

AMENDMENT SHEET

**Planning Committee
2 August 2018**

AMENDMENTS OF CONDITIONS AND REPRESENTATIONS RECEIVED

7.1 180733 – Land adjacent to Armoury Road, West Bergholt

Residents have referred to an earlier application on this site. an application for residential development was submitted in 1977 and refused for the following reasons:-

1. The land is within an area of no notation in the Colchester Town Map. The written statement accompanying the review of the County Development Plan indicates that the rural areas are primarily used for agricultural, forestry and ancillary purposes and for recreation, that such development as may be permitted for other purposes shall be in the many small towns and villages and shall be of a character and on a scale suitable to the locality and that new development will not ordinarily be permitted outside the towns and villages unless the local planning authority is satisfied that it is of such a nature that it must take place in the area. When considering proposals for development of any kind in the rural areas the local planning
2. The information available to the Council regarding population increase and movement in the South East of England has led the Planning Authorities to plan for only limited growth in North Essex and within the Council's area the planned population for 1995 is 159,200. Sufficient land is available with planning permission or within planning development areas to meet the needs for the projected population increase, and therefore the release of additional land is unnecessary and will lead either to a larger population than that forecast or the unsatisfactory part development of sites in either parts of the district.
3. West Bergholt is within the Colchester Town Map and land is specifically allocated for residential purposes in this document, development is now in progress and potential development of agreed land will result in a substantial increase in population and until the affects of this have worked through and been assessed it would be contrary to the interests of the local community to consider any additional release of land for residential development, the land subject to this application will not in the Council's view be favourably considered in the future in the event of growth of the village being accepted as it is on the outer side of a busy classified road away from the centre of the village.

The revised NPPF was published on 24th July 2018 and replaces the previous NPPF (March 2012). The new NPPF re-emphasises that the planning system should be plan-led and the statutory status of the development plan as the starting point for decision making. It also emphasises the importance of Neighbourhood Plans.

Paragraph 9 states ...

These objectives (the objectives of sustainable development) should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Paragraph 10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)

Paragraph 11

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Since the last committee meeting 59 representations have been received from residents setting out the harm they consider will result from the development. A letter from West Bergholt PC, a traffic report and one of the representations are produced in full (**Please see attachments**). The other representations are summarised below. The Highway Authority has been asked to respond to the traffic report. One letter of support has also been received.

- The majority of comments relate to the harm caused to residents by the use of the archway entrance and the narrow privately maintained roads. The roads do not meet Manual for Streets criteria roads, they are private the Highway Authority cannot comment on their suitability. Accidents have occurred outside the development with fatalities. The Construction Management Statement cannot remove the harm to local residents created by the heavy construction traffic representations refer to the harm to residents during the construction period.
- The development will undermine and harm the neighbourhood plan
- Adverse impact on infrastructure and consequently the harm to existing residents in particular lack of school places at Heathfields school and the Doctors surgery is already oversubscribed
- Harm to landscape and habitats, loss of green spaces has a detrimental effect environmentally and socially, also degradation of views. The area in the proposal is home to a wide array of wildlife. Hedgerow habitats have been severely compromised in the U.K. in the last few decades, and this natural hedgerow is a haven for insects, birds, squirrels, bees and many other species.
- The importance of hedgerow habitats has been recognised and documented by all major environmental groups, including DEFRA, The Wildlife Trust, RSPB, etc. DEFRA suggest that hedgerows over 20m need preserving. The wildlife would have an immense negative impact and the stunning newts will no doubt be killed.
- Economic arguments are weak and overshadowed by pressure on village infrastructure.
- Harm as noise would impact on residents and the dust that will impair health.
- Harm resulting from a complete loss of balance, the Armoury Road development and The Maltings is split by this field and as such allows a balance between concrete and tarmac allowing for nature to thrive and ensuring children have space to play, if this awful development was to be built suddenly there is no break - it becomes one extremely large hard surface area destroying habitat, increasing noise, increasing pollution, increasing dust and damage during construction and endangering children.

