabled access via ramp to side gate.

Ward: New Town

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because objections have been received, including a recommendation of refusal from ECC Highways Authority that has not been resolved by negotiation or imposing conditions, whilst the recommendation below is for this Committee to grant planning permission.

2.0 Synopsis

2.1 This is an application for a single storey rear extension to an existing dental practice, to create an additional surgery room, a further waiting area, disabled access and facilities and a decontamination room. Whilst the Highway Authority recommends refusal, there are material considerations in favour of the proposal. The report sets out these issues and the objections and responses received, which are addressed in the main body of the report. Conditional approval is recommended, subject to the satisfactory resolution of outstanding matters that will be reported to the meeting on the amendment sheet.

3.0 Site Description and Context

3.1 The application site is located approximately 35 metres from the junction of Wimpole Road and Military Road. There are a number of retail, commercial and community uses located along Wimpole Road and along Military Road to the west of this junction. Otherwise the area is predominately residential in character. Adjacent to the site on its north side is a doctor's surgery, beyond which is an area of predominantly residential use. On its south side is Recreation House, a former public house on the corner of Wimpole Road and Military Road that has been converted to flats. To the rear of the site is residential use. Opposite the site is the Recreation Ground. The existing building on site is a 1930's bungalow which has been converted for use as a dental surgery and extended to include additional surgery and ancillary space. The site includes a small area of open land to the rear that enables the current proposal.

4.0 Description of the Proposal

4.1 The proposal is for a single storey rear extension plus a ramped access to the side for disabled access. It would be on land part of which formally comprised garden to the adjacent house. The extension and internal alterations would create an additional, fourth surgery, together with a further waiting area, a decontamination room and a WC to wheelchair requirements. The extension incorporates two small gable roofs at right angles to the main building, reflecting the design of previous extensions.

5.0 Land Use Allocation

5.1 The site is allocated as predominantly residential in the Development Policies DPD and within a Conservation Area.

6.0 Relevant Planning History

6.1 86/1636 – Change of Use from residential to dental surgery – Approved without conditions 15/12/86

6.2 94/0424 – Extension/alterations to surgery – Approved with conditions 13/06/94

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
Planning Policy Guidance 13: Transport

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

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

SD3 - Community Facilities

CE2c - Local Centres

UR2 - Built Design and Character

TA1 - Accessibility and Changing Travel Behaviour

TA2 - Walking and Cycling

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP7 Local Centres and Individual Shops
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards

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

8.0 Consultations

8.1 ECC Highways: Objects and recommends refusal as the proposal would lead to vehicles parking outside the practice close to a busy junction and encourage parking on double yellow lines.

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 Objection from 134, Military Road, regarding: noise, dirt and privacy/overlooking in relation to the rear garden area, the quality of the boundary fence including causing potential safety and security issues.

9.2 Letter of support for disabled access and facilities from one patient.

9.3 Letter from adjoining doctors' surgery with no objection to guttering extending over the site boundary.

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

10.0 Parking Provision

10.1 There is neither space for, nor is there provision made for, car parking on-site. The application indicates 3 existing cycle parking spaces within the site. The full car parking standard would require a total of 21 car parking spaces for the total practice as expanded (1 per full time equivalent staff plus 3 per consulting room) and 7 cycle spaces. Despite the absence of any on-site parking the application is recommended for permission. This issue is discussed in the main body of the report in paragraphs 12.6 – 12.10.

11.0 Open Space Provisions

11.1 Not relevant to this application

12.0 Report

- 12.1 The main issues are the design/impact on the Conservation Area, impact on neighbours and highway issues – these are discussed below.

Design and Layout, Scale, Height, Massing and Impact on the Surrounding Area

- 12.2 The proposed extension is within a Conservation Area. It would be visible in part from Military Road. However, it would be set well back from the road and viewed across the car park of the former Recreation Public House and behind an existing boundary wall approximately 2 metres in height.
- 12.3 The extension would follow closely the design and layout of the existing extension. It would be single storey and appropriate in terms of its layout, scale, height and massing in relation to the existing building and to the surrounding area and it is not considered that it would adversely affect the Conservation Area. The materials proposed would match the existing and are considered acceptable.

Impacts on Neighbouring Properties

- 12.4 The proposal would project into an area of land that has been purchased for the purpose. It would bring the building approx 1.2 metres from the newly created boundary with 136, Military Road and approx 4.5 metres from the boundary with the rear garden area of 134, Military Road. It is understood that the land purchased for this extension previously formed a part of the garden of 136, Military Road. A small open area to the rear of the extension would remain, comprising a narrow strip of land at the rear and a small irregularly shaped area of about 19.5 metres in one corner. It would be accessible via French doors from a surgery room. There is a 1.8 metre close boarded fence separating this area from the domestic properties. It is considered that the use of this area for any commercial activities, or for use by staff or patients, should be limited in order to prevent any undue noise and nuisance to adjoining or nearby properties. The applicant's agent has been asked to consider this issue and the general issue of potential impact on the two neighbouring properties. The response received will be reported to the meeting.
- 12.5 The proposal would involve guttering extending over the boundary with the adjoining doctors' surgery. The surgery's partners have expressed in writing that they have no objection to this arrangement.

Highway Issues

- 12.6 The main issue of concern is the lack of car parking provision within the site. There is no opportunity to make any provision on-site and therefore the Council's parking standards cannot be met. Policy DP19 refers to these standards and also states that the level of provision required will depend on the location, type and intensity of use.

- 12.7 There are a variety of parking restrictions in place on roads within the area close to the site, including double and single yellow lines and permit holders only, together with a small number of spaces in Granville Road available for 2 hours maximum. There is unrestricted parking in Morant Road and Harsnett Road and a small number in Wimpole Road. These appear to be well used during the day, although the applicant points to the availability 69 parking spaces in Harsnett Road on a count on Friday 8th October. Outside the site are double yellow lines restricting parking throughout the day.
- 12.8 At the request of ECC Highways, the applicant carried out a survey of transport modes over two weeks. The results were: patients on foot 59; bus/bike 24; dropped off 56; own car 60. Having considered this evidence, ECC Highways recommends refusal and considers that any intensification in use of the site would lead to vehicles being parked outside the dental practice in close proximity to a busy junction, and would encourage vehicles to be left on double yellow lines contrary to traffic regulations.
- 12.9 It is evident from Planning and Highway Officers' site visits that patients are already dropped off and picked up outside both the dentists' and the adjacent doctors' surgeries, contrary to the double yellow restrictions. (The doctors' surgery has off-street parking but for staff only). The proposed extension would exacerbate this situation. This would represent a marginal change on the current position.
- 12.10 It is accepted that there is a problem of parking outside both surgeries. However, this needs to be balanced against the other material considerations; in any case the existing problem may best be addressed by the enforcement of traffic regulation.
- 12.11 The application indicates existing provision for 3 cycle spaces. A provision of 7 spaces would, however, be needed to meet the Council's cycle parking standards (1 per 4 staff plus 1 per consulting room). It is considered that additional spaces could be accommodated at the front of the site. The agent has been asked to consider additional cycle parking provision, and his response will be reported on the amendment sheet.

