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## Item No: 7.4

**Application:** 183046 and 183047  
**Applicant:** Ingleton 7 Limited  
**Agent:** Mr Russell Forde  
**Proposal:** 183046

Demolition of solid fuel processing buildings; removal of built up hard surfaces against north wall of coach house with associated regrading of land; removal of wider coal yard hard surfaces; conversion of coach house to dwelling with single storey extension; erection of a pair of attached dwellings on coal yard; reorientation of yard access road; erection of detached four bay garage; associated hard and soft landscaping including improvements to public footpath corridor and biodiversity; implicit change of use from coal yard to two residential properties (Class C3) with private meadow.

### 183047

Demolition of solid fuel processing buildings; Conversion of coach house to dwelling with single-storey extension.

**Location:** Land to the North of Mill Buildings, Wakes Colne Mills,  
Colchester Road, Wakes Colne, Colchester, CO6 2BY  
**Ward:** Rural North  
**Officer:** Lucy Mondon  
**Recommendation:** Approval

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

- 1.1 The planning application is referred to the Planning Committee because the erection of dwellings in this location constitute a departure from the Local Plan. Both the planning application and Listed Building Consent application have been referred to planning committee by Cllr Chillingworth on the grounds of: effect on listed buildings; unsuitable design for the location; and dangerous highway access.

## **2.0 Synopsis**

- 2.1 The committee report will cover both the planning application and listed building consent application.
- 2.2 The key issues for consideration are the principle of development; landscape impact; heritage; design and layout; contamination; ecology; highway matters; flood risk and drainage; and amenity. These matters are assessed in the report, taking into account the representations of statutory consultees, professional advisers, and local residents. The application is subsequently recommended for approval subject to conditions.

## **3.0 Site Description and Context**

- 3.1 The site comprises of the driveway and coach house associated with Mill House (itself part of a complex of listed mill buildings now divided into three dwellings) and a former coal yard (located to the north of the mill buildings). The site is located outside the settlement boundary of Chappel and Wakes Colne (approximately 175m away) and is immediately adjacent to (with the frontage of the coach house and the driveway being within) a Conservation Area.
- 3.2 The coach house is directly ancillary to Mill House which forms part of the Wakes Colne Mills complex and is considered to be a curtilage listed building. Wakes Colne Mill was first designated as a grade II listed building on 27 January 1982 and the listing description reads as follows:
- 3.3 *Watermill circa 1840, brick walls in Flemish bond, 3 storeys and range of 4 windows, doors centrally on first and second floors with jettied sack-hoist over. Roof hipped and gambrelled, slate clad with lead flashings. Windows all 6-pane fixed. Half doors central to ground storey. Inside 3 pairs of millstones underdriven mounted on a hearse. Two storey ranges to south and east. Two storey gault brick office or house on north-east corner circa 1820, two window range of marginally glazed sashes at first floor, angled bay window below.*

- 3.4 The frontage of the coach house, part of the garden to Mill House, and the driveway is within Flood Zones 2 and 3, being alongside the River Colne. The coal yard part of the site is located in a Flood Zone 1. The site is recorded as being a Site of Special Scientific Interest (SSSI) and a nitrate vulnerable zone.
- 3.5 Public Right of Way 152\_27 runs along the eastern and northern boundaries of the coal yard part of the site.
- 3.6 The site is recorded as being Grade 3 agricultural land, although the site is clearly previously developed, with the coach house building and the later structures and hardstanding covering the adjacent coal yard site. The boundaries of the site have been built up with earth bunds and there is a great deal of detritus associated with the use of the site as a coal yard scattered on and alongside the bunds. The majority of the site is concrete hardstanding and a considerable amount of coal can still be seen scattered around the site.
- 3.7 The coach house is a single-storey brick-built structure that has undergone some modifications with later garage doors and internal works. The coach house faces south and has a low brick wall immediately to its frontage providing some separation from the garden beyond. Abutting the northern elevation of the coach house are later structures associated with the coal yard use of the adjacent site and the site levels have also been built up against the building. As a consequence, the northern elevation of the coach house is obscured. During site visits to the building it was noted that the coach house was being used sporadically in association with Mill House, at various times it was noted as being used as a makeshift home gym and storage area. The coach house is currently vacant and empty.
- 3.8 Whilst the site is outside the settlement boundary, there are a number of facilities and services in close proximity, such as a village hall, Post Office Store, Public House, Primary School, and business park. The Chappel and Wakes Colne train station is approximately 850m from the application site.

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

- 4.1 This report covers two applications: a full planning application and an application for listed building consent.
- 4.2 The planning application seeks planning permission for the demolition of the coal yard buildings; removal of built up hard surfaces against north wall of coach house with associated regrading of land; removal of wider coal yard hard surfaces; the conversion of coach house to dwelling with single storey extension; and erection of a pair of attached dwellings on coal yard. The proposal also includes the reorientation of the yard access road; erection of detached four bay garage; associated hard and soft landscaping including improvements to public footpath corridor.
- 4.3 The listed building consent application seeks consent for the demolition of coal yard buildings and internal and external works associated with the conversion of the coach house.

4.4 The application is supported by the following documents:

- Application forms
- Site location plan
- Existing and proposed site plan, plan and elevation drawings
- Site sections
- Indicative images
- Arboricultural Method Statement
- Arboricultural Implication Assessment
- Tree Survey and Constraints Plan
- Tree Protection Plan
- Design and Access Statement
- Preliminary Ecological Appraisal
- Bat and Reptile Survey Report
- Geoenvironmental Desk Study
- Flood Risk Assessment
- Heritage Statement
- Understanding and Design statement
- Landscape and Visual Appraisal
- Nigel Cowlin letter in response to landscape issues raised in local resident objections

## **5.0 Land Use Allocation**

5.1 Previously developed land having previously been a coal yard and part of a working mill complex (in the case of the coach house).

## **6.0 Relevant Planning History**

6.1 Recent relevant planning history as follows:

- 152352: Planning Application for the erection of 6 No. dwellings with associated garages and parking with new shared access and associated works (WITHDRAWN);
- 162414: Application for an existing lawful development certificate for use of land for storage and distribution of solid fuels (Class B8) with ancillary buildings (REFUSED).

## **7.0 Principal Policies**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development

Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

- SD1 - Sustainable Development Locations
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- UR2 - Built Design and Character
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- ENV1 - Environment
- ENV2 - Rural Communities
- ER1 - Energy, Resources, Waste, Water and Recycling

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

- DP1 Design and Amenity
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- 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
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

7.4 The Neighbourhood Plan for Boxted/Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

7.5 Submission Colchester Borough Local Plan 2017-2033:

The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing.

Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

1. The stage of preparation of the emerging plan;
2. The extent to which there are unresolved objections to relevant policies in the emerging plan; and

3. The degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo a full and final examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF in this particular case.

- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- Backland and Infill
- Vehicle Parking Standards
- Sustainable Design and Construction
- The Essex Design Guide

## **8.0 Consultations**

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

### Anglian Water:

No comments received.

### Arboricultural Officer:

In agreement with the information provided. The proposal requires the removal of vegetation within the internal part of the site. These removals would have limited impact on the wider landscape due to the vegetation on the periphery of the site. The proposals included in the submitted Arboricultural Method Statement, Arboricultural Impact Assessment, and Tree Protection Plan should be secured by condition.

### Archaeological Adviser:

The proposed application concerns the conversion of the Coach House, a curtilage Grade II Listed Building, dating from the early 19<sup>th</sup> century (Wakes Colne Mill and House, NHLE no. 1224981). In terms of below-ground archaeology, the proposed development is situated within the area of archaeological interest recorded in the Colchester Historic Environment Record. The site is located immediately above the floodplain of the River Colne, a location that is topographically favourable for early occupation of all periods. Groundworks relating to the application would cause ground disturbance that has potential to damage any archaeological deposits that exist. There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 199), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed. Additional condition recommended to require a historic building survey in order to record and analyse matters of historical importance associated with the site.

### Contaminated Land Officer:

The submitted Goldfinch Environmental Ltd, 'Geo-environmental Desk Study', Ref. 0561a/1, dated October 2018 is substantially the same as the Desk Study report submitted in support of a smaller application site (152352). This report is acceptable for Environmental Protection purposes. It is noted that some potential sources of unacceptable contamination have been identified and that a Phase 2 intrusive investigation is recommended to better characterise the risks. Recommended conditions for site characterisation; remediation, reporting of unexpected contamination; and validation of remediation.

Environment Agency:

No comments received.

Environmental Protection:

Recommended conditions to secure construction method statement.

Essex Bridleways Association:

No comments received.

Highway Authority:

The proposal is acceptable to the Highway Authority from a highway and transportation perspective subject to conditions for a construction method statement; for temporary signs along and before Public Footpath 17 alerting users of the footpath of construction works; to ensure that off-street parking is provided and maintained as such; and to secure bicycle storage.

Further consultation with the Essex County Council Public Rights of Way and Records Analyst who has confirmed that, subject to the above conditions, there would not be any negative impact to the Public Right of Way as a result of this application.

Historic Buildings and Areas Officer:

Following receipt of the original proposal, the Historic Buildings and Areas Officer raised certain issues that required clarification before a recommendation could be made. The main concerns were identified as being:

- The treatment of the Coach House's North elevation (including the deepening of the arches to convert them into windows and the opening of a door on the gable section)
- The articulation of the 'sun room', which should leave the added volume legible and distinct from the Coach House
- The form of the proposed garage to the east of the Coach House and mainly the treatment of the asymmetric roof.