- Broadband in this area is less than 1MB - by having more houses utilising this broadband the speed would be less than dial up businesses would be adversely impacted.
- Properties will decrease in value without question (William H Brown, Colchester have confirmed this). The reason being that the noise will increase, the privacy will be lost and the rural aspect decreased - all selling points. How do we get compensated if the development goes ahead? How can it be fair that we lose house value and our broadband becomes almost obsolete?
- There is no way that construction traffic could use armoury road. There is NO PATH. There is a sharp, blind bend, it is single lane and it is immensely dangerous. Armoury Road is absolutely and categorically NOT suitable for construction traffic and would lead to huge endangerment to life. Cars park along this road and especially at the entrance from Colchester Road forcing cars onto the opposing side of the road causing almost daily incidents. 200 yards up Armoury Road there is a sharp right handed, blind corner before the green corner would be appalling. How can any road with NO PATH be considered for construction traffic when the other option (Malting Park) has a path.
- On contacting Highways we were advised they do not visit sites which are not adopted by them and as the road structure at "The Maltings" does not meet with Highway regulations it has not been adopted. Therefore, the Highways report was merely on the entrance to "The Maltings", not the actual narrow road structure inside the estate. Surely the Senior planning officer must know this? In actual fact the entrance to the new proposed planning application is at the end of Coopers Crescent and not "The Maltings" entrance which Highways will not and cannot report on, as it is not adopted.
- Other planning applications have been rejected due to roads not being adopted and not fit for purpose. The Maltings has bad sight lines, blind corners, narrow roads and single lane traffic on some parts. This does not include the fact houses on the inside ring road do not have paths, they must step out onto the road to enter/exit their property which is obviously a very high health and safety issue at the best of times, not to mention the fact if there was construction traffic as well. Why is this factor (as it is the same if not worse) on previous rejected applications not taken into consideration? This is a safety risk so therefore significant harm to residents and visitors due to the playing fields attached to the estate.
- On Deeds and planning blueprint of "The Maltings", it advised roads off of the circular road must have a turning facility to meet regulations so traffic can enter the road, turn and exit the road in a forward motion. The planning to extend Coopers Crescent to the new planning development takes away this turning facility and violates Highway regulations as vehicles would need to reverse onto the main access point. This now makes it a Health and Safety issue as well as breaking Highway regulations. More significant harm to everyone.

- The report has now changed to consider access through Armoury Road for large, heavy construction which Highways have no objection, so why can smaller vehicles not be considered as well?
- Section 2.6 of the new report has the Highway Authority advising Maltings Park Road and Coopers Crescent, are suitable in highway terms for the use by the traffic generated by an additional 26 units. Taking into effect the delivery vans and other vehicles produced by 26 units would be more than 150 additional vehicles per day on this small unadopted road which does not meet Highway regulations. If it does not meet Highway regulations then how can the Highway authority comment?
- Section 2.7 shows the Highway Authority consider visibility at the Maltings Park Road / Colchester Road junction is acceptable but as advised above this is not the proposed entrance to the new site so such a consideration has no bearing.
- I am sure if you know the 'right people', they can make any report to favour their argument.
- I am constantly advised by other residents it all sounds very underhand?
- Section 8.3 Anglian Water The report advised the new proposed development does not have capacity to treat the flows of foul drainage from site. It also states surface water strategy / flood risk assessment is unacceptable. No evidence has been provided to show that the surface water hierarchy has been followed as stipulated in Building regulations Part H. Again, major issues with proposed site yet with serious funding and conditions would be possible to grant planning approval. If enough money is thrown at anything it can be achieved but at obvious harm to the local area? The more land that has construction or buildings will mean less natural source of drainage leading to a flood risk. This is significant harm environmentally and for residents
- I have now just read the new report on the portal by the planning committee and cannot believe how intimidating they are trying to be by putting "Members are advised there would be high risk of costs being awarded against the Council at appeal" at every opportunity. Is this how a committee conducts itself? Are decisions being made on possible awarded costs rather than verified facts and information. I feel that Members are being directed to consider the possible costs of appeal at all points, rather than the valid combined evidence and facts supplied. This also shows the Neighbourhood Plan is being totally ignored and disrespected.
- At the previous Town Hall meeting where residents gathered in their masses, we were expecting an independent fair process where councillors could be given the facts, visit the site in question and make a common sense decision to hopefully reject the planning proposal. This is what democracy is about. Even one of the voting councillors commented on the fact, why ask the parish council and local community to produce a Neighbourhood plan for housing, following government guidelines, only for the Borough Council to ignore all the facts and make a mockery of the whole process. What

is the point of a neighbourhood planning committee? The Village of West Bergholt has produced plans for new housing up to 2033 which incorporates the quota requested by govt. and CBC but still more speculative applications are being put forward by the planning committee, why?

- The whole report of item No. 7.1 can be pulled apart to show why this application should not be agreed and shows that some of the reports and comments involved were not even produced with the authorities actually visiting the site. The whole planning application is a farce and produced in such a way to cover over obvious cracks. It all feels very under hand and the planning committee in my opinion obviously has a hidden agenda. I do not know how such an application can be put forward when everything clearly shows this is harmful and not fit for purpose.
- We the electorate vote for councillors to sometimes make difficult decisions (yet on this occasion I do not think it is) and hope they can be counted upon to reject this proposal.

7.2/3 180940/41 – Development at Severalls Hospital, Boxted Road, Colchester

Revised National Planning Policy Framework (NPPF)

The revised NPPF was published on 24th July 2018 and replaces the previous NPPF (March 2012). In this case, the revisions are not considered to alter the consideration of the proposals as the fundamental principles of relevant matters remain unchanged.