Other Matters

- 12.12 Part of the proposal is to provide for new decontamination requirements as laid down by the Department of Health and also for access and facilities for elderly and disabled patients, including ramped access and WC. This provision would accord with Policies DP1 (ii) and DP17. The applicant has indicated the additional surgery will help to enable these facilities.

12.13 The site is within a predominantly residential area. However there is a broad range of shopping and community facilities within the area, within 250 metres of the junction of Wimpole Road and Military Road. These include a general store, a chemist, a hairdresser, a hot food takeaway, a public house, the Methodist Church, the doctor and dental surgeries and two other shop/service uses, plus the open space at the Recreation Ground opposite the site. Part of this area along Military Road is recognised as a Neighbourhood Centre in the Development Policies DPD. Having regard to the disposition of adjoining and nearby uses, the site is considered to be located sustainably to meet the local needs of nearby residents as well as being associated with other local and community uses, in general conformity with the Council's sustainability policies, including Policy DP4.

13.0 Conclusion

13.1 Whilst a new commercial use in this residential area would be likely to be unacceptable, if it could not meet parking requirements, it is considered that the extension of this existing dental facility would be acceptable, being well located relative to other local and community uses and to the local community itself. It is acknowledged that there is a problem of parking outside the site, but any impact on this is likely to be marginal and in any event the problem is an existing one that may best be addressed by the enforcement of traffic regulation.

14.0 Background Papers

14.1 PPS; Core Strategy; CDPD; PPG; HA; NLR

Recommendation

Subject to the outstanding matters to be reported to the meeting 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

The development shall be implemented in all respects strictly in accordance with the submitted plans as hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority. These plans include drawing numbers Mck/7/3, Mck/7/4 and Mck/7/5 all dated July 2010 and date stamped 1st September 2010.

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

3 - Non-Standard Condition

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

Reason: To ensure that the materials used on the development are of a satisfactory visual appearance that respects the character of the existing property.

Informatives

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

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



Application No: 101991

Location: G Millin & Son, 85 Church Road, Tiptree, Colchester, CO5 0HB

Scale (approx): 1:1250

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7.21 Case Officer: Nick McKeever

OTHER

Site: 85 Church Road, Tiptree, Colchester, CO5 0HB

Application No: 101991

Date Received: 22 September 2010

Agent: Mjc Associates

Applicant: G Millin & Sons

Development: Proposed single storey front extension. Demolition of existing canopy.

Ward: Tiptree

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because of an objection submitted by the owners of the adjoining Florist shop (The Flower Girl)

2.0 Synopsis

2.1 The application will consider the individual planning merits of this proposal and the objection submitted by the occupiers of an adjoining premises.

3.0 Site Description and Context

3.1 The site is currently occupied by G Millins & Sons Ltd as a Butchers shop. It forms one of the existing commercial units along Church Road, Tiptree. The properties immediately adjacent are a Hair Dressing Salon, a Florist shop, and a Funeral Director. On the opposite side of Church Road is a bank and a Tesco supermarket.

4.0 Description of the Proposal

4.1 The application proposes the removal of an existing canopy over the front of the shop and the erection of a new single storey extension as a replacement to this canopy. The total internal floor area is given as being 27 square metres. It is to be finished in facing brickwork and timber boarding with a slate, pitched roof.

5.0 Land Use Allocation

5.1 Rural District Centre/Tiptree Central Area Enhancement

6.0 Relevant Planning History

- 6.1 79/0557 – Erection of cold store for florist shop and extension to butchers shop for use as preparation room.

7.0 Principal Policies

- 7.1 The following national policies are relevant to this application:
Planning Policy Statement 1: Delivering Sustainable Development
- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
UR2 - Built Design and Character
TA5 - Parking
CE2b – District Centres
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP4 Community Facilities
DP19 Parking Standards
- 7.4 Regard should also be given to the following Supplementary Planning Guidance/Documents:
Vehicle Parking Standards
The Essex Design Guide
External Materials in New Developments

8.0 Consultations

- 8.1 None

9.0 Parish Council's Views

- 9.1 Tiptree Parish Council has no objection to this application however the comments of the owners of the neighbouring shop have been noted and the Parish Council feel that their objections should be considered and a compromise reached that would suit both parties.

10.0 Representations

10.1 The owners of the adjacent business, The Flower Girl, strongly object to this application being granted on the grounds that:-

1. The Flower Girl is set back from the front line of the buildings on each side and as such is already reliant on the small amount of natural daylight which presently accesses into the actual shop premises. If the existing open sided canopy structure, which does afford us some daylight through, is demolished and replaced with a solid structure then our shop will be effectively plunged into almost total darkness and we will have to rely solely on artificial lighting.
2. The existing open sided canopy allows free flow of pedestrian traffic to move freely through but the new solid design and entrance will effectively blockade the only access into our shop as habitually a very long queue of customers for the butchers forms outside their existing entrance door and this will be exactly the same with the new layout.
3. The Applicant refers to the Flower Girl van being parked in the space immediately to the north of the butcher's shop. This space was provided in their lease approximately six years ago. Despite reference to this being a hazard, no experience of this has occurred. The suggested alternative provision is to the rear of the shop and this is difficult to access due to parked vehicles.

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 situation within this site, and within the Rural District Centre as a whole, is unusual in that:-

- The proposed extension covers the forecourt area , which is currently covered by a permanent canopy feature;
- The existing commercial units within the Church Road area are served by public car parking areas at different locations along Church Road. The nearest of these is at The Centre, a short distance to the north west;
- There is limited space for parking and turning to the rear of the existing shop. The Applicant has been asked for further details to clarify this situation.

12.0 Open Space Provisions

12.1 Not applicable

13.0 Report

13.1 The Core Strategy policy CE2b-District Centres, seeks to protect and enhance, and support retail development within these Centres. In this context the proposal to expand the use and to enhance its appearance would accord with the aims of this policy. In this respect the existing canopy that covers the forecourt area of this shop, and which is a prominent feature within the street scene, is in itself of no particular architectural merit. On the other hand the proposed extension will add visual interest and will improve the appearance of the existing flat roof structure and its relationship to the adjoining building.

13.2 The concerns of the owners of the adjoining Florist shop are acknowledged and appreciated. In this context the Applicant explains that the existing canopy currently extends up to the boundary with this adjoining shop. The proposed extension is set back approximately 2 metres from the boundary and creates a courtyard effect between the two commercial properties.