Amendments were submitted to address the issues raised by the Historic Buildings and Areas Officer, whose comments are summarised as follows:

The revised proposals (drawings 2818-A-0311 REV P04, 2818-A-0312 REV P03 and 2818 - A-0313 REV P03) have addressed the concerns in regard to the conversion of the Coach House. The relevant comments covered:

- the treatment of the north elevation (including the proposal to deepen the arched openings and convert one of them into a door)
- the articulation of the proposed 'Sun room' to the existing building
- the roof of the proposed garage

The amended proposals provide satisfactory solutions to the above issues according to the Council's recommendations. Therefore and on the basis of these drawings, there are no objections to the proposals on heritage grounds.

Landscape Officer:

The Landscape Officer has referred to the site being outside the settlement boundary and being subject to Core Policy ENV1. ENV1 requires that *'unallocated green-field land outside of settlement boundaries (to be defined/reviewed in the Site Allocations DPD) will be protected and where possible enhanced, in accordance with the Landscape Character Assessment. Within such areas development will be strictly controlled to conserve the environmental assets and open character of the Borough'*.

The site lies within Colchester Borough Landscape Character Assessment Area A4 (Colne River Valley Floor), this describes the character of the landscape in detail and sets a landscape strategy objective to *'conserve and restore'* the landscape character of the Area. Within the overall character description for the Area it is identified that *'several bridges, mills and weirs scattered along the river corridor are evidence of the importance of the Colne as an area of settlement and industry'* and specially that *'an interesting weather-boarded – late Georgian example of a three-storey mill is located adjacent to a small church with a little spire at Chappel'*. This would intimate therefore that the visual dominance of the Mill within the landscape needs to be clearly illustrated within the proposal as being maintained in order to ensure the character of the area is conserved.

The viewpoint analysis within the Landscape & Visual Appraisal (LVA) dated 04/10/18 (ref NC18.481-lva01) is key in identifying if dominance of the Mill has been maintained as part of the current proposal and, if not, needs to be used as a tool to help redesign the development to ensure that dominance is maintained.

With regards to the original submission, the Landscape Officer made the following specific points:

1. The LVA needs to be augmented to include winter views from key viewpoints, including VP6 on (Fig 7) and VP1, VP8 & VP9 (Fig 8). It is also recommended the accurate outline of the proposed development (simple red line), showing building width and ridge-height, be included to principal viewpoints 10 & 11 (Fig 7) and 1 & 8 (Fig 8). This in order to help fully explore the impact of the proposed development on these principal views.
2. In order to help address concerns raised, the LVA needs to clarify that viewpoint 1 (Fig 8) is the principal point from which the site can be seen from the access track to Old Hall Farm, this as a note against viewpoint photo 1, photo-sheet 1. Likewise it needs to confirm that viewpoint 8 (Fig 8) is the principal point from which the site can be seen from the vantage points along Oak Road & PRow 126\_7 as a note against viewpoint photo 8, photo-sheet 4 and that viewpoint 11 (Fig 7) is the principal point from which the site can be seen from the vantage points along PRow 152\_27.
3. Development should propose the removal and re-landscaping of the earth banking to the perimeter of the site (subject to agreement by the ecologists), this to help revive the underlying character of the site, open views from the PRow and offer a deeper landscape setting to it.
4. Where rear gardens abut/back onto the Ecology Zone or Meadow a dark stain 1.8m dark stain hit-&-miss privacy fence needs to be proposed to these unit boundaries, with a native hedge planted along this fence-line on the outer (PRow) side. This in



order to protect the privacy of those gardens, the viability of the Ecology Zone and the amenity value/character of the PRow.

Following the submission of further information in respect of the LVA, the Landscape Officer commented as follows:

The professional viewpoint analysis (VA) within the Landscape & Visual Appraisal (LVA) dated 04/10/18 & 15/03/19 (ref NC18.481-lva01) is key in identifying if dominance of the Mill has been maintained as part of the current proposal and, if not, used as a tool to help redesign the development to ensure that dominance is maintained. With this in mind, the VA might be developed further to include an accurate outline of the proposed development (simple red line), showing building width and ridge-height for principal viewpoints 10 & 11 (Fig 7) and 1 & 8 (Fig 8). This in order to help further explore the impact of the proposed development on these principal views.

Further information was subsequently submitted and the Landscape Officer has concluded that the information is satisfactory and that there are no objections to the application on landscape grounds, subject to conditions to secure a detailed landscape scheme and a landscape management plan.

#### Natural England:

Natural England have identified that the development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester Borough Council, working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. This proposal falls below the scale at which Natural England would offer bespoke advice on this issue. It is advised that a Habitats Regulations Assessment (HRA) is undertaken to secure any necessary mitigation and record this decision within the planning documentation, consulting with Natural England where necessary. Planning permission should not be granted until the HRA has been undertaken and the conclusions confirmed.

#### The Ramblers Association:

The Ramblers look forward to the enhanced walking environment along and adjacent to Wakes Colne footpath 27.

#### SUDs:

As the application does not constitute major development, Essex County Council SUDs (as Lead Local Flood Authority) do not have any comments to make in respect of the application. Suggested conditions and informatives have been provided should they be considered relevant.

## **9.0 Parish Council Response**

9.1 Wakes Colne Parish Council objects to the proposal on the following grounds:

- The site is outside the settlement boundary and does not conform to the Local Plan for residential development;
- Major access concerns and increase in traffic movements along a narrow lane leading to the development site. Safety issues at the junction of the lane with Colchester Road (A1124) and to the entrance of the proposed development which is on a blind bend with a public footpath crossing the lane;
- Lack of utilities servicing existing buildings leading to a lack of capacity to accommodate development in this area;
- Inadequate information regarding what types of materials would be used; not in keeping with the rural surroundings of the area;
- Impact of site on the off-site flood risk for the immediate area.

9.2 Chappel Parish Council object to the proposal on the following grounds:

- The access to the site from the A1124 is on an unlit, blind bend which has had numerous accidents over the years and an increase in vehicles is, therefore, of great concern;
- The access road to the site crosses a public footpath;
- The development would be outside the settlement boundary for Wakes Colne;
- The site has not been allocated for development in the emerging Local Plan; and
- The site is within a flood risk area.

## 9.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

10.2 **Six objections** have been received, the content of which has been summarised below. The summary is provided in topics (in no particular order) for ease of reference.

- Procedural Matters:
  - It is incorrect to describe the site as a former coal yard; it has not recently gone out of use and has been determined as being 'abandoned' by the Council. The industrial use of the site cannot, therefore, be reinstated.
  - No 'blue lined' plan has been submitted with the application.
  - It is not clear whether Chappel Parish Council have been consulted. The site is visible from the public realm of Chappel and impacts on nearby Chappel residents. It is appropriate that Chappel Parish Council are consulted.
  - The photographs submitted with the application have been selectively taken and the points chosen are not the only points where the mill can be appreciated from (from the public realm).
  - The drawings and information included in the heritage statement and Design and Access Statement are insufficient with which to make an informed decision on the preservation or enhancement of the listed buildings/conservation area.

- None of the drawings include specific reference to materials or the approach to landscaping.
- The heritage statement does not adequately describe the setting or significance of the Grade II listed mill/Old Granary and Mill House, or the Chappel Conservation Area.
- The Design and Access Statement does not meet the legal requirements for information on access.
- No Transport Assessment/Statement has been submitted. Consequently, there is no information on the level of traffic that is expected to be generated by the proposed development or the accident data relating to the junction with the A1124.
- General Queries:
  - Who would own the meadow and maintain it; how could overflow parking be prevented?
  - Would the concrete and other pieces of material along the site bund be removed?
  - How would Mill House be redeveloped?
- Principle of Development:
  - The site is outside the village envelope and is not recommended for development in the new Local Plan. It does not meet the criteria for ENV1 or ENV2.
  - The proposal would be contrary to policy SD1.
  - The proposal is contrary to policy UR2 as it would be discordant with its context and fails to enhance the quality and function of the area.
  - The site should remain undeveloped as this would be better in keeping with the character of the locale than the proposed development.
  - An appeal for residential development at Virley Cottage, outside the settlement boundary of Wakes Colne, was dismissed (APP/A1530/W/17/3178618) with the reasons holding true for this site.
  - The Council refused outline permission for 2 No. houses on a relatively new B2 industrial development (ref: 172053) outside the settlement boundary less than 1km from the application site, the reason being that it would have an unnecessary urbanising impact on the countryside. This site is superior to the application site from a sustainability/accessibility aspect and would have less of an urbanizing impact than the current proposal.
  - There is no presumption that previously developed land should be re-developed.
  - The emerging Local Plan has identified a suitable site for the provision of additional housing (30 units) within Chappel and Wakes Colne.
  - Policy ENV1 states that development will be directed away from land at risk of fluvial flooding.
  - There is little evidence of any substantial economic, social, and environmental benefits which would outweigh other material planning considerations.
  - Paragraph 79 of the NPPF states that decisions should avoid the development of isolated homes in the countryside unless certain circumstances apply: optimum use of a heritage asset; the redevelopment of redundant or disused buildings and enhance its immediate setting; and the design being of exceptional quality. The application does not demonstrate how the scheme meets these criteria.