Heritage:

This is covered under Chapter 16 'Conserving and enhancing the historic environment'. The key paragraphs are:

193. 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 the more important the asset, the greater the weight should be)".

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Design:

This is covered under Chapter 12 'Achieving well designed place'.

Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Habitats and Biodiversity

This is covered under Chapter 15 'Conserving and enhancing the natural environment'

Paragraph 175 requires that, when determining planning applications, if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Ground Conditions and Pollution

This is also covered under Chapter 15. The key paragraph is:

180. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

7.4 170247 – Classic Pot Emporium, 30A Straight Road, Boxted

The National Planning Policy Framework (NPPF) has been referred to in the Committee Report. Since the completion of the Committee Report, an updated NPPF was published. The broad aims remain the same however a number of paragraphs have been updated since. The relevant paragraphs are provided in a brief overview below:

Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans.

Paragraphs 83 - 84 of the NPPF advises that planning policies should enable the sustainable growth and expansion of all types of business in rural areas.

Section 15 of the NPPF reaffirms planning policies and decisions should contribute to and enhance the natural and local environment.

Paragraph 109 states 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.

7.5 181237 – 59 West Stockwell Street, Colchester

The National Planning Policy Framework (NPPF) has been referred to in the Committee Report. Since the completion of the Committee Report, an updated NPPF was published. The broad aims remain the same however a number of paragraphs have been updated since. The relevant chapter is provided below:

Chapter 16 deals with conserving and enhancing the historic environment

7.6 172642/43 – Wakes Colne, Colchester Road, Wakes Colne

There are two matters to report:

1. Update following publication of revised National Planning Policy Framework (NPPF); and
2. Amended conditions.

Revised National Planning Policy Framework (NPPF)

The revised NPPF was published on 24th July 2018 and replaces the previous NPPF (March 2012). In this case, the revisions are not considered to alter the consideration of the proposals as the fundamental principles of relevant matters remain unchanged.

The committee report makes specific reference to the previous version of the NPPF; the relevant revisions are set out below for clarity:

Previously developed land: Paragraph 84 states that the use of previously developed land should be encouraged where suitable opportunities exist.

Agricultural land: Chapter 15 'Conserving and enhancing the natural environment' sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land.

Exceptional circumstances for isolated homes in the countryside (previous paragraph 55): This provision is now set out in paragraph 79 and reads:

79. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality, in that it:
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Heritage matters (including archaeology): This is covered under Chapter 16 'Conserving and enhancing the historic environment'. In terms of the consideration of 'optimum viable use', this is set out in paragraph 196 which reads:

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Contaminated land:

This is referred to under paragraph 178 and requires planning decision to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land stability and contamination.

Viability:

Paragraph 57 states that:

57. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since

the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Conditions

The draft conditions were sent to the Agent for information. Following receipt of comments from the Agent, some of the conditions have been revised. For clarity, the conditions will be set out in full as part of this amendment sheet. In summary, the changes are as follows:

172642:

- Conditions 24 (bus stops) and 25 (footpath connecting bus stops) to be amended so that the requirement for details to be submitted of the location is clear.
- The reason for Condition 16 (window and door details) to be amended to make it clear that the details are required for the new build as well as the listed building conversion.
- The reason for Condition 26 (maintenance and management company) to be amended in order clarify the planning policy requirement.

172643:

- Condition 2 (approved drawings) to be amended to include drawing numbers, as well as the Schedule of Works, to avoid any ambiguity as to what has been approved.
- Condition 14 (retention of chimney) to be removed as the Schedule of Works has established that the chimney breast would be retained.

Conditions in full (with amendments):

172642 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

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers:

1529-LOC	Location Plan
1529-P001 Rev A	Proposed Site Layout
1529-P002 Rev B	Hard Landscaping (Surfaces)
1529-P003 Rev B	Hard Landscaping (Walls, Fences, Gates)
1529-P004 Rev A	Proposed Layout Building Groups

1529-P005 Rev B	Parking Layout
1529-P006	Buildings to be Demolished
1529-P007	Proposed Footpath Connection
1529-P015	Proposed Main House Basement Plan
1529-P016 Rev B	Proposed Main House GF Plan
1529-P017 Rev A	Proposed Main House FF Plan
1529-P018 Rev A	Proposed Main House SF Plan and Sections
1529-P019 Rev A	Proposed Main House Elevations
1529-P020	New Build GF Plan 1 of 3
1529-P021	New Build GF Plan 2 of 3
1529-P022	New Build GF Plan 3 of 3
1529-P023	New Build FF Plan 1 of 3
1529-P024	New Build FF Plan 2 of 3
1529-P025	New Build FF Plan 3 of 3
1529-P026 Rev B	New Build Elevations 1 of 3
1529-P027 Rev B	New Build Elevations 2 of 3
1529-P028 Rev B	New Build Elevations and Streetscene 3 of 3
1529-P029 Rev A	New Build Sections A-A to E-E
1529-P031	Proposed Former Wardens House
1529-P032	Existing Former Wardens Flat
1529-P036	Proposed Bungalow Floor Plans 1 of 2
1529-P037	Proposed Bungalow Floor Plans and Bin Stores 2 of 2
1529-P040	Bungalows Sections A-A to D-D
1529-P041	Bungalow Walled Garden
Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.	