13.3 As an open sided structure the existing canopy is a lightweight structure. Clearly the new building as a solid structure will have an impact but this is reduced not only by the separation between it and the neighbouring shop, but also by the fully glazed side. The Applicant has however agreed to provide additional glazing within the front elevation. This will not only improve the appearance of the extension but will also provide for the through passage of additional light.

13.4 The proposed development would interfere with the existing parking area used by the owners of the Flower Girl shop. Whilst this is to an extent a matter that would need to be resolved between the affected parties, it is noted that the Applicant has offered to provide an alternative space to the rear of the shops. This provision could be secured by condition.

13.6 It is recommended that permission should be granted.

14.0 Conclusion

14.1 The intention of the Applicant to increase the useable floor area of this shop and to improve the appearance of the building can be supported in terms of the policies seeking to enhance and encourage retail use within this Rural District Centre. The development will have an impact upon the adjoining shop but this is not considered to be so significant as to justify withholding consent.

15.0 Background Papers

15.1 PPS; Core Strategy; CBDP; SPG; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be constructed in accordance with the approved drawing number MJC/10/513/01 Revision A, received 29th November 2010.

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

3 - C3.3 Samples to be Submitted

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

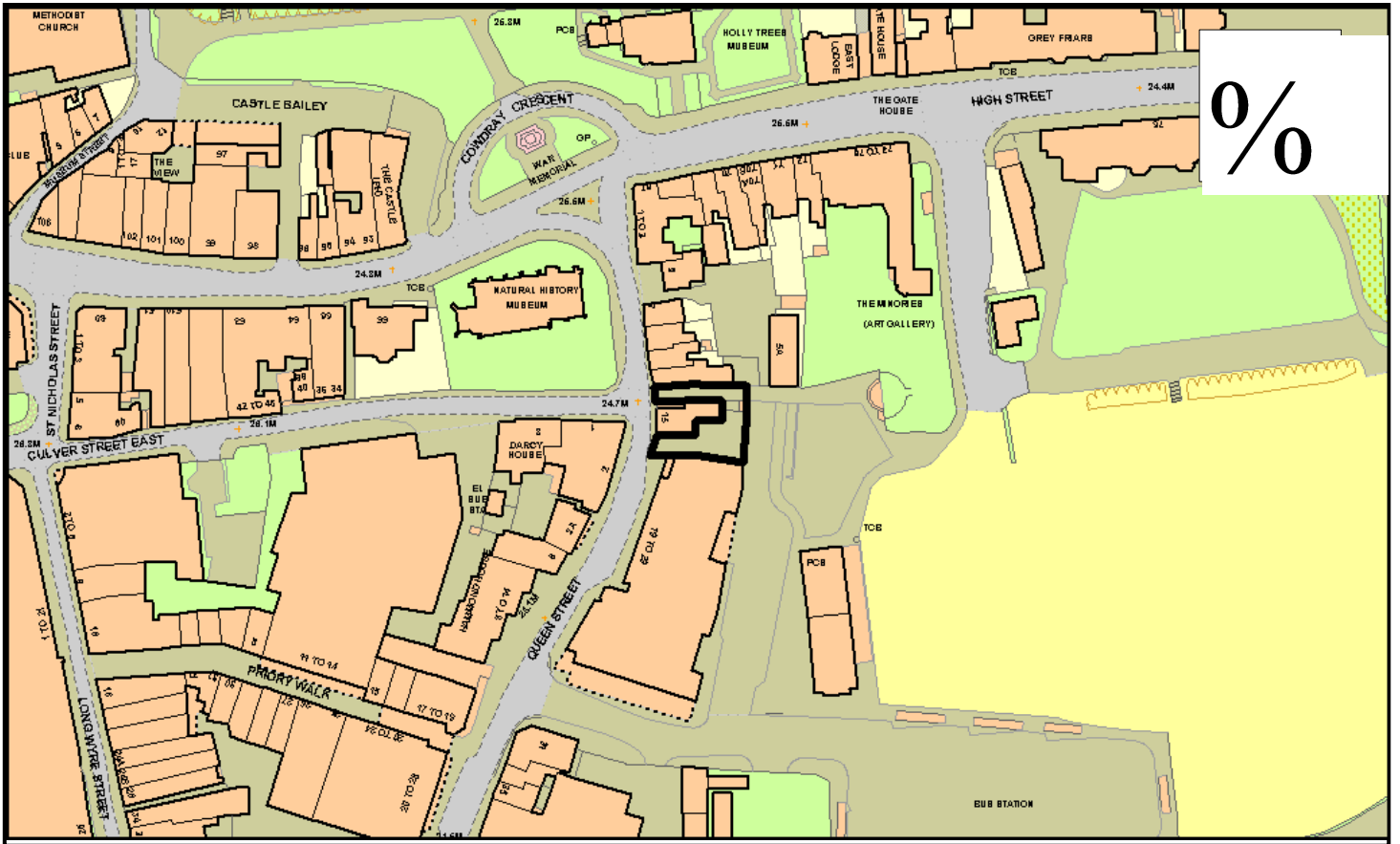
Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity and helps to reinforce local character and identity.

4 – Parking provision shall be provided in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development. The submitted scheme shall provide an alternative parking space to replace the existing space on the front that will be affected by the proposed extension.

Reason: In order to provide adequate parking facilities in the interests of the amenity of the other adjoining properties and the area in general.

Informatives

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



Application No: 102055

Location: Land surrounding, 15 Queen Street, Colchester, CO1 2PH

Scale (approx): 1:1250

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7.22 Case Officer: John More

EXPIRY DATE: 25/11/2010

OTHER

Site: 15 Queen Street, Colchester, CO1 2PH

Application No: 102055

Date Received: 30 September 2010

Agent: Ms Florence Moon

Applicant: Mr Reg Patterson

Development: The proposed development includes hard landscape works to the existing garden to no.15 Queen Street and adjacent access routes from Queen Street to the public space associated with the new First Site building. The boundary walls to the garden of no. 15 Queen Street will be removed and the space will become part of the wider public realm with close relation to facilities located within no.15 Queen Street. Hard landscape surfaces include stone paving, mosaic floor tiles and high quality concrete seating walls.

Ward: Castle

Summary of Recommendation: Conditional Approval subject to the application not being called-in by the Secretary of State

1.0 Planning Report Introduction

1.1 This application is referred to the Planning Committee because the applicant is Colchester Borough Council, 3 letters of objection have been received and the application is recommended for approval.

2.0 Synopsis

2.1 The main issues in this case are the impact of the proposed development on the character and appearance of 15 Queen Street and the Conservation Area, balanced against the overall regeneration aims for the St Botolph's Area.

3.0 Site Description and Context

3.1 The site currently comprises the garden area for no. 15 Queen Street and the adjacent footpath which runs between no.s 13 and 15, from Queen Street to the space to the rear. The garden is currently enclosed by brick walls and the side wall of Roman House.