- Highway Matters:
  - Three new dwellings would result in at least six cars which would double traffic movements along the lane and have safety implications for users of the public footpath and access to/from the A1124.
  - The site access is limited, being a single track lane that is unlit and without passing places or a footpath. It is not suitable for additional traffic.
  - The access lane joins Colchester Road on a sharp bend. Although being a 30mph limit there have been accidents on this road and traffic surveys have recorded average speeds to be in excess of 30mph. the junction is not suitable for additional traffic without improvements.
  - 10 no. parking spaces is considered to be excessive for two new houses, the coach house, and Mill House.
  - It would be dangerous for pedestrians to reach the bus stop and train station. There is a footpath on the north side of the road which requires pedestrians to cross the main road on a blind corner.
  - The application form states that no new or altered vehicular access proposed to or from the public highway is being proposed, but it would appear from the extent of the recent resurfacing work along the access lane that there would be an altered/new access onto maintainable public highway.
  - It is not evident that due regard has been given to appropriate visibility splays.
- Services:
  - Neither the site nor the mill buildings have mains sewerage.
  - Mains water is supplied by an old lead pipe that serves all buildings and water pressure is low. There is no information provided to explain how this service would be protected for existing residents or for the new development.
  - The application form proposed that the development will be connected to an existing drainage system/mains sewer. It is not clear how this will be effected as it is understood that there is no main sewer in the vicinity.
- Layout and Design:
  - Current building and population density in the area is low; any increase in densities would be wholly inconsistent with the character of the locale and would be 'urban sprawl'.
  - Lack of information provided regarding construction materials.
  - Whilst the works to the coach house appear sympathetic, the two new dwellings are out of character with the style of the listed buildings present and the general nature of building throughout Colne Valley.
  - The proportions of the proposed new dwellings are 'all wrong' and the developer is trying to cram in too much. The development, as well as proposed landscaping, would obscure parts of the mill from the north, including from Public Right of Way 152\_27.
  - The extension to the coach house, and its fenestration, is incongruous and not harmonious with the character of the existing building. There is no justification for lowering the window sills of the curved windows in the southern elevation. The roofline of the sun room extension would interfere with the visual proportions of the heritage asset. The sun room extension would be a dominant addition to the building as there is no visual break

between old and new. Such extensive use of glass would detract from the rural character of the coach house.

- There is nothing within the application to suggest that the proposed design is of a high standard, contrary to policy DP1.
- Paragraph 70 of the NPPF states plans should consider the case for setting out policies to resist inappropriate development of residential gardens. The Mill House currently has an area of lawned garden that will be destroyed by the creation of a new site access. Given that the Mill House is listed this is considered inappropriate development of a residential garden harming an integral part of the heritage asset.
- The new access to the proposed dwellings would result in loss of garden to the Mill House, leaving just an overlooked courtyard area and a detached parcel of land to the south of the river that can only be accessed by crossing the narrow flood gates.
- Concern regarding the scale of the proposal and how it will sit in the landscape and the context of the mill complex; a substantial portion of the building roof would be visible between the coach house and Mill house. The silhouette of the coach house against the landscape would be lost.
- The new dwellings would be overly long and monolithic.
- Landscape Impact and Trees:
  - The proposal is contrary to policy ENV1. It is not appropriate in terms of its 'scale, siting and design' and does not 'protect, conserve or enhance landscape character, including maintaining settlement separation. The proposal does not 'protect, conserve or enhance the interests of natural and historic assets'.
  - A two-storey 'incongruous development' does not maintain the important cross-valley views identified in the Colchester Borough Landscape Assessment, nor does it conserve the open character of the floodplain.
  - The former coal yard is not considered to be an eyesore and the proposal is not considered to be a better alternative. The former coal yard is a rather pleasing green space from a landscape and amenity perspective.
  - No site levels provided so the skyline and views of the development from a distance cannot be accurately verified.
  - The submitted LVIA wrongly concludes that the visual influence of the proposed development is limited to the footpath around the perimeter of the site and to the footpath immediately south of the mill complex.
  - The Colne Valley is an important rural amenity asset and any development should be carefully considered due to the risk of degrading it. The proposed development would set an unfortunate precedent.
  - Would the trees listed as B1 value be protected by tree preservation orders? And would trees on the river bank be protected?
- Heritage:
  - In 2014, a ruling by the Court of Appeal (Barnwell Manor Wind Energy Ltd v East Northants District Council, English Heritage and the National Trust) made it clear decision makers must give considerable importance and weight to the desirability of preserving the setting of listed buildings (and by implication other heritage assets) when carrying out the balancing exercise of judging harm against other planning considerations, as required under the National Planning Policy Framework.
  - The proposals for the coach house are ugly and unsympathetic to its heritage.

- The Mill House (owned by the applicant) has deteriorated and no new development should be allowed until works to repair and maintain Mill House have been carried out.
- The proposed development would have an impact on the Conservation Area. The application does not consider the impact of the development on views from the conservation area to the east, along the lane, and from footpath 152\_27.
- The proposal will impact on the setting of a listed building. Mills traditionally are relatively isolated and, by building two-storey buildings closer to the river is introducing buildings that interfere with the isolated mill context and would 'crowd' the existing listed buildings. As Public Right of Way 126\_7 commands an elevated position, it is evident that the view of the relatively isolated mill complex would be seriously prejudiced by the introduction of an 'alien, elongated two storey semi as a backdrop'. The proposed buildings would be visible above existing rooflines, blotting out views of the separating vegetation beyond, creating the appearance that the mill is part of a much larger urban complex which destroys the ability to read its historical setting.
- The conversion of the coach house displaces existing vehicle garaging/parking provision and should not be seen as a justification for constructing further garaging on site. The proposed 4-bay shared garage looks to be orientated the wrong way round and would be impractical with the entrances facing north rather than south. The garaging is incongruous and the design appears more suited to a modern housing estate than the setting of a listed building.
- The coach house already has a viable use and therefore its conversion cannot be justified on the basis of circumstances listed in paragraph 79 of the NPPF. The proposal is not considered to be the optimal use of the building; the coach house has been used as a utility/boiler room, storage and garaging to the Mill House and there is no reason why this could not continue.
- The enclosures created by fencing off different areas are inappropriate. The coach house should not be seen as a separate entity to the remainder of the existing buildings. There is not considered to be any justification for the loss of the Mill House garden.
- The applicant has not adequately addressed the potential archaeological interest of the site given that there may have been a mill on site since 1066.
- There are not considered to be any public benefits arising from the proposal in order to justify the harm of altering the proportions, fenestration, and sub-division of space of the coach house.
- The application suggests that the redundant modern storage buildings to the north of the coach house and the raised ground level is causing harm to the fabric and setting of the building, but there is no technical/structural survey to support this. There is no evidence to suggest that the future of the building would be at risk if the proposal does go ahead.
- Ecology:
  - The proposal is contrary to policy ENV1 as it does not 'protect habitats and species and conserve and enhance the biodiversity of the Borough'.
- Flood Matters:

- There is insufficient information on SUDs. The former coal yard now provides a semi-permeable surface (as former hard surfaces have weathered and broken down). It is not known what materials would be used to create driveways etc.
- The Mill and the lane regularly flood (most recent serious flooding being in 2013/2014).

10.3 During the course of the application both revised and additional information was submitted in order to address specific heritage and landscape matters. It was not considered necessary to carry out further public consultation as the proposed changes were not significant given that they covered views already expressed in the objections previously received. Nonetheless, further comments were received from two local residents. One resident commented that the further information did not address their original comments around the impact on views, listed buildings, or materials. The other representation received was more extensive and is summarised as follows:

- No extension of time has been agreed.
- A new public consultation period should be undertaken as new applicant material has been received.
- There is a claim that the site is outside a Conservation Area, but part of the site is within the Conservation Area.
- The landscape information does not include a view from Observatory Cottage and Public Right of Way 126\_7. The photos and views submitted are highly selective and do not show the impact of the proposal.
- The approximate ridgeline of the proposal in the supporting information submitted does not look correct.
- The picture viewpoints submitted do not show the bulk of the new dwellings or the impact of hard surfacing.
- Inadequate information regarding proposed materials.
- New documentation makes reference to the untidy site; development of the site is not necessary for it to be tidy.

10.4 The matters raised in the local representations will be addressed in the main body of this report.

## 10.0 Parking Provision

11.1 A total of 14 no. car parking spaces are proposed. There is ample space at each plot for cycle parking.

11.2 The EPOA Vehicle Parking Standards set requirements for parking for residential dwellings as follows:

	Car Parking (minimum)	Cycle Parking (minimum)	PTW (minimum)	Disabled (minimum)
2+ bedroom	2 spaces per dwelling	1 secure covered space per dwelling (none if garage or	N/A	N/A if parking is in curtilage of dwelling.

		secure area is provided within curtilage of dwelling)		
Visitor/unallocated	0.25 spaces per dwelling (rounded up to whole number).	If no garage or secure area is provided within curtilage of dwelling then 1 covered and secure space per dwelling in a communal area for residents plus 1 space per 8 dwellings for visitors.	1 space + 1 per 20 car spaces (for 1 <sup>st</sup> 100 car spaces), then 1 space per 30 car spaces (over 100 car spaces).	3 bays or 6% of total capacity, whichever is greater.

## 11.0 Accessibility

12.1 An explanation of access is set out in the submitted Design and Access Statement.

12.2 In terms of accessibility and the Equality Act, the proposal is not considered discriminate against disability, either directly or indirectly. The proposals are designed so as to provide both living areas and bedroom space at ground floor level (the Coach House) or have flexibility for adaptation (Plot 1 and Plot 2).