3. Foul Water Strategy

No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved unless otherwise approved in writing by the Local Planning Authority.

Reason: To prevent environmental and amenity problems arising from flooding.

4. Arboricultural Impact Assessment

No works or development shall be carried out until an 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.

5. Archaeology

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 Colchester Borough Council's Core Strategy (2008) and Adopted Guidance 'Managing Archaeology in Development' (adopted 2015).

6. 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

7. 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

8. 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

9. Construction Method Statement

No development shall take place, including any ground works or works of demolition, until a Construction Method Statement (CMS) has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. wheel and under body washing facilities

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

10. Landscape Management Plan

Notwithstanding the submitted details, no works 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;
- Car parking layouts;
- Other vehicle and pedestrian access and circulation areas;
- Hard surfacing materials;

- Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- Proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc. Indicating lines, manholes, supports etc.);
- Earthworks (including the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform)
- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- Implementation timetables.

Reason: As the details submitted are not satisfactory and 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.

11.Surface Water Drainage Scheme

No works shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme should include but not be limited to:

- Limit discharge rates from the site to the 1 in 1 greenfield rate for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change.
- Provide sufficient storage to ensure no off site flooding as a result of the development during all storm events up to and including the 1 in 100 year plus 40% climate change event. Provision in storage should also be made for the effect of urban creep and have a suitable half-drain time.
- Sufficiently demonstrate that the location of the proposed outfall of the site will not increase flood risk off site.
- Final modelling and calculations for all areas of the drainage system.
- The appropriate level of treatment for all runoff leaving the site, in line with the CIRIA SuDS Manual C753.
- Detailed engineering drawings of each component of the drainage scheme.
- A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

- A written report summarising the final strategy

The scheme shall subsequently be implemented prior to occupation.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to ensure the effective operation of SuDS features over the lifetime of the development; and to provide mitigation of any environmental harm which may be caused to the local water environment. Failure to provide the above required information before commencement of works may result in a system being installed that is not sufficient to deal with surface water occurring during rainfall events and may lead to increased flood risk and pollution hazard from the site.

12. Scheme to minimise offsite flooding during construction works

No works shall take place until a scheme to minimise the risk of offsite flooding caused by surface water run-off and groundwater during construction works and prevent pollution has been submitted to, and approved in writing by, the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: In order to prevent excess water being discharged from the site that could result in flood risk or polluted water being allowed to leave the site.

13. Surface water drainage maintenance plan

No works shall take place until a Maintenance Plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities/frequencies, has been submitted to and agreed, in writing, by the Local Planning Authority.

Should any part be maintainable by a maintenance company, details of long term funding arrangements should be provided.

Reason: To ensure appropriate maintenance arrangements are put in place to enable the surface water drainage system to function as intended to ensure mitigation against flood risk.

14. Materials

Notwithstanding the details submitted, no works shall take place (except for underground enabling works) 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.

15. Cladding

Notwithstanding the submitted details, no works shall take place (except for underground enabling works) until precise details of the specification of the cladding to be applied to the external walls has been submitted to and approved, in writing, by the Local Planning Authority and the work shall be carried out in complete accordance with the approved specification.

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

16. Details of windows, doors, and architectural details

Notwithstanding the submitted details, no works shall commence (except for underground enabling works) until additional drawings that show details and amended design (as necessary) of any proposed new windows (including the method of opening, reveal, and glazing bars), screens, doors (including fanlights), porches, eaves, verges, cills and arches, plinths, roof features, string courses, console brackets, decorative panels, chimneys, and cupolas 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: In order to ensure suitable detailed design (for both the listed building and buildings within its setting) as there are insufficient details within the submitted planning application.

17. Provision of bellmouth access

Prior to commencement of the development, both of the proposed access roads shall be reconstructed to provide a bellmouth junction with Colchester Road, together with 6.0m radius kerbs returned to an access road carriageway width of 6.0m and flanking footways 2m in width returned around the radius kerbs.

Reason: To ensure that the largest type of vehicle using the junction may do so in a controlled manner and to provide adequate segregated pedestrian access, in the interests of highway safety.