3.2 No. 15 Queen Street is currently used as an office building and is in separate ownership to the garden. The building is owned by First Site who will occupy the First Site.

3.3 In terms of the surrounding context, 15 Queen Street is a gault brick house of a stripped classical design. The building has been identified as being of local architectural or historic interest. 13 Queen Street to the north is described as dating from the 15th Century and is listed grade II for its special architectural or historic interest. The alleyway between 13 and 15 Queen Street forms an historic continuation of Culver Street East and the adjacent built structures provide the alley with an important sense of enclosure. To the south of 15 Queen Street is Roman House, a modern building of no architectural merit. The land to the east of the application site forms part of the wider redevelopment/regeneration area.

4.0 Description of the Proposal

4.1 The application is for the demolition of the boundary walls to the garden of no. 15 Queen Street and the change of use of this land to enable the space to become part of the wider public realm surrounding the Visual Arts Facility (VAF).

4.2 The works would include the hard landscaping of the existing garden area to no.15 Queen Street and the adjacent access routes from Queen Street to the public space between no.s 13 and 15 Queen Street. The hard landscape surfaces would include Kilkenny Limestone paving and high quality acid etched limestone concrete seating walls. These walls are formed with limestone aggregate and white cement which gives a white finish with a slight sparkle when light hits it. The application also proposes the removal of the four existing trees within the garden area adjacent to Roman House.

4.3 In response to the aspiration to demolish Roman House to the south of the site and as part of any redevelopment to provide a widened access route through to the public square and the First Site, it is proposed to lay an interim/temporary hard surface of resin bonded gravel between 15 Queen Street and Roman House to avoid the unnecessary cost in laying then lifting the Kilkenny Limestone paving and the potential for damage to that material.

5.0 Land Use Allocation

5.1 The site straddles the boundary of the St Botolph's Regeneration Area and is currently designated in the Development Plan as a mixed use area of the Town Centre.

5.2 The application site is within Colchester Conservation Area No.1.

6.0 Relevant Planning History

6.1 In 1991 planning permission was granted for the change of use of the property to office use (91/0849).

7.0 Principal Policies

7.1 The following national policies are relevant to this application:
Planning Policy Statement 5: Planning for the Historic Environment
Planning Policy Statement 23: Planning and Pollution Control

- 7.2 In addition to the above national policies, the following policies from the adopted Colchester Borough Core Strategy (December 2008) are relevant:
SD3 - Community Facilities
UR1 - Regeneration Areas
UR2 - Built Design and Character
PR1 - Open Space
PR2 - People-friendly Streets
ENV1 - Environment
- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (October 2010):
DP1 Design and Amenity
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 The Conservation Officer Comments are set out below:

“It is the historic street pattern and boundary treatments that give the town centre its unique and distinctive character; such elements make a positive contribution to the conservation area and should therefore be preserved or enhanced. (It should be noted that conservation appraisal identifies Queen Street as example of where the failure to respect historic boundary patterns has had a detrimental impact of the conservation area).

The alleyway between 13 and 15 Queen Street has been identified as being of importance to this part of the town centre conservation area both in terms of it forming part of the historic street pattern and through the sense of enclosure created by the adjacent built form. Given this, there should be a presumption in favour of preserving and enhancing the character / appearance of this alleyway; its historic form should only be altered if there is a cogent reason to do so; no such justification appears to have been put forward.

PPS 5 Planning for the Historic Environment forms a material consideration when determining planning applications. Policy HE 6 requires an applicant to provide a description of the significance of the heritage asset affected and the contribution of its setting to that significance. The level of detail should be sufficient to understand the potential impact on the heritage asset. As a minimum the applicant should have consulted the Historic Environment Record and the heritage assets themselves should have been assessed using appropriate expertise. This does not appear to have been undertaken; the submitted Design and Access Statement relates in the main to the area of open space to the east of the application site with the current site described as forming ‘an additional area of external works that will also contribute to First Site; the heritage statement appended to this document relates to the archaeology of the main area of external works.

Polices HE9 – 10 of PPS 5 note that loss affecting any designated heritage asset or its setting should require clear and convincing justification; the current application fails to provide this.

Conclusions

While I can appreciate the desire to improve the environment surrounding 15 Queen Street, the current proposal does not appear to have been based upon a thorough historical analysis / assessment of the area (at least this information has not been submitted). Without this information, and without an explanation as to the impact that the proposed works would have on the surrounding historic assets, the proposed development has not been adequately justified and cannot therefore be supported from a conservation perspective.”

He goes on to suggest the following:

“The 1876 OS plan for this part of Colchester clearly identified the boundaries of 15 Queen Street: the north boundary separates the private garden from the adjacent alleyway and is shown in its current position; the southern boundary of the property is shown enclosed by the side elevation of a building that appears to be on the approximate alignment of Roman House and the east boundary is shown in approximately the same position as the existing rear wall.

The above evidence / assessment should be used as the starting point for the remodelling of the land to the east and south of 15 Queen Street. The sense of enclosure to the alleyway provided by the boundary wall should be retained while the boundary treatment to the east could be redesigned to provide enclosure to the garden and an appropriate visual end stop to the public realm – for example public art in the form of railings. (The desire to have the rear façade of 15 Queen Street as the end stop of the proposed new public realm is, to my mind, a significant shortcoming of the overall scheme). The former garden area of 15 Queen Street should be designed so as to create a distinct space (the existing wall to the south does not reflect the historic boundary to this site and, as such, could / should be omitted); a consistent palette of materials between this site and the main area of public realm improvements would provide a unified approach between these two spaces.”

- 8.3 Environmental Control recommends a condition relating to light pollution and the Advisory Notes for the Control of Pollution during Construction & Demolition Works informative.

(Note: Condition and informative attached to the recommendation)

- 8.3 The Contaminated Land Officer has reviewed the Desk Study Report submitted and makes the following comments:

“This report concludes that there are potential explosive substances and pollution of controlled water risks at the site, based on the former use of the adjoining land (to the south of the site) as a garage during the 1960s to 1980s. It recommends that further intrusive site investigation and risk assessment is undertaken, to ensure that the site can be made safe for the proposed use. It will therefore be necessary for this work to be undertaken and results and conclusions forwarded to Environmental Control for comment/approval. Should this information not be provided prior to decision, the full set of contamination conditions should be attached to any permission granted.”

8.4 The Archaeological Officer recommends an archaeological watching brief be commissioned by the applicant from a professional Institute of Field Archaeologists (IFA) archaeological contractor. With the removal of foundations there is every possibility that archaeological deposits may be disturbed. Roman structural remains are recorded immediately north and west of the address in question.

(Note: Condition attached to the recommendation)

8.5 The Landscape Officer is satisfied with the Landscape content of the proposal subject to minor revision to the drawing to show the drain covers aligned with the paving. He recommends agreement to the landscape aspect of the application subject to conditions.