## 13.0 Open Space Provisions

13.1 The proposed development provides garden space in excess of the 100sqm space required for 4-bed dwellings in the Local Plan (Policy DP16).

13.2 The meadow area on the eastern side of the site, at just under 900sqm, equates to 10% of the site area and therefore public open space is provided in accordance with DP16.

## 14.0 Air Quality

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

## 15.0 Planning Obligations



- 15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

## **16.0 Report**

- 16.1 The main issues in this case are: principle of development; landscape impact; heritage matters, design, and layout; contamination; ecology; highway matters; drainage and flood risk; and amenity.

### **16.2 Principle of development**

In terms of the principle of development, Core Strategy Policy SD1 seeks to locate growth at the most accessible and sustainable locations in accordance with the settlement hierarchy (Colchester Town and Stanway being at the top of that hierarchy, extending down to District Settlements of Tiptree, West Mersea, and Wivenhoe; with other villages in the Borough being identified as ‘Rural Communities’) and a sequential approach that gives priority to accessible locations and previously developed land (PDL). The requirements of TA1 are relevant such that development needs to be focused on highly accessible locations to reduce the need to travel.

- 16.3 Core Strategy Policy ENV2 expands upon the requirements for development within rural communities, confirming that the Borough Council will enhance the vitality of rural communities by supporting appropriate development of infill sites and PDL within the settlement development boundaries of villages.

- 16.4 It is relevant to consider that Government guidance acknowledges that rural housing is essential to ensuring the viable use of local facilities such as schools, local shops, cultural venues, public houses, and places of worship. Paragraph 78 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Indeed, where there are groups of smaller settlements, development in one village may support services in a village nearby. Paragraph 84 states that the use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist, although Paragraph 79 makes it clear that Planning policies and decisions should avoid the development of isolated homes in the countryside unless specified circumstances apply.

- 16.5 The application site is not located within a village settlement boundary so falls outside the settlement hierarchy of policy SD1 and the provisions of policy ENV2. It is noted however that both policy SD1 and the NPPF seek to focus development to Previously Developed Land (PDL) and the site, having formally been a coal yard, falls within this category.

- 16.6 The development of PDL is encouraged so this weighs in favour of the development. In terms of sustainability and accessibility, Chappel and Wakes Colne have a number of facilities and services that are in reasonable proximity to the site. To the north and east of the site is the village hall, Post Office Store, Public House, and Primary school, all of which are within desirable walking distance of

500m (as per guidance in The Institute of Highways and Transportation Guidelines for Providing Journeys on Foot). There is also a bus stop at the Post Office Store which provides public transport further afield to Halstead and Colchester. The Chappel and Wakes Colne Train Station is approximately 850m to the north of the site, and the Wakes Hall Business Park is approximately 970m to the north-west, which is again an acceptable walking distance for commuting should residents choose to walk. It is accepted that the safest walking route to these facilities would be along the PROW and that, at times of inclement weather this would be less appealing to pedestrians, although it is considered that in poor weather people would generally choose to drive to facilities rather than walk in any case. Given the proximity of the site to a number of services and facilities (without the need to travel by private car), the proposal is not considered to be 'isolated' and is sustainable. The proposed development would support these local services and facilities and help to maintain their vitality in accordance with the NPPF.

- 16.7 The accessibility to services and facilities without the need for private car is also considered to meet the principles of policy TA1, bearing in mind paragraph 84 of the NPPF which states that it should be recognised that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 16.8 In terms of housing density and diversity, Core Strategy policies H2 and H3 require developments to make efficient use of land and relate to their context. A range of housing types and tenures across the Borough is sought in order to create inclusive and sustainable communities. The policies go on to state that new developments must enhance local character and optimise the capacity of accessible locations. The proposed development is for dwellings served by large plots with off-road parking. This is considered to be contextually appropriate given the similar nature of surrounding development.
- 16.9 It is important to note that Core Strategy Policy ENV1 does not apply to the principle of development in this case. This policy states that unallocated greenfield land outside of settlement boundaries will be protected; whilst the site is unallocated it is previously developed land so is not greenfield land that is protected by the policy.
- 16.10 In conclusion, the proposal would result in the redevelopment of previously developed land which is encouraged in both national and local planning policy; it is not considered to be 'isolated' in NPPF terms; would be in a reasonable accessible location in terms of having access to facilities and services without the need to travel by private car; and the proposal is considered to be of a suitable density given its location. Further material planning considerations are necessary, and the planning balance will need to be considered in order to make a final conclusion on the acceptability of the proposal.
- 16.11 Landscape Impact (including trees)

Core Strategy Policy ENV1 seeks to conserve and enhance Colchester's natural and historic environment, countryside and coastline, with Development Plan Policy DP1 requiring development proposals to demonstrate that they, and any ancillary activities associated with them, will respect and enhance the character of the site, context and surroundings in terms of (inter alia) its landscape setting.

16.12 As identified by the Council's Landscape Officer, the site lies within Colchester Borough Landscape Character Assessment Area A4 (Colne River Valley Floor), which describes the character of the landscape in detail and sets a landscape strategy objective to '*conserve and restore*' the landscape character of the Area. Within the overall charter description for the Area it is identified that '*several bridges, mills and weirs scattered along the river corridor are evidence of the importance of the Colne as an area of settlement and industry*' and specially that '*an interesting weather-boarded – late Georgian example of a three-storey mill is located adjacent to a small church with a little spire at Chappel*'. It is therefore considered that the visual dominance of the mill complex is maintained in the interests of the landscape character of the area.

16.13 Further information was submitted in respect of the Landscape and Visual Appraisal to include winter views of the site, additional viewpoints, as well as more accurate outlines of the proposed development in the landscape context. Whilst local objection has referred to the appraisal omitting view from footpath 152\_27, this is not the case as viewpoints 8 and 9 are both from this footpath. Local objection has also queried the accuracy of the viewpoint photographs, but there are no concerns in this regard given that the viewpoints have been gathered by a professional Landscape Consultant in accordance with industry standards; viewpoints have been established by establishing zones of theoretical visibility (ZTV) and these viewpoints have been verified by the Council Landscape Officer. In contrast, the photographs provided by some of the objectors are 'zoomed' in photographs from locations away from public rights of way (where the general public do not have a legal right of access) so could not be used as evidence in an assessment of landscape impact. For clarity, the viewpoints used in the Landscape and Visual Appraisal are shown in the following figures:

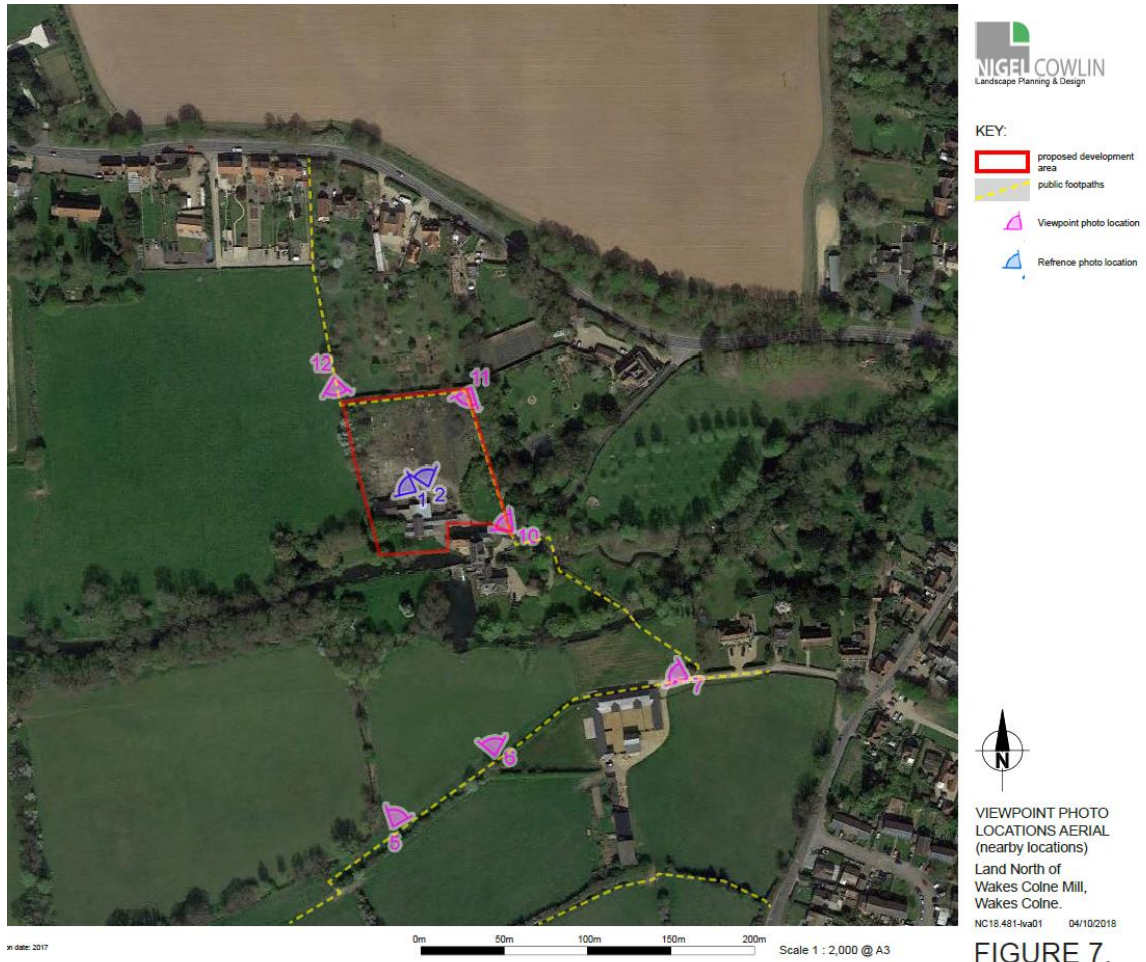
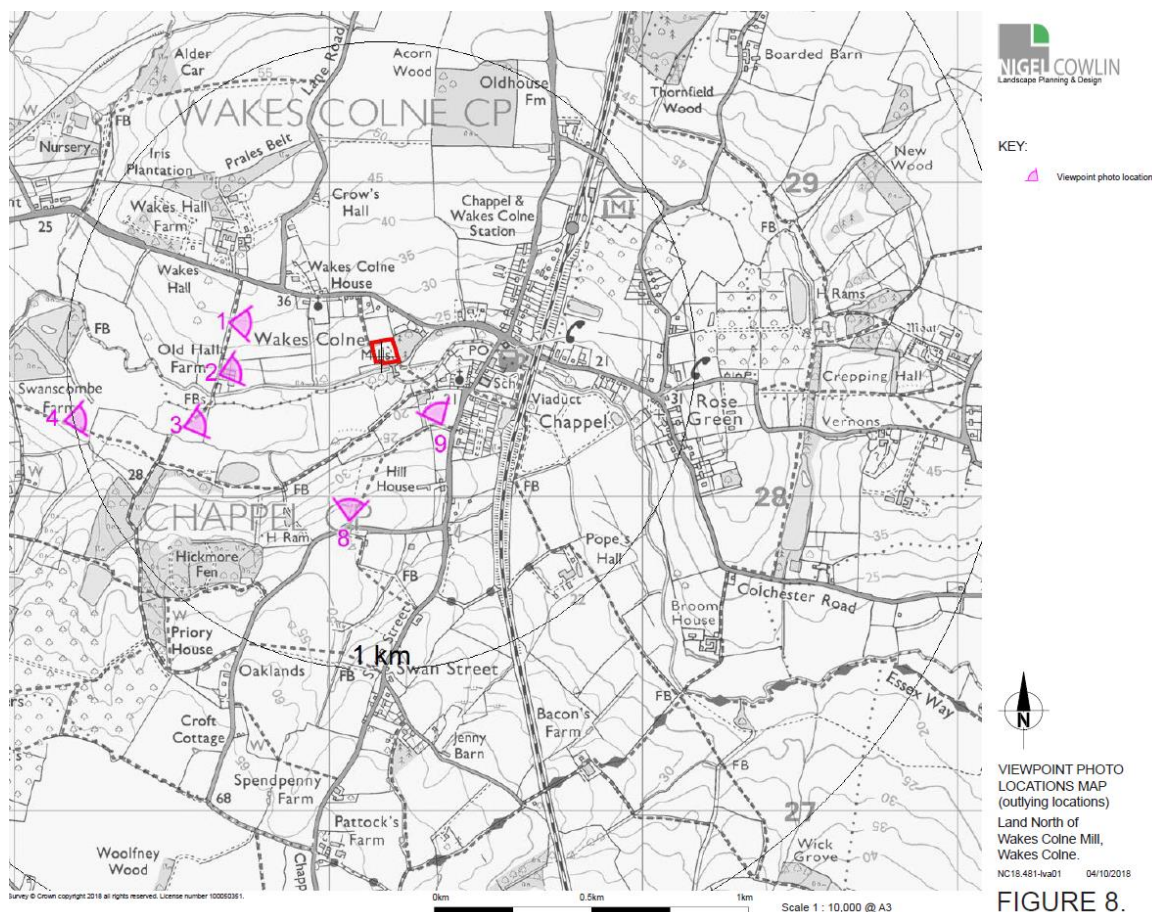


FIGURE 7.



16.14 Following receipt of the additional information in respect of viewpoints, the Council's Landscape Officer has concluded that the level of information is satisfactory. It is considered that the information demonstrates that the mill complex would remain entirely legible in the landscape and would not be dominated or diminished by the new build proposed.

16.15 The landscaping of the site can be achieved in an acceptable manner. Landscaping to the boundaries of the site would, as shown on the proposed site layout drawing (2818-0106 Rev P04), be informal with hedge planting. There is some more formal planting within the shared drive between the coach house and proposed new build. Detailed landscape proposals can be approved and secured via condition. Local representations have criticised the proposal by stating that there is insufficient information with which to assess landscape proposals. This is not considered to be the case as the proposed layout submitted with the application indicates a landscape concept to a similar level of detail that would be seen in any number of planning applications for residential development. It is entirely acceptable for detailed proposals to be secured via condition once the general landscape concept has been agreed.

16.16 In terms of trees, the B category trees along the boundaries of the site would be retained and protected during the course of the development. There are some trees in the centre of the site that would be removed in order to make way for the development, but their loss is not considered to be significant given their category (C Class or unclassified) and the retention of more prominent trees along the boundary. The Council Arboricultural Officer is satisfied with the information



provided with the application, subject to its content being secured by condition; the condition will ensure adequate tree protection and appropriate construction techniques.

- 16.17 On the basis of the above, the proposal is considered to accord with both policy ENV1 and DP1 in respect of landscape impact.

16.18 Heritage

The relevant legislation for the review of the application is the Planning (Listed Buildings and Conservation Areas) Act (1990), where Section 16(2) states that in considering the granting listed building consent special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 66 (1) requires that the decision to grant planning permission for development which affects a listed building or its setting shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same document stresses that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

- 16.19 The National Planning Policy Framework (2019) is an additional consideration. Section 16, Paragraph 192(a) states that the determination of applications should take into account the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. Paragraph 192 (c) states that in determining applications, the desirability of new development making a positive contribution to the local character and distinctiveness should be taken into account. Paragraph 193 determines that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and paragraph 194 determines that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Whereas paragraph 195 deals with substantial harm to a designated heritage asset, Paragraph 196 states that where a development proposal will lead to less than substantial harm to the asset's significance, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 16.20 Both Core Strategy Policy ENV1 and Development Plan Policy DP14 seek to conserve and enhance Colchester's historic Environment. Development Plan Policy DP14 makes it clear that development will not be permitted that will adversely affect a listed building, conservation area, historic park or garden, or important archaeological remains. This policy is not entirely consistent with the NPPF that requires that less than substantial harm be weighed against the public benefits at paragraph 196.

- 16.21 The planning application involves the construction of 2 No. dwellings on the coal yard site, as well as the conversion of the Coach house into a dwelling. The proposals include lowering the ground level of the coal yard, the removal of the buildings to the north of the Coach House, the addition of a four bay garage to its east, and an one-storey extension to its west side.

- 16.22 In terms of built heritage, The Mill and the adjacent House are listed at Grade II (UID 1224981), with the following description "*Watermill circa 1840, brick walls in Flemish bond, 3 storeys and range of 4 windows, doors centrally on first and second floors with jettied sack-hoist over. Roof hipped and gambrelled, slate clad with lead flashings. Windows all 6-pane fixed. Half doors central to ground storey. Inside 3 pairs of millstones underdriven mounted on a hearse. Two storey ranges to south and east. Two storey gault brick office or house on north-east corner circa 1820, two window range of marginally glazed sashes at first floor, angled bay window below.*" The Mill complex was converted into dwellings in the 1970s when the industrial use of the site ceased.
- 16.23 The site also includes the 19<sup>th</sup> c. Coach House, to the north of the Mill. The Coach House appears in the Tithe Maps from 1841 and the consequent OS maps.
- 16.24 Since the 1940s, the land north to the Coach House was used as a coal yard. The ground level of the yard has been filled in, while a group of outbuildings were added to the north side of the Coach House in the 1980s, to serve the coal business. After this business ceased, the buildings that abut its north elevation, and the former coal yard became redundant. The coal yard site part of the wider setting of the mill complex. It does not make a particular contribution to the significance of the listed building beyond the fact that it is vacant.
- 16.25 Part of the application site is also situated within the designated Chappel Conservation Area (its boundaries include the Coach House, but not the coal yard to the north).
- 16.26 The site's interest from a heritage perspective is therefore considerable, since the proposals involves the conversion of the Coach House which has listed status as curtilage building of the Mill Complex. Additionally, the proposed development will impact the setting of the designated heritage asset, while the scheme will also affect the character and appearance of the Conservation Area.
- 16.27 The review of the proposals from a heritage perspective involves two issues: firstly, the conversion of the Coach House and the direct impact of the proposed works on the historic asset itself and secondly, the proposed development on the coal yard and its effect on the setting of the designated Mill complex and the Chappel Conservation Area.
- 16.28 The Council Historic Buildings and Areas Officer has commented that the proposal to convert the redundant Coach House into a dwelling is in principle welcome, as the NPPF encourages the introduction of new viable uses to heritage assets, as long as it is consistent with their conservation. The Coach House is preserved in a fairly good state and would lend itself well to the conversion. Although its southern elevation is in a good condition, the northern one shows the signs of the adjacent use of the coal yard and its subsequent redundancy: the 1980s structures obscure its north elevation, while the fenestration has been altered and the wall suffers from rising damp due to the built up of the coal yard to its exterior. At the site visit, significant cracks were evident along the northern wall of the coach house as well as signs of pressure from the raised ground levels externally.