18. Vehicular turning facility

Prior to commencement of the proposed development, a vehicular turning facility for service and delivery vehicles of at least size 3 dimensions and of a design which shall be approved in writing by the Local Planning Authority, shall be provided within the site which shall be retained and maintained free from obstruction thereafter.

Reason: To ensure that vehicles using the site access may enter and leave the highway in a forward gear, in the interests of highway safety.

19. 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 7.

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.

20. Recycling/bin/refuse collection points

Prior to first occupation of the proposed development, communal recycling/bin/refuse collection points shall be provided within 20m of the circulatory carriageways or adjacent to the highway boundary in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority. The collection points shall be clear of all visibility splays at accesses and retained as approved.

Reason: To minimise the length of time a refuse vehicle is required to wait within and cause obstruction of the highway, in the interests of highway safety.

21. Car parking and turning areas

The development shall not be occupied until such time as the car parking and turning area, has been provided in accord with the details shown in Melville Dunbar Associates Drawing annotated Site Layout. The car parking and turning area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

22. Cycle Parking

Prior to the occupation of the proposed development, details of the provision for the storage of bicycles for each dwelling sufficient for all occupants of that dwelling, 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.

23. Residential Travel Pack

Prior to occupation of the proposed development, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for sustainable transport that shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

24. Bus stops

Notwithstanding the submitted details, prior to the first occupation of any of the proposed dwellings details of the location of 2 No. new bus stops (one opposite the proposed development site westbound and one eastbound and adjacent to the vehicular access to Colchester Road), together with details of level entry kerbing, new posts and flags, timetables, carriageway markings, any adjustments in levels, surfacing and any accommodation works to the footway and carriageway channel shall be submitted to and approved, in writing, by the Local Planning Authority. The bus stops shall then be provided as agreed prior to the occupation of any of the proposed dwellings.

Reason: To make adequate provision for the additional bus passenger traffic generated as a result of the proposed development.

25. Pedestrian footway

Prior to the occupation of any of the proposed dwellings, details (including location, new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the verge, footway and carriageway channel) of new or extended footways to provide connectivity and accessibility from the development site to the new bus stops (condition 24) shall be submitted to and approved, in writing by the Local Planning Authority. The new or extended footways shall be a minimum of 2.0m in width. The footpaths shall then be provided as approved prior to the occupation of any of the proposed dwellings.

Reason: To make adequate provision for the additional pedestrian traffic generated within the highway as a result of the proposed development.

26. Management and Maintenance of buildings and external spaces

Prior to the first occupation of the development hereby permitted, details of the management company responsible for the maintenance of multi-occupancy buildings and communal external spaces shall be submitted to, and agreed in writing by, the Local Planning Authority. Such detail as shall have been agreed shall thereafter continue.

Reason: In accordance with policy DP12 of the Development Policies DPD (adopted October 2010, revised July 2014) as the application contains insufficient information to ensure that the development will be maintained to a satisfactory condition and there is a potential adverse impact on the quality of the surrounding environment and setting of a designated heritage asset.

27. Visibility splays

Prior to the proposed accesses being brought into use, vehicular visibility splays of 120m by 2.4m by 120m as measured along, from and along the nearside edge of the carriageway, shall be provided on both sides of the centre line of each access and shall be retained and maintained free from obstruction clear to ground thereafter.

Reason: To ensure adequate intervisibility between drivers of vehicles using the proposed access and those in the adjoining highway, in the interests of highway safety.

28. 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 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, 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 8.

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

29.No unbound materials used in surface treatment of vehicular accesses

No unbound materials shall be used in the surface treatment of the proposed vehicular accesses within 6m of the highway boundary.

Reason: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety.

30.Requirements for gates at vehicular access

Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6metres from the highway boundary or proposed highway boundary.

Reason: To ensure that vehicles using the access may stand clear of the carriageway whilst those gates are being opened/closed, in the interests of highway safety.

31.Window amendments

The design of the arched windows shown on drawing no. 1529-P026 Rev B (elevation 1) shall amended to a Diocletian window design.

Reason: To reinforce local distinctiveness and to ensure a satisfactory design having regard to the setting of the listed building.

32.Brick Bond

Notwithstanding the submitted details, all new brickwork shall be constructed in Flemish bond (or such other bond as may be agreed by the Local Planning Authority) and shall use a white mortar mix and a 'bucket handle' joint profile.

Reason: In the interests of ensuring a satisfactory design having special regard to the setting of a listed building.

33.Rooflights

The rooflights hereby approved shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roofslope.

Reason: In the interests of the character and appearance of the building having special regard to the setting of a listed building.