(Note: Conditions attached to the recommendation)

8.6 English Heritage does not wish to offer any comments on this occasion. They recommend the application should be determined in accordance with national and local policy guidance, and on the basis of our specialist conservation advice.

8.7 The Highway Authority raises no objection to this proposal. They recommend two informatives:

- (1) All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made to the Area Highways Manager (01206 838600)
- (2) If the area of land being opened up to the public is to be dedicated as Highway all works, construction specifications, and materials will have to be agreed with this Authority and will entail the developer entering into a suitable Agreement with the Highway Authority.

(Note: informatives attached to the recommendation)

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 Three letters of objection have been received. The planning issues raised can be summarised as follows:

- The application lacks a huge amount of very basic detail
- The proposed landscaping is ghastly and typical of the limited imagination of this Council
- Lack of contaminated land survey, tree survey or wildlife survey.

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

10.0 Parking Provision

- 10.1 This application seeks to incorporate the former garden area of 15 Queen Street into the new public space surrounding the First Site and does not generate a need for any car parking.

12.0 Open Space Provisions

- 12.1 The application seeks to incorporate the former garden area of 15 Queen Street into the new public space.

13.0 Report

- 13.1 The main issues in this case are considered to be as follows:

- Demolition of the walls surrounding the garden of 15 Queen Street
- Removal of the trees adjacent Roman House
- Design and Layout of public space
- Impact on the Surrounding Area
- Ground contamination
- Archaeology

Demolition of the walls surrounding the garden of 15 Queen Street

- 13.2 The proposal is to replace the brick wall to the alleyway between 13 and 15 Queen Street with a new low wall which can double as an informal seat. The buildings of No13 and 15 will continue to provide enclosure to this alleyway while the new lower wall will only replace a small proportion of this route, 5.8m out of the 22.5m enclosed route.
- 13.3 The brick wall to the rear of the garden is not proposed for replacement. The new public space is designed to permit its inclusion into the wider public space to the east of First Site.
- 13.4 The Planning Service Manager has considered this position and comments thus:-

“The opinion of the Conservation Officer is understood and he does acknowledge that options exist that would allow the wall to be demolished without harming the context. I note that the approach involving the removal of the boundary wall and construction of low walls has evolved as part of wider discussions with English Heritage. Clearly in terms of historic context 15 Queen Street has had a walled rear garden. It was originally a residential property. Part of this garden wall has helped define (along with the flank wall of no15) a narrow alley way between 13 and 15 Queen Street which is so typical of a Victorian street scene such as this. That said it has to be accepted that what the Council is delivering to the rear of no 15 is a new contemporary public square and an eye catching modern building. I am satisfied that the experience for pedestrians and observers will not be seriously harmed by the demolition of the garden wall in that you will still pass from Queen Street through a narrow but slightly shorter alleyway and then your vista will expand rapidly into the new public square. By opening out the garden area to no 15 to the new public square it will become part of

that space and therefore the use of no 15 can be brought into the square to generate new vitality. The Queen Street frontage and character remains intact and the alley way provides a transitional feature. The use of a low wall is a simple but effective device for reflecting what was once the domestic curtilage of no 15 thereby retaining a trace of the original context but allowing for a new use to evolve that doesn't need a private garden. The wall itself appears to be in poor condition and may well need extensive repair or replacement. Furthermore the appearance of the wall at what is the bottom of the garden to no. 15 from First-site is not particularly attractive. On the basis of all the above the proposal is considered acceptable”.

Removal of the trees adjacent Roman House

- 13.5 The conclusions of the Tree Survey and Arboricultural Implications Assessment submitted are that the trees are generally in moderate/poor condition and have been rated as category C1 by the guidance given from BS5837:2005 – Trees in Relation to Construction. As a result of this category they cannot constrain the development. It is suggested that due to the closeness of the trees to the building intended to be demolished in the future (Roman House) and any replacement building that may follow, retaining the trees would be difficult and expensive. Given the trees are only at best of moderate quality they should be removed prior to demolition and replaced as part of the landscaping scheme after the completion of the construction.
- 13.6 The demolition of Roman House referred to above is not the subject of this application but the tree report acknowledges the future regeneration aims in this area, i.e. to redevelop the Roman House site.
- 13.7 T1 is the closest tree to Queen Street and the most prominent tree in the street scene. While it does make a contribution to the street scene when in leaf and helps to screen the corner of the unsightly Roman House, it would be far more appropriate to remove these trees to facilitate the development and replace them with better quality trees when Roman House is redeveloped.

Design and Layout of public space

- 13.8 The Landscape Officer is satisfied with the Landscape content of the proposal for this site. The proposal ties in with the wider landscaping proposal for the land surrounding the VAF. The resurfacing of the existing alleyway between 13 and 15 Queen Street would have a positive impact on the area.

Impact on the Surrounding Area

- 13.9 The proposal is another important part in the wider regeneration for the St Botolph's area. It is designed to tie in with the landscape and public realm works surrounding the First Site and does not prejudice the redevelopment of the adjacent site to the south. Indeed it leaves the door open to provide a wider more attractive route through to the First Site and the public realm surrounding the building when the Roman House site is redeveloped.

Ground contamination

- 13.10 The Desktop report concludes that there are potentially explosive substances and pollution of controlled water risks at the site, based on the former use of the adjoining land to the south of the site (currently occupied by Roman House and St James House) as a garage during the 1960s to 1980s. The report recommends that further intrusive site investigation and risk assessment is undertaken, to ensure that the site can be made safe for the proposed use. The results of this work to be undertaken must then be forwarded to Environmental Control for comment/approval. As this information is not yet available the full set of contamination conditions should be attached to any permission granted. These conditions have been attached to the recommendation.

Archaeology

- 13.11 The Archaeological Officer recommends an archaeological watching brief condition be attached to any permission granted as with the removal of foundations there is every possibility that archaeological deposits may be disturbed. Roman structural remains are recorded immediately north and west of the address in question. An appropriate Watching Brief condition has been attached to the recommendation.

14.0 Conclusion

- 14.1 The proposal has been carefully considered and it is accepted that the character of the area to the rear of no 15 is being transformed to create an exciting new contemporary public square. The proposed works, whilst altering some of the current character of No 15, will enhance the character of the wider area without harming the all important character of the conservation area from Queen Street. This is an imaginative proposal that will breathe new life into the area. It should also attract far more visitors to St Botolphs and that must be good for the local economy and should help revitalise the Conservation Area and encourage owners to invest in their own heritage buildings.

15.0 Background Papers

- 15.1 PPS; Core Strategy; DPDP; DHU; HH; AO; TL; EH; HA; NLR

Recommendation

That subject to the application not being called-in by the Secretary of State, the Head of Environmental and Protective Services be authorised under delegated powers to grant planning permission subject to the following conditions.