- 16.29 The removal of the modern structures and the restoration of the ground level are expected to have a positive impact on the historic building, as they will reveal its north elevation and improve the condition of the north wall.
- 16.30 Other considerations regarding the impact of the conversion on the character of the building include the addition of the sun room: its addition is not in principle an issue, as it is understood that the extension seeks to counterbalance the lack of views to the river from the Coach Houses' main space due to the existing height of the south windows, which are preserved in their original form.
- 16.31 The revised proposals (drawings 2818-A-0311 REV P04, 2818-A-0312 REV P03 and 2818 - A-0313 REV P03) have addressed the concerns in regard to the conversion of the Coach House. The relevant comments covered:
- the treatment of the north elevation (including the proposal to deepen the arched openings and convert one of them into a door)
  - the articulation of the proposed 'Sun room' to the existing building
  - the roof of the proposed garage
- 16.32 The amended proposals provide satisfactory solutions to the above issues according the Council's recommendations. Therefore and on the basis of these drawings, there are no objections to the proposals on heritage grounds.
- 16.33 The addition of the new dwellings on the Coal Yard will alter the setting of the listed Mill complex and will affect the views from and towards the historic asset in so far as it would add built form. The proposal would also result in changes that affect the Conservation Area. The treatment of the boundaries and the landscaping of the open spaces are important factors in order to protect the public amenity (public pathway) and ensure further mitigation of the impact on the setting of the historic complex.
- 16.34 The form and layout of the new dwellings references rural utilitarian and agricultural buildings and the choice of materials attributes an industrial character that suits the setting of the Coal Yard. Moreover, according to the Site Sections, the ridge of the new dwellings sits lower than the Mill's roof line and almost at the same height with the Coach House's ridge. As assessment of the landscape impact has concluded that the proposal would retain the dominance of the mill complex from public views.
- 16.35 The decision to include the conversion of the Coach House and remove the redundant buildings from its north elevation represents an important improvement regarding the scheme's heritage impact. The conversion of the curtilage building, in a manner that is consistent to its conservation, complies with NPPF's Paragraph 192 (a). It remains to ensure that the proposed works will cause less-than substantial harm to the building's significance, according to the NPPF's definition, which will be counterbalanced by the expected public benefit of putting the historic building back to viable use, according to NPPF's paragraph 196. Conditions will be necessary to ensure appropriate materials and detailing. A historic building survey could be conditioned to provide a detailed record of the coach house in



order to allow further recording of the curtilage listed structure in the interests of historical understanding.

16.36 In terms of below ground archaeology, the Council's Archaeological Adviser has confirmed that ground works associated with the proposed development would cause ground disturbance that has the potential to damage archaeological deposits, should there be any. The professional advice of the Archaeological Adviser is that there are no grounds to consider refusal on this basis as suitable conditions will secure archaeological investigation that would record and advance the understanding of the significance of archaeological deposits, which should be preserved in situ. The proposal is therefore considered to be in accordance with policies ENV1 and DP14 subject to these conditions.

16.37 Layout and Design

In considering the design and layout of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.

16.38 Development Plan Policy DP12 requires high standards for design, construction, and layout. In considering proposals for new residential development, the following needs to be taken into consideration:

- i. The avoidance of adverse overshadowing between buildings or over neighbouring land uses, and of other adverse microclimatic effects resulting from medium and high rise buildings at a high density;
- ii. Acceptable levels of daylight to all habitable rooms and no single aspect north-facing homes;
- iii. Acceptable levels of privacy for rear-facing habitable rooms and sitting-out areas;
- iv. A management and maintenance plan to be prepared for multioccupancy buildings and implemented via planning conditions to ensure the future maintenance of the building and external spaces;
- v. Flexibility in the internal layout of dwellings to allow adaptability to different lifestyles;
- vi. Vehicle parking (including secure cycle and motorcycle parking) to an appropriate standard, as set by Essex County Council and policy DP19, and provided in a visually acceptable manner. In the case of flats, secure cycle storage should be incorporated into flat blocks and readily located at the building entrances, and;
- vii. An accessible bin and recycling storage area, and external drying areas.

16.39 As set out above, the design and layout of the proposal is considered to be appropriate in terms of landscape and heritage impact. The conversion of the coach house has been found to be acceptable in listed building terms. The design of the new build is such that it reflects the more industrial nature of the former coal yard and this is considered to be an appropriate design response given this context. The proposals are considered to meet the relevant requirements of Policy DP12 as there would be no adverse overshadowing, adequate daylight to habitable rooms, acceptable levels of privacy. Matters of parking and flexibility of internal layouts have been addressed within the main body of this report. The requirements relating to multi-occupancy buildings is not relevant in this case.

- 16.40 Local representations have stated that there is insufficient information with regards to the design and materials proposed, but this is not considered to be the case. Details have been provided to show indicative sketches of the proposals, as well as more detailed drawings and examples of the detailing proposed. These details accord with the design approach being put forward and are considered to be acceptable. Precise details can reasonably be secured by condition.
- 16.41 Given the current state of the site, with the former coal yard buildings visibly deteriorating and the site being overgrown with a great deal of coal waste and various items associated with the former use being strewn across the site and imbedded in the bunds on the boundaries, the proposal is considered to enhance the site. This is not limited to clearing and tidying the site, but with enhanced landscaping.
- 16.42 Local representation has expressed concern with the garden of Mill House being compromised as a result of the development. Although the garden to Mill House (which currently consists of a grass area to the front of the building and two areas of land either side of the river) would be altered, the proposals still allow for ample garden space; the Mill House would still have the garden space to the south of the river which it currently enjoys. Further consideration of amenity and garden space is considered in the Amenity heading below.
- 16.43 The proposal is therefore considered to be acceptable in design terms, subject to conditions, in accordance with the aforementioned policies.
- 16.44 Contamination  
Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land.
- 16.45 Given the history of the site as a coal yard and the proposed vulnerable use (residential), it was necessary for the application to be supported by a contaminated land assessment. The submitted assessment identified some potential sources of unacceptable contamination which require further investigation in order to characterize the risks. The Council Contaminated Land Officer considers this to be acceptable subject to conditions for site characterisation; remediation, reporting of unexpected contamination; and validation of remediation. The proposal is therefore considered to comply with policy DP1 in respect of contamination.
- 16.46 Ecology  
Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.

- 16.47 The application was supported by a Preliminary Ecology Appraisal. The appraisal concluded that the site is of moderate ecological value, based upon the presence of low numbers of roosting bats and reptiles and the location of the site being adjacent to the River Colne. Mitigation measures would enable the proposed development to proceed with negligible risk of harm to protected species and without any significant negative impact upon habitats or any local wildlife population. The appraisal identified that additional bat surveys (for roosting bats) and reptile surveys would be required. Recommendations were made in respect of reducing any risk of harm or disturbance to Water Voles, nesting birds, and Hedgehogs and Common Toads, along with general precautions in respect of badgers. Biodiversity enhancements, such as bat and bird boxes, native tree and shrub planting, and habitat piles are also recommended.
- 16.48 The additional Bat and Reptile Survey concluded that there were very low numbers of bats found to be using the site and, as such, mitigation measures were appropriate. The recommended mitigation measures include the timing of demolition/construction (not between sunset and sunrise between April and September), as well as sensitive lighting. In terms of reptiles, the appraisal found that, without mitigation, the proposed development would result in direct loss of suitable reptile habitat and potentially kill and/or injure Common Lizards, Slow Worms and/or Grass Snakes. The provision of an area of habitat of approximately 0.12ha was considered by the appraisal to be sufficient to support the small population of Common Lizard, Slow Worms, and Grass Snakes recorded on site. Translocation of reptiles would be necessary, with reptile fencing being erected around the development area in order to prevent animals returning following translocation; full details of the mitigation measures are detailed in the appraisal.
- 16.49 The proposal includes a meadow and an ecology zone on site. The ecology zone in particular would provide the habitat required for mitigation as identified in the appraisal. Subject to conditions to ensure that the mitigation measures are carried out and maintained, the proposal is considered to comply with relevant policy.
- 16.50 Consultation has also been undertaken to assess whether the proposal would have an impact on an SSSI Impact Risk Zone. Details provided by Defra confirm that there is no requirement to consult Natural England as development is under 100 dwellings.
- 16.51 Natural England have, however, confirmed that the development falls within the 'Zone of Influence' (Zoi) for one or more of the European designated sites into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Colchester Borough Council, working together to mitigate the effects arising from new residential development. It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. A Habitats Regulations Assessment (HRA) has been undertaken and this concludes (in accordance with Natural England standing advice) that a contribution towards the RAMS is required in order to mitigate the impacts of the

development upon designated sites. The payment is required before the planning application is determined.

16.52 Highway Matters

Core Strategy policy TA4 seeks to make the best use of the existing highway network and manage demand for road traffic. The policy makes it clear that new development will need to contribute towards transport infrastructure improvements to support the development itself and to enhance the broader network to mitigate impacts on existing communities. Development Plan policy DP17 requires all development to maintain the right and safe passage of all highways users. Development Plan policy DP19 relates to parking standards in association with the Vehicle Parking Standards SPD (see Section 11 of this report for details of parking requirements).