34.Rainwater goods

All rainwater goods (gutters, downpipes, hopperheads and soil pipes) shall be finished in cast aluminium and painted black, the profile of which shall be agreed in writing by the Local Planning Authority prior to its installation.

Reason: In the interests of the character and appearance of the building having special regard to the setting of a listed building.

35. Joinery

All joinery comprising doors, windows, eaves and other external architectural features shall be constructed in painted timber.

Reason: In the interests of the character of the development and its impact on the special interest of a designated heritage asset and its setting.

36. Floodlighting

No floodlighting shall be constructed, installed or illuminated at any time.

Reason: To ensure that there are no undesirable effects of light pollution in this countryside location.

37. Removal of PD

Notwithstanding the provisions of Article 3, Schedule 2 Part 1 Classes A-H of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no provision of extensions, alterations, buildings, enclosures, swimming or other pool shall be erected.

Reason: The site is already heavily constrained and developed and any further development on the site would need to be considered at such a time as it were to be proposed.

Informatives

1. Associated Listed Building Consent

Please note that there is an associated Listed Building Consent to this permission: planning reference 172643.

2. Informative on Section 106 Agreements

PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

3. 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.

4. 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 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.

5. 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.

6. Anglian Water Informative

"Anglian Water has assets close to or crossing this site or there are assets subject to an adoption agreement. Therefore the site layout should take this into account and accommodate those assets within either prospectively adoptable highways or public open space. If this is not practicable then the sewers will need to be diverted at the developers cost under Section 185 of the Water Industry Act 1991. or, in the case of apparatus under an adoption agreement, liaise with the owners of the apparatus. It should be noted that the diversion works should normally be completed before development can commence."

7. Informative on Archaeology:

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/article/13595/Archaeology-andtheplanningprocess>

8. Highway Informative 1

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 or by post to:

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

9. Highway Informative 2

The applicant should be advised to contact the Essex County Council travel plan team on travelplanteam@essex.gov.uk to make the necessary arrangements for the provision of the Residential Travel Information Packs.

10. Highway Informative 3

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.

11. 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/C @ <http://www.colchester.gov.uk/article/13592/Landscape-Guidance-for-Developers>.

12. Design and Heritage Informative

In relation to conditions 10; 14-16; and 31-35, please be advised of the following:

- Details are required for the main driveway and entrance to Wakes Hall. The details should include existing and proposed levels, grading, and surfacing materials.
- The driveways (including those serving the converted bungalows and new build) should be a resin bound gravel and not tarmac as shown on the submitted drawings.
- The 'great doors' indicated on drawing no. 1529-P026 Rev B (elevation 2) shall be omitted from the scheme.
- The screen/great openings should be set back to provide a deep shadow (recommended set back of 500mm).
- Windows – all to be constructed of timber; where set in masonry the windows should have an off white finish (avoid pure white); where set in weatherboarding, the colour of the joinery needs to be relate to the weatherboarding colour (and avoid a stark contrast).
- Windows – the window detailing is unclear; the 'standard' windows in elevation 1 & 8 should be sliding sash (due to their height); the design of arched windows (elevation 1) should be amended to Diocletian windows (this will assist with opening); porthole windows are set excessively high. Casement windows should flush fitted; glazing should be slimlite (or similar) and through glazing bar should be used. Details of gauged arches and cills required.
- Screen / great openings – detailing required / design requires simplifying. The glazing should be set back to provide a deep shadow (and therefore

imply a former opening). The implied doors (elevation 2) should be omitted; The vertical cladding between floors should also be omitted / redesigned.

- Dormer windows – further details required; dormer windows (elevation 3) require amending (they have excessively wide cheeks) and dormer windows (elevation 6 and 7) should have lead cheeks and roofing).
- Doors - door surround detail required; material to be stone. Details of the fanlight are required.
- Porch – details required
- Plinth – detail required; the plinth should employ a canted (splayed) brick.
- Decorative panel (elevation 3) – details required
- String course - detail required
- Eaves detailing – details of console brackets and depth of eaves required
- Chimney / cupola etc, - details required

172643 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. Approved Drawings

This approval is limited to the works shown on the approved drawings and does not indicate approval for associated or enabling works that may be necessary to carry out the scheme. Any further works must be submitted to and approved, in writing, by the Local Planning Authority prior to any works commencing. For the avoidance of doubt, the approved drawings/details are, with the exception of any provisions within the following conditions, as follows:

1529-LOC	Location Plan
1529-P015	Proposed Main House Basement Plan
1529-P016 Rev B	Proposed Main House GF Plan
1529-P017 Rev A	Proposed Main House FF Plan
1529-P018 Rev A	Proposed Main House SF Plan and Sections
1529-P019 Rev A	Proposed Main House Elevations

Schedule of Works, received on 25th April 2018.

Reason: For the avoidance of doubt as to the scope of the permission and to ensure that the historic building is preserved from any other potentially harmful works.