Conditions

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

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

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

2 - Non-Standard Condition

The development shall be implemented in all respects strictly in accordance with the submitted plans as hereby approved, unless otherwise subsequently agreed, in writing, by the Local Planning Authority. These plans include drawing numbers 784_SK87.

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

3 - Non-Standard Condition

Any lighting of the development shall fully comply with the figures specified in the current 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' for zone E3. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance. Upon completion of the development and prior to the public space hereby permitted coming into beneficial use a validation report undertaken by competent persons that demonstrates compliance with the above shall be submitted to the planning authority for approval. Having been approved any installation shall thereafter be retained and maintained to the standard agreed.

Reason: In order to safeguard the amenity of neighbouring properties by controlling the undesirable, disruptive and disturbing effects of light pollution.

4 - C11.11 Landscape Design Proposals

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

Existing and proposed finished contours and levels.

Means of enclosure.

Car parking layout.

Other vehicle and pedestrian access and circulation areas.

Hard surfacing materials.

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

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

Retained historic landscape features and proposals for restoration.

Soft landscape details shall include:

Planting plans.

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

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

Planting area protection or decompaction proposals.

Implementation timetables.

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

5 - C11.12 Landscape Works Implementation

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

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

6 - 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.

7 -Non-Standard Condition

No development shall take place within the application site until the applicant has secured the maintenance of an on-site archaeological watching brief by a suitably qualified and experienced Institute of Field Archaeologists (IFA) archaeological contractor, in accordance with written details which have been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller rescue excavation, then construction work shall cease until the applicant has secured the implementation of a further programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any remains of archaeological importance are properly recorded as with the removal of foundations there is every possibility that archaeological deposits may be disturbed and roman structural remains are recorded immediately north and west of the site.

8 - Non-Standard Condition

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;
- (ii) an assessment of the potential risks to:
human health,
property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 - Non-Standard Condition

Development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 - Non-Standard Condition

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 - Non-Standard Condition

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8 "Site Characterisation", and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 9 "Submission of Remediation Scheme", which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 10 "Implementation of Approved Remediation Scheme".

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 - Non-Standard Condition

Prior to occupation of any property hereby permitted and the provision of any services the use hereby permitted commencing, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 9 "Submission of Remediation Scheme" above.

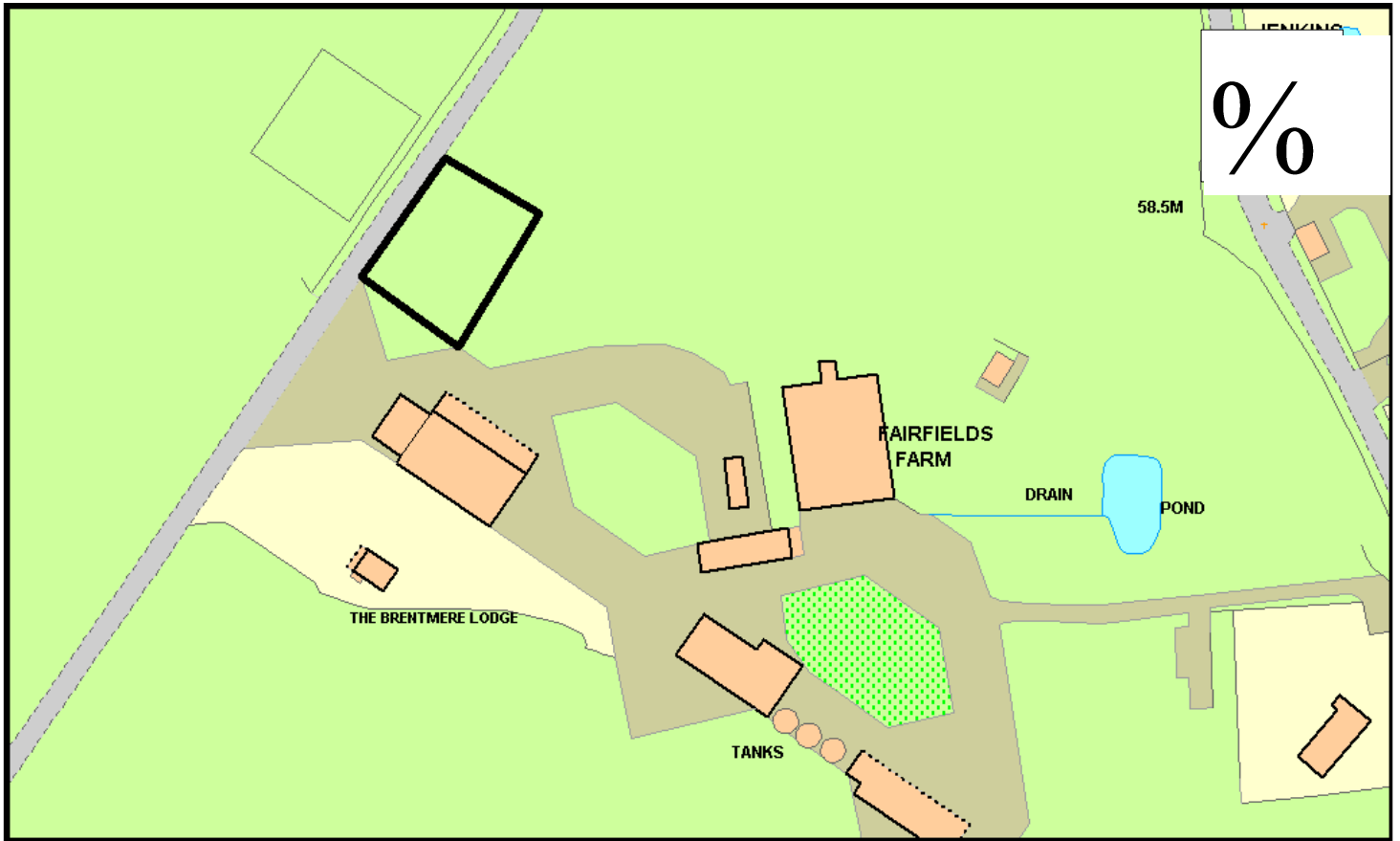
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Informatives

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

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

If the area of land being opened up to the public is to be dedicated as Highway all works, construction specifications, and materials will have to be agreed with this Authority and will entail the developer entering into a suitable Agreement with the Highway Authority.



Application No: 102064

Location: Fairfield's Farm, Fordham Road, Woringford, Colchester, CO6 3AQ

Scale (approx): 1:1250

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7.23 Case Officer: Jane Seeley

EXPIRY DATE: 29/11/2010

OTHER

Site: Fairfields Farm, Fordham Road, Wormingford, Colchester, CO6 3AQ

Application No: 102064

Date Received: 4 October 2010

Agent: Mr Graham Ellis

Applicant: Mr Robert Strathern

Development: New cold store for potato storage to run in conjunction with existing buildings on farm.