16.53 The Highway Authority has considered the proposals from a highway and transportation perspective and do not object to the proposal subject to conditions. Local representations have expressed concern regarding additional vehicular traffic using the existing lane and the potential impact on pedestrians using the Public Right of Way that crosses the lane and this matter has been explored further with the Highway Authority. Further consultation with the Public Rights of Way team confirms that there is no objection to the proposal in terms of how it may impact upon the public right of way.

16.54 Paragraph 109 of the NPPF makes it clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The considerations of the Highway Authority confirm that there would be no such impact, subject to conditions.

16.55 Local representations have made several comments regarding highway and traffic impacts and further comment can be provided in response to these below:

- No Transport Assessment or Transport Statement has been submitted with the application. The requirement for the provision of a Transport Assessment (TA) is 50 dwellings and for a Transport Statement (TS) 25 dwellings. The proposal is for 3 No. dwellings falls far below the threshold for when these studies are required.
- In terms of the increase in traffic movements and the safety implications for users of the public footpath and access to/from the A1124, the PROW Officer has confirmed that there are no conflicts that would be considered 'severe' and additional signage has been recommended via condition to alert those using the footpath and construction workers of each others presence. Increase in traffic from the development of 3 dwellings is considered to be minimal, especially as vehicle speeds would be slow along the access track. The Highway Authority has considered this aspect.
- The access track adjoins Colchester Road and local residents have expressed concerns regarding safety. This part of Colchester Road is a 30mph limit and as such drivers should be travelling at this speed; the planning system cannot control drivers who choose to exceed the speed limit. In any case, accident data on this part of the road has been explored. The accident data shows 10 recorded incidents between December 2013 to November 2018. None of the

incidents were attributed to those joining Colchester Road or turning into the access road. The majority of incidents were due to weather conditions or reckless driving.

- Parking spaces are considered to be excessive in the local representations. The parking proposed meets policy requirements. At least 2 car parking spaces are provided per dwelling, with the remainder allowing provision for visitor spaces in accordance with policy (which would require 1 car parking space, 2 motorbike spaces, and 3 disabled spaces for visitors to this development).
- The safety of pedestrians looking to access the bus stop and train station has been considered. As set out in the previous sections of this report, there is a walking route along the PROW. The Highway Authority has confirmed that the proposal is not of a scale to reasonably require additional footways. The accessibility of the site to other services and facilities is considered to be acceptable.
- Although the application form does not refer to new or altered vehicular access being proposed, the description of development, along with the submitted drawings clearly show these proposals so there is not considered to be any ambiguity.
- With regards to visibility splays, the purpose of a visibility splay is to ensure that there is adequate **intervisibility** between those using the access and those already within the highway particularly between motorised traffic. Advice from the Highway Authority is that the location of the proposed access does not indicate the need for a greater visibility splay is required. Even if it could be provided, due to the low traffic movements and expected traffic speed it would be unnecessary. It is noted that the visibility at the connection to Colchester Road is not impeded.

16.56 Ultimately, given the above considerations, the proposal is considered to be acceptable in terms of highway implications subject to conditions.

#### 16.57 Flood Risk and Drainage

Core Strategy Policy SD1 and Development Plan Policy DP20 require proposals to promote sustainability by minimising and/or mitigating pressure on (inter alia) areas at risk of flooding. Policy DP20 also requires all development proposals to incorporate measures for the conservation and sustainable use of water, including the appropriate use of SUDs for managing surface water runoff.

16.58 A Flood Risk Assessment (FRA) was submitted with the application given the site location within a flood risk 2 and 3. The FRA confirms that the southern edge of the site (essentially the coach house and access lane) lies within a Flood Zone 2 (defined as 'medium risk') and Flood Zone 3 (defined as 'high risk'); this is a risk of fluvial flooding associated with the River Colne. The remainder of the site lies within a Flood Zone 1 which is of low risk.

16.59 The FRA considers the NPPF exception test in respect of development and flood risk.

- **4.5.3 Part a) Wider Sustainability to the Community**

The redevelopment is considered sustainable in that it provides use of a higher density and variety than its present (Pre-development) usage. The land is

currently unoccupied and 'redundant' and therefore not considered to be in 'sustainable' use. Therefore the development in terms of its sustainability to the community is considered to pass this part of the Exception Test.

- **4.5.3 Part b) Redevelopment of Previously Developed Land**

The area will benefit from sustainable new residential development with an element of 'green spaces' to create an attractive environment where people aspire to live compared to its current status in this respect. The proposed development is proposed to be located on previously/already developed redundant land and is anticipated to comprise removal of the existing structures. Therefore this part of the Exception Test is considered to have been passed.

- **4.5.3 Part c) Safe from Flood Risk**

The site is already under partial residential development and there is no readily available alternative in the surrounding area for the proposed development. As can be seen from the proposed layout compared to the current layout of the site there is a significant reduction in hard cover in the post-development state of the site. In accordance with NPPF Technical Guidance and the SFRA and mitigation of potential impacts of flooding through design and employment of flood resilient construction techniques the proposed development is not considered to increase flood risk either on or off site. On that basis, the Exception Test is considered to be satisfied.

16.60 Flood defence measures have previously been implemented following a flooding event in 1947. The maximum flood depths with respect to the site are experienced in close proximity to the River Colne where between 0.8m and 1.1m depth is present to the southern fringe of the site in some localised areas during the 1 in 100 year climate change scenario and 1:1000 year event respectively. The majority of the site would not be impacted by flood waters at this depth and topographic levels on land to the south of the site continue to reduce and therefore they would escape to the south of the site across the wider valley before impacting the site.

16.61 The primary risk of flooding to this site is considered to be from fluvial flooding. The current risk level while considered 'Low-medium' will be mitigated to a 'safer' (i.e. 'Low') level by the stated extent incorporation of soft landscaping and mitigation measures in the new development, such as ensuring that finished floor levels are above flood water level, and surface water management techniques (providing green space on site, parking areas to be semi-permeable material). This will be mitigated further by the incorporation of soft landscaping as indicated by the proposed scheme layout. The local drainage network is managed to the 1 in 20 year standard.

16.62 The content of the FRA is considered appropriate and the proposal is therefore considered to be acceptable with regards to flood risk subject to conditions that ensure that the flood mitigation measures are fully implemented.

16.63 In terms of surface water flooding, the proposal increases the permeable areas within the site which is currently predominantly concrete. This is an identifiable benefit of the proposed development. The FRA states that the increase in

permeable area, along with surface water management will reduce the risk of the site flooding, as well as reduce the run off risk and of off-site flooding elsewhere. Such measures can be conditioned; whilst the Essex County Council SUDs team are not a statutory consultee in this case, they have recommended conditions, some of which can be used in order to secure the flood mitigation measures.

16.64 With regards to drainage, Anglian Water have not issued any comments of concern. It is important to note that any matters pertaining to other legislation such as Building Regulations do not constitute a material planning consideration and cannot be taken into account. On this basis the proposal is considered to be acceptable.

16.65 Amenity

Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight.

16.66 The new build elements of the proposal would not be in close proximity to existing dwellings and, as such, there are no concerns regarding loss of daylight or sunlight to existing residents.

16.67 The main consideration with regards to amenity is privacy. The mill has previously been subdivided to create 3 No. dwellings which overlook one another in varying degrees. Most notably is the Mill which has a number of rear window that look into and over the garden currently serving Mill House; similarly, the proximity of the Mill House garden to the Mill could result in some overlooking to the rear windows of this property. The proposal to convert the coach house would include the use of part of the existing Mill House garden as a garden for the coach house and there would be mutual overlooking between the two. This arrangement is slightly unconventional, but is no different to the mutual levels of overlooking currently experienced within the mill complex. Given the context, the overlooking between the gardens of the coach house and Mill House (as well as from the Mill and the Old Granary) is considered to be acceptable.

16.68 There are not considered to be any issues of overlooking from the proposed new dwellings within the coal yard part of the site given the degree of separation from existing dwellings.

16.69 Other Matters:

Local representations have been taken into account as part of the assessment of the application. The majority of comments have been addressed in the above assessment, but there are some points that require additional clarification.

16.70 With regards to procedural matters, some of the local representations have objected to the description of the site as a 'former coal yard' as it has been out of use for some time. The use of the site as a coal yard may have ceased some time ago, but that does not change the fact that the site was indeed a 'former coal yard';

it is considered to be appropriate to describe the site in this way and the description does not suggest that there is any acceptance that the site can revert back to its former use.

- 16.71 A comment has been made to state that no extension of time has been agreed for the application (as the original target date for determination has expired). Section 34 of the Town and Country Planning (Development Management Procedure) Order 2015 sets out time periods for decisions and provides that extended periods may be agreed in writing between the applicant and the local planning authority; there is no mandatory requirement to do so. It is likely however that an extension of time will be agreed between parties to allow for the time taken to negotiate on the application and for it to be referred to the Planning Committee.
- 16.72 Comment has been made that no blue line site plan has been submitted as part of the application. There is no requirement under the Town and Country Planning (Development Management Procedure Order) 2015 for the applicant to submit a blue lined site plan (which identifies any land in the applicant's ownership that does not form part of the application).
- 16.73 The level of information provided with the application(s) has been criticised. It is considered, however, that the level of information submitted is acceptable and that the application(s) can be assessed on the basis of this information along with additional research and site visits undertaken by the Case Officer. It is not necessary for the drawing to include specific reference to the materials being used or the landscaping proposed, sufficient information has been provided with which to assess the impacts of the proposal, with precise details being approved via condition. Concerns from local residents that the heritage statement does not adequately describe the setting or significance of the Grade II listed mill complex or the conservation area are not considered valid; the Council's heritage adviser's (Historic Buildings and Areas Officer, and Archaeological Adviser) have not expressed any concerns with this regard.
- 16.74 Certain appeal decisions from Wakes Colne and the surrounding area have been raised in local representations. Whilst these are interesting background, the current planning application must be considered on its own merits. Similarly, should planning permission and listed building consent be granted in this case, it would not necessarily create a precedent for development elsewhere; each site will have its own characteristics, constraints and opportunities that would need to be considered should any proposals be put forward as part of a formal planning process.

