



**Application No:** 161503

**Location:** Rennie Cottage, Chapel Road, Fingringhoe, Colchester

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

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#### **7.4 Case Officer: Mark Russell**

## **HOUSEHOLDER**

**Site:** Rennie Cottage, Chapel Road, Fingringhoe, Colchester

**Application No:** 161503

**Date Received:** 20 June 2016

**Agent:** Ms L Bane, Inkpen Downie

**Applicant:** Mr & Mrs D Bruton

**Development:** Demolition of an ex.domestic outbuilding and replacement with a garage and workshop building.

**Ward:** Mersea & Pyefleet

**Summary of Recommendation** Conditional Approval

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

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Davidson for the following reasons: "Excessive height of outbuilding impacting on Grade II listed building – also street-scene impact."

### **2.0 Synopsis**

- 2.1 The key issues explored below are the impact on neighbours, the street-scene and the setting of the listed building Rennie Cottage.
- 2.2 Comments from our Historic Buildings Officer are reported and it is held that the setting of the listed building is positively enhanced by the proposal and the street-scene is unharmed.
- 2.3 An objection from a neighbouring property, regarding the height and potential use for business, is reported. In response, it is held that the height is acceptable and that any business use would require Planning permission.
- 2.4 It is concluded that the proposal is acceptable and approval is recommended, subject to conditions.

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

- 3.1 The subject building is a post-war construction in the curtilage of a listed building. However, as it post-dates 1948 it is not curtilage listed.
- 3.2 Rennie Cottage is a Grade II listed building (listed as "Cob Cottage") which is described as being sixteenth century timber framed and plastered, extensively altered in the twentieth century. The house contains one original cross wing, a gabled dormer and a red plain tile roof.

- 3.3 The building stands to the rear and to the left-hand side of the cottage, down a small lane which is also bridleway 133\_7 that links through to South Farm.
- 3.4 To the south and east are woodland and agricultural fields, with outbuildings adjacent to the dwellinghouse Spindles. To the north are the garden and grounds of the Grade II listed Forge Cottage.

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

- 4.1 It is proposed to demolish an existing outbuilding and replace it with a new storage/workshop building of improved appearance. The footprint of old and new is 82m<sup>2</sup>.
- 4.2 The existing comprises corrugated iron with a corrugated asbestos cement roofing. The proposal increases the height and also introduce brick on the north elevation.

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

- 5.1 Residential, Fingringhoe Village Envelope.

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

- 6.1 None

#### **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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations  
UR2 - Built Design and Character  
ENV1 - Environment

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity  
DP13 Dwelling Alterations, Extensions and Replacement Dwellings  
DP14 Historic Environment Assets

- 7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

n/a

- 7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

- Sustainable Construction
- The Essex Design Guide
- External Materials in New Developments

## **8.0 Consultations**

- 8.1 Historic Buildings Officer: “The existing outbuilding is of no historic or architectural merit and there is no objection to its demolition. The proposed replacement would have a beneficial impact on the setting of the LB. I recommend permission is granted.” Conditions relating to External materials and External joinery details were also recommended.
- 8.2 Tree Officer: The impact on the trees shown to be retained is limited. Details of how the trees will be protected during the construction process should be provided. This information can be provided post permission if required.
- 8.3 Archaeology: No issues.
- 8.4 Highway Authority: “This Authority has assessed the highway and transportation impact of the proposal and would not wish to raise an objection to the above.”

NOTE – this recommendation was subject to the adjacent Public Right of Way not being obstructed and a standard Highway-related informative.

- 8.5 Natural England: No comments.

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

## **9.0 Parish Council Response**

- 9.1 Fingringhoe Parish Council has commented: *“The Parish Council has considered the application and wish to comment that there should be no new access permitted from the bridleway into the property. Secondly that officers should make a condition of planning that the proposed new garage/workshop may not be used for residential accommodation now or in the future.”*

## **10.0 Representations**

- 10.1 From Forge Cottage (neighbouring property): *“This new building seems much higher than the original. We are also worried about the workshop aspect. Does this mean there will be a noisy business run from here? Is there permission already in place to run a business? Will the removal of the asbestos from the old building be thoroughly checked? We already live next door to one disgusting site, and it is supposed to be a conservation area. Can we be reassured with the above comments, and receive a reply before authorisation. We would like to be kept informed.”*
- 10.2 Ramblers Association: *“The bridleway to remain open, clear and safe for all users during development, in particular keeping sudden loud noises to a minimum and not blocking the route with vehicles. No new access to the bridleway in the longer term.”*

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

## **11.0 Parking Provision**

- 11.1 Two garage spaces are shown. These are deficient in size, but there is ample room on site for the parking of two cars.

## **12.0 Open Space Provisions**

- 12.1 n/a

## **13.0 Air Quality**

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

## **14.0 Development Team and Planning Obligations**

- 14.1 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 (S106) of the Town and Country Planning Act 1990.

## **15.0 Report**

### Design and Layout:

- 15.1 As outlined in the “Description of the Proposal” section at paragraph 4.0, the proposal is for a replacement outbuilding on the existing footprint of 82m<sup>2</sup>.
- 15.2 The proposed building reaches just over 4.5 metres at ridge and 2.2 metres at eaves. This compares with an existing structure which has a slacker pitch and measures approximately 2.5 metres to ridge.