Ward: Fordham & Stour

Summary of Recommendation: Conditional Approval

1.0 Planning Report Introduction

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

2.0 Synopsis

2.1 This report describes the site and its surroundings and gives details of the proposed development Consultation replies and representations, including objections are then detailed and these are discussed in the main report section. Conditional approval is then recommended.

3.0 Site Description and Context

3.1 The buildings associated with Fairfields Farm are located at the edge of the Wormingford Airfield. There are vehicular accesses at the junction of Fordham Road and Packards Lane, and to the south of the site opposite Rochford Farm buildings. The proposed building is adjacent to existing agricultural buildings, several of which have been erected in recent years. An older agricultural building on the site has permission for B2 use. The boundary of the farm with Fordham Road has hedgerows in places. This provides good screening, but there are places where there are views of the complex. A public footpath runs on a track to the north-east of the proposed building.

4.0 Description of the Proposal

- 4.1 The size of the building and the materials of construction have been amended during the course of the application. The dimensions are 44.3m x 6.7m, height to eaves 6.7m and to ridge 10.2m. The walling and doors are to be constructed of composite cladding and the roofing is to be photovoltaic panels. It is intended that these panels will be used to power the energy needs of the building. To the front south-west of the building will be a concrete apron which links with the hardsurfacing around the existing buildings.
- 4.2 The applicants have advised that they require additional potato storage as a result of the growth of their potato crisp (Fairfield Farm Crisps) and potato packing business. Potatoes grown on the farm are currently sold as they are harvested. It is the intention to store the potatoes and drip feed the market all year round. Potatoes are not processed into crisps on the site. The packing relates to bagging potatoes prior to transportation to retailers. They consider that the building will not increase the yearly traffic flows to the farmyard.

5.0 Land Use Allocation

- 5.1 No notation

6.0 Relevant Planning History

- 6.1 COL/03/0410 Grain/potato store - Approved
- 6.2 COL/03/0322 - Retrospective application - Change of use of agricultural building to Class B2 (General Industrial) Use – Temporary permission
- 6.3 071023 – Agricultural building for potato grading and storage – Approved
- 6.4 072940 – Agricultural building for cold storage– Approved
- 6.5 071971 - Continued permanent change of use of building for B2 use as previously granted by application no. OL/03/0322 together with portacabin for office use B1 - Approved

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 22: Renewable Energy
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:

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

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

DP8 Agricultural Development and Diversification

DP25 Renewable Energy

8.0 Consultations

8.1 ECC Highways – No objection

8.2 Environment Control suggest conditions relating to noise levels and sound insulation

8.3 Landscape Officer - use of photovoltaic cellar roofing acceptable provided the building is screened and the remainder of the building is of a colour to help it assimilate into and complement the landscape

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 Wormingford PC has no objection but has queried whether ECC Highways have expressed a view regarding vehicle movements

9.2 Fordham PC - comments awaited

10.0 Representations

10.1 Two representations were received objecting on the following grounds:-

1. No justification for building is cooling equipment necessary?
2. Ridge line of 10.2m is higher than residential property of the farm and would be visible from upstairs window of house in vicinity; impairing views across countryside.
3. Fordham is a rural area with inadequate roads; an increase in HGV traffic is completely unacceptable.
4. Number and type of vehicles visiting the site should be provided; there is an inordinate number of HGV's using this site in relation to other local businesses.
5. Inappropriate site for a manufacturing business concern that Fairfield's Farm Crisp business is growing into a commercial 'monster' whose impact on the farm and locality is greater and more adverse each year.
6. To suggest that this building will be no increase traffic flow is contrary to premise that the building is to improve the business and its success.

7. Security lighting should be low level in intensity and design.
8. Location plan fails to show the Essex and Suffolk Gliding Club and residential properties to south of the Packards Lane junction.

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 do not specify parking requirements for agricultural buildings.

12.0 Open Space Provisions

- 12.1 Not applicable

13.0 Report

Design and Layout

- 13.1 The positioning of a new agricultural building was discussed with your Officers prior to submission of the current application. It was considered that the siting proposed was more desirable because it relates well to the existing complex of buildings. The design reflects the detailing of the other recent buildings that are sited to the east of the application site. The use of photovoltaic cellular roofing is a new feature on the site, however the visual impact is considered acceptable. The incorporation of renewable energy technologies into new development is encouraged by Policy DP25.

Impact on the Surrounding Area

- 13.2 From the footpath adjacent to the site the building will clearly be a significant landscape feature; however given the close relationship with the existing farm complex it is not considered that the impact will be unduly determinant. Through gaps in the hedge from Fordham Road to the east again the development will be seen in relation to the existing building. The landscape officer has accessed the proposal and raises no objections to the building or the use of the photovoltaic roofing. The suggested landscaping scheme should help assimilate the building into the landscape. The material of the walling will be controlled by condition.
- 13.3 In long views from Fordham Road to the south of the site there are views of existing buildings; these will provide screening for the proposed development.

Impact on Neighbouring Properties/Amenity

- 13.4 Concerns regarding amenity have been received from the occupants of a house to the south east of the site. Any long views from this property will again be of the building in the context of the farm complex.
- 13.5 Conditions to control noise levels, which have also been imposed on the more recently erected buildings and lighting are proposed to minimise any adverse impact on amenity.

Highway Issues

- 13.6 There are concerns regarding the building generating additional vehicle movements. Information provided by the applicant indicates that traffic flows should not be increased. Highways are not raising any concerns about the proposal.

14.0 Conclusion

- 14.1 Policy DP8 gives support to existing agricultural uses whilst directing new farm buildings to locations which are sensitive to their location. Fairfield's Farm is an established farming enterprise; the proposed development is to support this business. The new building whilst undoubtedly large is located close to the existing complex of buildings and its impact will be reduced, in time, by the planting that will be agreed by condition. Concerns regarding additional traffic generation are not evident from information provided by the applicant. Amenity issues can be controlled by condition. It is considered that the proposed development is in accordance with Council Policies and guidance and can be supported.

15.0 Background Papers

- 15.1 PPS; Core Strategy; DPDP; HA; HH; TL; PTC; NLR

Recommendation - Conditional Approval

Conditions

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

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

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

- 2 - Non-Standard Condition

The development hereby permitted shall be carried out in accordance with the following approved plans i.e. elevations block plan and location plan received 8.11.2010.

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

- 3 - C3.1 Materials (general)

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

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

4 - 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.

5 - Non-Standard Condition

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

Reason: To protect the amenities of adjoining residents.

6 - Non-Standard Condition

The cold store plant shall be constructed, installed and maintained so as to comply with the initial noise condition (05). The noise generated by such equipment shall not have any one 1/3 octave band which exceeds the two adjacent bands by more than 5dB as measured at all boundaries near to noise-sensitive premises.

Reason: To protect the amenities of adjoining residents.