3. Building Recording

Prior to the commencement of any works, an appropriate programme of building recording (including architectural/historical analysis) has been carried out in respect of the building concerned. This record shall be carried out by an archaeologist or building recorder, or an organisation with acknowledged experience in the recording of standing buildings who shall have previously been agreed, in writing, by the Local Planning Authority. The recording shall be carried out in accordance with a written specification, and presented in a form and to a timetable, which has previously been agreed, in writing, with the Local Planning Authority.

Reason: To secure the proper recording of the listed building.

4 Unexpected evidence of historic character

If hitherto unknown evidence of historic character that would be affected by the works hereby permitted is discovered, an appropriate record together with recommendations for dealing with it in context of the approved scheme shall be submitted for written approval by the Local Planning Authority

Reason: To secure the proper recording of the listed building.

5. Measures to protect interior features during development works

Prior to the commencement of any works, details of measures to be taken to secure and protect interior features of the building for the duration of the development works shall be submitted to and approved, in writing, by the Local Planning Authority and shall be fully implemented. No such features shall be disturbed or removed temporarily or permanently except as indicated on the approved plans/drawings or as may be required by the measures approved in pursuance of this condition without the prior written approval of the Local Planning Authority. In particular provision shall be made for the security and protection of the staircase, balustrades, handrails, decorative plaster work, doors and windows.

Reason: In order to ensure that there is sufficient protection to these features where there is insufficient information within the submitted application.

6. Specification of render

No rendering works shall take place until a render specification (including the number of coats, mix, finish, backing material and relationship to existing finishes) has been submitted to and approved, in writing, by the Local Planning Authority. All rendering work shall be carried out in accordance with the approved specification.

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

7. Brick Bond

All new brickwork shall match the adjacent brickwork in terms of brick type, bond and mortar unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of ensuring a satisfactory design having special regard to the setting of a listed building.

8. Details of new windows, doors, eaves, verges, cills, and arches

Prior to the commencement of any works, 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, shall be 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.

9. Rooflights

The hereby given consent shall be of the 'conservation' type with a single vertical glazing bar and mounted flush with the roofslope.

Reason: In the interests of the character and appearance of the building having special regard to the setting of a listed building.

10. Details of new or replacement internal joinery

Prior to the commencement of any works, details of all new or replacement internal joinery, including doors, door linings, architraves, skirtings shall have been submitted to and approved, in writing, by the Local Planning Authority. All joinery shall be constructed of timber and any new doors shall have recessed panels. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

11. Details of fire protection, sound proofing, and insulation

Prior to the commencement of any upgrading works, details of the methods of fire protection, sound proofing and insulation for the walls, floors, ceilings and doors, (including 1:5 sections through walls and ceilings, 1:20 elevations of doors and 1:1 scale moulding sections) shall have been submitted to and approved in writing by the Local Planning Authority. The works of fire protection, sound proofing and insulation shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

12. Retention of first floor service staircase

Notwithstanding the submitted details, the stair access to the tower on the first floor of the building shall be retained and the bathrooms / ensuites to rooms F.05 and F.06 (as shown in the submitted Schedule of Works) re-ordered as necessary in accordance with details that shall have previously been submitted to and approved, in writing, by the Local Planning Authority.

Reason: The removal of this staircase would compromise the understanding of the evolution of heritage asset to the detriment of its special interest.

13. Subdivision of rooms

Notwithstanding the submitted details, no works to subdivide rooms G.05 and F.06 (as shown in the submitted Schedule of Works) shall be undertaken until full details of the method of subdivision has been submitted to and approved, in writing, but the Local Planning Authority. The subdivision of these rooms shall then be carried out as approved.

Reason: In order to ensure that the original form of the building can still be understood in consideration of its special interest as a designated heritage asset.

14. Door detail

Notwithstanding the details submitted, additional drawings shall be submitted to and approved in writing by the Local Planning Authority that show the infilling of door to stairs / blocking of door to G.01.

Reason: To ensure that the works are carried out without detriment to the special interest of the listed building.

15. Retention of wall nibs

Notwithstanding the details submitted, where internal walls are to be removed or altered, additional drawings showing the dimensions of nibs and downstands to be retained shall be submitted to and approved in writing by the Local Planning Authority. The alteration works shall be implemented in accordance with the details subsequently approved.

Reason: to ensure that the historic plan form of the building remains discernible and thereby safeguarding the special interest as a designated heritage asset.

16. Making Good

Within one month of the alteration works being carried out, all adjoining surfaces which have been disturbed by the works shall be made good with materials and finishes to match those of existing undisturbed areas surrounding the new opening.

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

Informatives:**1. Associated Planning Permission**

Please note that there is an associated Planning Permission to this consent: planning reference 172642. This consent should be read in conjunction with the associated planning permission.