- 15.3 The proposed pitch is more visually pleasing at about 45 degrees as opposed to the existing which is about 15 degrees.
- 15.4 The front elevation (to the west, originally described as “east”) comprises two side opening timber garage doors with limited high level glazing. At the higher level is an additional set of timber double-glazed windows. This section is to be clad in black, feather-edged weather-boarding. The rear also features such boarding, but the lower half is red facing brick. The brick then makes up the side walls and returns to the front to form pillars. The roof is shown as clay pan-tiles.
- 15.5 Whilst largely comprising a simple gabled form, the building has some slightly recessed elements to the side. The south elevation is glazed all the way along its top half, whilst limited high level obscured glazing is shown to the north.
- 15.6 The internal aspects of the building show the garage at one end and a studio/workshop area at the other. In between is a wc. Whilst single-storey, the middle section of the building is shown as having a storage area above the toilet.

Heritage issues:

- 15.7 The existing and proposed outbuildings are within the curtilage of a Grade II listed building. The existing is post 1948 and thus not curtilage listed. Similarly the replacement will not be curtilage listed. However, both affect the setting of the listed building because of the proximity.
- 15.8 The existing is clearly ramshackle and down at heel, but is modest. The replacement is a far superior structure, but is clearly larger and thus could be seen to rival the listed building. However, with a gap of four metres, there is still breathing space for this heritage asset. The form of design and choice of materials are fitting for this location. Our Historic Buildings Officer has spoken positively of the scheme (having negotiated some changes pre-application) and has suggested conditions to further enhance the proposal. Therefore it is held to be acceptable with reference to heritage considerations.

Residential Amenity:

- 15.9 There are no concerns on this front, the outbuilding is set far enough away from the neighbouring property to avoid any amenity issues.

Other Matters:

- 15.10 A neighbour has expressed concerns about potential business use. However, this is a householder application. Any business use (other than *de minimis*) would require Planning permission and would need to be considered on its merits were it to be put forward.
- 15.11 The Parish Council has asked that the outbuilding be conditioned to prevent it from being used as residential accommodation now or in the future. There does not appear to be any justification for this. If the building were used as a separate unit of accommodation, then this would require Planning permission. Such a condition, therefore, will not be imposed.

- 15.12 The neighbouring residents have also voiced concern about asbestos, this will be dealt with by an informative.
- 15.13 A condition will also be in place reminding the applicant to ensure that the neighbouring Public Right of Way is not obstructed.
- 15.14 An amended set of drawings has been received. This corrects an initial error on the original drawings which wrongly assigned the compass points and showed an axonometric rather than a flat aspect.
- 15.15 Finally, by way of clarification, the site is not within a conservation area as has been claimed.

## **16.0 Conclusion**

- 16.1 The development at hand presents no heritage concerns or amenity issues and is of an acceptable design in the setting of a listed building. It is, therefore, recommended for approval.

## **17.0 Recommendation**

- 17.1 APPROVE subject to the following conditions

## **18.0 Conditions**

### **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 A-1525-PL- 03A and A-1525-PL-04C.

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

### **3 - Listed Building Materials**

No works shall take place until samples of the materials (including colour of render, paintwork and colourwash) to be used in the construction of the external surfaces of the works hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: In order to preserve the historic character of the listed building.

#### 4 - \*External Joinery Details

No works shall commence on site until details of all new external WINDOW AND DOOR JOINERY AND/OR METAL FRAMED GLAZING have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include depth of reveal, details of heads, sills and lintels, elevations at a scale of not less than 1:10 and horizontal/vertical frame sections (including sections through glazing bars) at not less than 1:2. The works shall thereafter be carried out in accordance with the approved details. Reason: To ensure that the approved works are carried out without detriment to the character and appearance of the building where there is insufficient information within the submitted application.

#### 5 - Tree and Hedgerow Protection: General

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

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

#### 6 - Tree and Hedgerow Protection: General

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

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

#### 7 - \*Protecting Public Rights of Way

The public's rights and ease of passage over BRIDLEWAY number 133-7 shall be maintained free and unobstructed at all times.

Reason: To ensure the continued safe passage of the public on the definitive right of way and accessibility.

### 19.0 Informatives

#### (1) ZT0 – 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.



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

**(3) ZTA - 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.

(4) The grant of planning permission does not automatically allow development to commence. In the event of works affecting the highway, none shall be permitted to commence until such time as they have been fully agreed with this Authority. In the interests of highway user safety this may involve the applicant requesting a temporary closure of the definitive route using powers included in the aforementioned Act. All costs associated with this shall be borne by the applicant and any damage caused to the route shall be rectified by the applicant within the timescale of the closure.

(5) The applicant is advised to take steps to provide sufficient turning and off-loading facilities for delivery and site worker vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site. No vehicles associated with the development shall affect the ease of passage along the PROW.

(6) The applicant is advised to consult the Health and Safety Executive guidance sheet a14 "Asbestos essentials, non-licensed tasks - Removing asbestos cement (AC) sheets, gutters, etc and dismantling a small AC structure."

(7) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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: Essex Highways, Colchester Highways Depot, 653 The Crescent, Colchester, CO4 9YQ.

## **20.0 Positivity Statement**

20.1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.