## **17.0 Conclusion**

### **17.1 To summarise,**

National policy requires planning to be genuinely plan-led. The proposal does represent a departure from the adopted Local Plan in terms of its location outside of a settlement boundary, but it would involve the development of previously developed land and would not constitute an isolated dwelling.



In considering the planning balance, the NPPF makes it plain that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF identifies three dimensions to sustainable development – economic, social and environmental. In respect of the first of these, the current proposal would provide economic benefits, for example in respect of employment during the construction phase and in future residents supporting local facilities and services in accordance with paragraph 78 of the NPPF. The social role of sustainable development is described as supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being. The proposal is considered to meet these objectives. In respect of the third dimension (environmental), the proposal will secure the long-term future of a curtilage listed building and would result in the remediation of a contaminated site, enhanced landscaping, and enhanced biodiversity. There is also sufficient evidence to be confident that overall the development would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon the highway network. Overall it is considered the positive economic, social, and environmental effects of the proposal would weigh in favour of this scheme.

In conclusion, it is considered that the benefits of the scheme outweigh any adverse impacts and, as such, Members are recommended to resolve to grant planning permission and listed building consent subject to the conditions set out below.

## **18.0 Recommendation to the Committee**

18.1 The Officer recommendation to the Committee is for:

183046

- Delegated authority to discuss and agree the pre-commencement conditions with the Applicant in accordance with the Town and Country Planning (Pre-commencement Conditions) Regulations 2018 and make any necessary changes to these conditions as a result; and
- APPROVAL of planning permission subject to receipt of the necessary RAMS payment and the following conditions:

183047

- Approval of listed building consent subject to the following conditions:

### 183046 Planning Permission

#### **1. Time Limit for Full Permissions**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

#### **2. Development to Accord with Approved Plans**

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

Existing Site Plan	15.3297/E101
Site Layout as Proposed	2818-0106 Rev P04
Plot 1 and 2 Floor Plans as Proposed	2818-0301 Rev P07
Plots 1 and 2 Elevations as Proposed	2818-0401 Rev P07
Elevations as Proposed (Coach House)	2818-A-0311 Rev P04
Plans as Proposed (Coach House)	2818-A-0313 P03
Site Sections as Proposed	2818-A-0410 Rev P02

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

### **3. Removal of PD for All Residential Extensions & Outbuildings**

Notwithstanding the provisions of Classes A, B, C, D and E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions, ancillary buildings or structures shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

### **4. Removal of PD for Open Plan Fences/Walls**

Notwithstanding the provisions of Class A of Part 2 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no fences, walls, gates or other means of enclosure, other than any shown on the approved drawings, shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interests of visual amenity with regard to the context of the surrounding area.

### **5. Tree Protection**

The development hereby approved shall be undertaken in complete accordance with the following:

- Arboricultural Method Statement and Tree Protection Plan ref 180826-1116;
- Tree Survey and Tree Constraints Plan ref 180826-1116; and
- Arboricultural Implication Assessment ref 180826-1116 Rev A.

Reason: In order to satisfactorily safeguard and protect trees in the interests of amenity.

### **6. Ecological Mitigation**

The development hereby approved shall be carried out in accordance with the Adonis Ecology Ltd Updated Preliminary Ecological Appraisal (project ref: 1065) and Adonis Ecology Ltd Report for Bat and Reptile Surveys (project ref: 9732).

Reason: In the interests of protecting and enhancing biodiversity.

## **7. Flood Risk Assessment**

The measures contained in the Goldfinch Environmental Ltd Flood Risk Assessment (ref: 0561b/1) shall be fully implemented and in place prior to the first occupation of the development and retained as such thereafter.

Reason: In the interests of mitigating flooding and protecting future residents from flood risk.

## **8. Car Parking**

All off street car parking shall be constructed in semi-permeable materials and be provided prior to occupation of the development hereby approved and shall be maintained free from obstruction and retained as parking thereafter.

Reason: To ensure that on-street parking of vehicles in the adjoining streets does not occur, in the interests of highway safety.

## **9. Materials To Be Agreed**

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

## **10. Programme of Archaeological Work**

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority.

The scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.

- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and

presentation of archaeological assets affected by this development, in accordance Adopted Development Policy DP14 (2010, Revised 2014) and the Colchester Borough Adopted Guidance titled Managing Archaeology in Development (2015).

#### **11. Contaminated Land Part 1 of 4 (Site Characterisation)**

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been 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.

#### **12. Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)**

No works shall take place 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 has been prepared and then submitted to and agreed, in writing, by 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.

### **13. Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)**

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. 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/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.

### **14. Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)**

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 11, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 12, 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 13.

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.

### **15. Construction Method Statement**

No works shall take place, including any demolition, until a Construction Method Statement has been submitted to and approved, in writing, by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period and shall provide details for:

- The parking of vehicles of site operatives and visitors;
- Hours of deliveries and hours of work;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Wheel and under body washing facilities;
- Measures to control the emission of dust and dirt during construction; and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

## **16. Signs of Public Footpath**

No development shall take place, including any ground works or works of demolition, until temporary signs have been erected both sides of the carriageway 10m along and before the Public Footpath No 17 (Wakes Colne) crosses the carriageway (highway access) to the site alerting users of the footpath of construction works, plant and machinery ahead additionally “slow” and “pedestrians in the carriageway” temporary signs 15m either side of where footpath 17 (Wakes Colne) crosses the carriageway which shall remain in situ until all plant and machinery has vacated the development site and all construction and fitting out phases are complete.

Reason: To ensure the continued safe passage of pedestrians on the definitive right of way.

## **17. Historic Building Survey**

Prior to the commencement of any works, a programme of building recording and analysis shall have been undertaken and a detailed record of the building shall have been made by a person or body approved by the Local Planning Authority and in accordance with a written scheme which first shall have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: To secure provision for recording and analysis of matters of historical importance associated with the site, which may be lost in the course of works.

## **18. Architectural Detailing**

Notwithstanding the details submitted, no works shall commence (above ground floor slab level) until additional drawings (at scales between 1:20 and 1:1) that show details of the architectural detailing of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Details shall include window detailing (including details of the lintel and cill, the depth of reveal and dormer features); rooflights to be used; cladding; and any eaves, verge, ridge, and guttering details. The development shall then be implemented in accordance with the approved drawings.

Reason: To ensure that the proposed works are of high quality design for the rural location.

## **19. Landscape Works**

No groundworks shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Proposed finished levels or contours.
- Means of enclosure.
- Hard surfacing materials.
- Minor artefacts and structures (e.g. lighting).
- Planting plans.
- Written specifications.
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

## **20. Landscape Management Plan**

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

## **21. Validation Certificate\***

Prior to the first OCCUPATION/USE of the development, 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 13.

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

## **22. Bicycle Storage**

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles sufficient for all occupants of that development, of a design this shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To promote the use of sustainable means of transport.

## **19.1 Informatives**

19.1 The following informatives are also recommended:

### **Advisory Note on Construction & Demolition**

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 on Conditions Stating Prior to Commencement/Occupation**

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence**

**the development or before you occupy the development.** This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via [www.colchester.gov.uk/planning](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

### **Informative on Any Application With a Site Notice**

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

### **Informative on Archaeology:**

Pre-determination archaeological evaluation is not required for this proposal. It is recommended however that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

PLEASE NOTE The submitted scheme of archaeological investigation should be in accordance with an agreed brief. This can be procured beforehand by the developer from Colchester Borough Council. Please see the Council's website for further information:

<http://www.colchester.gov.uk>

### **Landscape Informative:**

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/B (this available on this CBC landscape [webpage](#) under Landscape Consultancy by clicking the 'read our guidance' link).'

Informative1: The shared access to the proposed 4 bay cartlodge should extend to at least 6.0m but ideally 8.0m in width between the front elevation and soft landscaping, to ensure convenient and efficient access manoeuvres can be achieved.

Informative2: The public's rights and ease of passage over Public Footpath No.17 (Wakes Colne) shall be maintained free and unobstructed at all times.

Informative3: All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:



SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester  
CO4 9YQ

The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

### 183047 Listed Building Consent

#### **1. Time Limit for LBCs**

The works hereby permitted shall begin before the expiration of 3 years from the date of this consent.

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

#### **2. Materials To Be Agreed**

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

#### **3. Additional Detail on Windows & Doors etc**

No works shall take place until additional drawings that show details of any proposed new windows, doors, eaves, verges, cills and arches to be used, by section and elevation, at scales between 1:20 and 1:1, as appropriate, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved additional drawings.

Reason: There is insufficient detail with regard to this to protect the special character and architectural interest and integrity of the building in accordance with the requirements of Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Informatives

For the avoidance of doubt, the drawings that form the basis of this consent are as follows:

Removal Plans and Elevations	2818-A-0312 Rev P03
Plans as Proposed	2818-A-0313 Rev P03
Elevations as Proposed	2818-A-0311 Rev P04