7 -Non-Standard Condition

The hereby approved agricultural building shall be used solely for purposes associated with the applicant's farming activities and shall not be used for livestock.

Reason: In the interests of residential amenity and to ensure the building remains in agricultural use.

8 - Non-Standard Condition

Any lighting of the development 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. This shall include sky glow, light trespass into windows of any property, source intensity and building luminance.

Reason: To reduce the undesirable effects of light pollution on the amenity of neighbouring residential properties.

9 - Non-Standard Condition

The public rights and ease or passage over public footpath Wormingford PROW 156_48 shall be maintained unobstructed at all times.

Reason: In order to ensure that the public footpath is not obstructed as a consequence of the construction of the approved works.

Informatives

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

For the purposes of Conditions 5 and 6 a competent person is defined as someone who holds a recognised qualification in acoustics and/or can demonstrate relevant experience.

INDEX TO PLANNING APPLICATIONS CODES

A	Advertisements	K	Certificate of Lawfulness
AG	Agricultural Determination	LB	Listed Building
C	Change of Use	M	County Matter
CA	Conservation Area	O	Outline
CBC	Colchester Borough Council	PA	Prior Approval
CC	Essex County Council	RM	Reserved Matters
F	Full	S	Electricity Consultation (Overhead Lines)
G	Government Dept. Consultation	T	Renewal of Temporary Permission
J	Alternative Development	X	Demolition in Conservation Area

INDEX TO BACKGROUND DOCUMENTS/REPORTS CODES (UPDATED OCTOBER 2000)

Note: Any Document or Consultee not included in these lists will be specified in full.

ARC	Adopted Review Colchester Borough Local Plan March 2004
BOT	St Botolphs Development Brief
CHD	Colne Harbour Urban Design Framework SPG - Nov. 2000
CPS	Cycle Parking Standards
ERP	Essex and Southend on Sea Replacement County Structure
GAP	Gosbecks Archaeological Park Draft Management Plan
HCP	High Woods Country Park Management Plan
MSP	Essex County Council - Minerals Subject Plan
VEM	East Mersea Village Appraisal - 19 February 1996
VFC	Village Facilities Survey 1995
VFD	Fordham Village Appraisal - 31 August 1994
VFG	Fingringhoe Village Appraisal - 1 September 1993
VGT	Great Tey Village Appraisal - 19 July 1993
VLG	Langham Village Appraisal - 6 April 1994
VPL	Peldon Village Appraisal - 4 June 1994
VRH	Rowhedge Village Appraisal - 20 November 1995
VWG	West Bergholt Village Appraisal - 30 August 1995
WMW	West Mersea Waterside Study

INTERNAL CONSULTEES

BC	Building Control Manager
CD	Conservation & Design Manager
CF	Financial Services
CU	Head of Street and Leisure Services
DO	Disability Access Officer
HA	Highway Authority (ECC)
HD	Housing Development Officer
HH	Environmental Protection (Env. Control)
MR	General Manager (Museum Archaeological)
PP	Head of Housing & Environmental Policy
SE	Head of Enterprise and Communities
SL	Legal Services
TL	Trees & Landscapes Officer - Planning Services

REPRESENTATIONS ETC

CAA	Correspondence with applicant/agent
CBC	Colchester Borough Councillor(s)
LAS	Other Local Amenity Society(ies) (not listed elsewhere)
NLR	Neighbours or Local Resident(s)
OTH	Other correspondence
PTC	Parish & Town Council(s)

EXTERNAL CONSULTEES (2 character codes)

AB	Soc Protection Ancient Buildings	HG	English Heritage - Historic Gardens
AM	Ancient Monuments Society	HM	English Heritage (Hist. Mon. Section)(England)
AR	Ardleigh Reservoir Committee	HO	The Home Office
AT	Colchester Archaeological Trust	HS	Health & Safety Executive
AV	Civil Aviation Authority	IR	Inland Revenue (Valuation)
AW	Anglian Water Services Limited	LF	Environment Agency (Waste Regs)
BA	Council for British Archaeology	MD	Defence Estates (East)
BD	Braintree District Council	MH	NEE Mental Health Services Trust
BG	Transco (B Gas)	MN	Maldon District Council
BH	Babergh District Council	MS	Marine Safety Agency
BO	Blackwater Oystermans' Association	NC	English Nature
BT	British Telecom	NE	North Essex Health Authority
BW	Essex Bridleways Association	NF	National Farmers Union
CA	Cmsn for Architecture & Built Environment	NI	HM Nuclear Installations Inspectorate
CB	Churches Conservation Trust	NP	New Possibilities Healthcare Trust
CE	County Education Department (ECC)	NR	Environment Agency
CH	Country Highways (Surveyor ECC)	NT	The National Trust
CS	Colchester Civic Society	PD	Ports Division (DETR)
CY	Colchester Cycling Campaign	PT	Petroleum Officer (ECC Trading Standards)
DS	Department of Social Security	RA	Ramblers Association
DT	Route Manager - Highways Agency	RD	The Rural Development Commission
DV	Dedham Vale Society	RE	Council Protection Rural Essex
DW	Dedham Vale & Stour Valley Project	RF	Royal Fine Art Commission
EB	Essex Badger Protection Group	RP	Rowhedge Protection Group
EE	Eastern Electricity – E-On	RR	Roman River Valley Society
EH	English Heritage	RS	RSPB
EI	HM Explosive Inspectorate	RT	Railtrack East Anglia
EN	Essex Wildlife Trust	RY	Royal Yachting Association
EP	Essex Police	SB	Save Britain's Heritage
EQ	Colchester Police	SD	MAFF Fisheries Office/Shellfish Division
ER	Essex Rivers Healthcare Trust	SK	Suffolk County Council
ET	Fair Trading (ECC Trading Standards)	SR	The Sports Council – Eastern Region
EU	University of Essex	ST	Colne Stour Countryside Association
EV	Environmental Health (ECC - Env. Services)	TB	Tollesbury Parish Council
EW	Essex & Suffolk Water Company	TG	Tendring District Council
FA	Essex Police - Fire Arms Officer	TI	Department of Trade and Industry
FB	Essex Fire & Rescue Service	TK	Tolleshunt Knights Parish Council
FC	Forestry Commission	TW	20 th Century Society
FE	Feering Parish Council	VI	Vehicle Inspectorate (GVTS)
GA	Colchester Garrison HQ	VS	Victorian Society
GE	Government Office for the East of England	WS	The Wivenhoe Society
GU	HM Coast Guard	WT	Wivenhoe Town Football Club
HB	House Builders Federation	WA	Wormingford Airfield (Gliding Club)
HE	British Horse Society	WW	Society Protection Ancient Buildings (Wind & Watermill Section)



Colchester Borough Council Environmental Control

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

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

Best Practice for Construction Sites

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

Noise Control

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

Emission Control

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

Best Practice for Demolition Sites

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

Noise Control

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

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

Emission Control

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