2. Informative on Section 106 Agreements

PLEASE NOTE: This application is the subject of a Section 106 legal agreement and this decision should only be read in conjunction with this agreement.

RE: APPLICATION 180733 ARMOURY ROAD DEVELOPMENT, WEST BERGHOLT

Items contained in Planning Application and Recommendation to Approve with objections / comments in response

Synopsis:

Key issues for consideration:

[1] Principal of the development

[2] Development Plan & other material planning considerations / whether the development constitutes sustainable development

[3] Impact on the area and neighbouring properties

[1] Principal of the development

The recommendation for approval states in the conclusion under 8.2 Spatial Policy comments:

“the proposal is considered to be in contravention of current local policies SD1 and ENV1 and that the Council do have a 5-year supply of deliverable sites. The proposal also conflicts with the emerging Local Plan and emerging Neighbourhood Plan which plans for the most appropriate additional growth in West Bergholt”.

Objection / response

Question then why it is even being considered.

It also states that “it is understood there are no other grounds for refusal:-

There have been many responses from the Parish Council and local residents all of which object to / oppose this Application. Are these not to be taken into account.

[2] Development Plan & other material planning considerations / whether the development constitutes sustainable development

Design & Access Statement submitted with Application stated that

“Principal access proposed off Armoury Road and designed to accommodate all relevant vehicles; providing sufficient width; allowing for a 2.4m visibility splay set back with 33 metres in both directions [west and east]. Secondary access provided for via Coopers Crescent.”

Objection / response

The Armoury Road access has been refused by the Highway Authority leaving only Coopers Crescent as the sole point of access to the proposed site. The Design & Access

Items contained in Planning Application and Recommendation to Approve with objections / comments in response

Statement has not been updated to take account of this and the access via Coopers Crescent does not meet the standards submitted for Armoury Road.

The ECC Highways Report submitted by the Applicant states:

[1] That “the connection from Coopers Crescent shall be a continuation of the carriageway and footway for at least the first 15 m within the site”. This means that the connection is regarded as and required by the Highways Authority to be a carriageway and footway and the site plan submitted also shows a footway continuation through this connection. The Design & Access Statement also states that this access is for pedestrian, cycle and vehicular access.

[2] The same Highways Report states that “all carriageways should be provided at 5.5m between kerbed footways or 6.0m where vehicle access is taken but without kerbing”. The access through Coopers Crescent measures approx. 6.57m. However, it has been designated by ECC Highways as a carriageway and footway, and the same Highways Report states that “all footways should be provided at no less than 2.0m in width”. This would make the access through Coopers Crescent approx. 4.57m in width – not the required standard of 5.5m. This also does not take into account any protection required to the garage and fencing alongside the Coopers Crescent access.

Should the Applicant say that all pedestrian and cycle access could be through Armoury Road instead [although this would be against what the Highways Authority have stated in [1] above], the protection from construction traffic and other vehicles needed along the side of the garage of 14 Coopers Crescent and the fencing of Nos. 14 and 7 Coopers Crescent would again reduce the 6.57m to what it is believed could be less than that required by the Essex Highways Authority.

It should also be noted that the plans show “an extension of the roadway to Coopers Crescent”. However, Coopers Crescent turns right at the end into a cul-de-sac and the small spur which the Applicant wants to use as the access point is used to enable larger vehicles such as delivery vans and refuse vehicles to turn as Coopers Crescent itself is not wide enough to permit this.

Therefore the parcel of land to be used to access the new development is not an extension of Coopers Crescent but an entirely new roadway and should be subject to Highway Regulations regarding width etc.

Of further note is that the widths recorded above are the “minimum” required by the Highways Authority.

Query if Essex County Council Highway Authority have conducted a site visit. There was one photograph produced at the planning meeting of the entrance to Maltings Park but it is believed that this access is for the Maltings Park development only and, although the Applicant may have a right of way over this development to reach the proposed site, it is stated over and over again in the Planning Application that the secondary access point to the site is through Coopers Crescent [not Maltings Park]. It is questioned whether the Planning Officer has recommended this application for approval without Essex Highways Authority having actually inspected and approved the access point at Coopers Crescent.

Adverse impact on neighbouring properties – goes to harm

Items contained in Planning Application and Recommendation to Approve with objections / comments in response

Layout of plan:

The recommendation to approve states that *“although generally along the right lines, the indicative layout does not fully convince that the desired number of units could be accommodated in that rear elevations for plots 14-16 are only 10m from existing backs rather than the 15m required by the Essex Highway Design Guide. However, if the case officer was minded to approve this might be mitigated by only approving up to 26 dwellings”*.

Objection / response

This is referred to as an “indicative layout” but the Applicant’s Planning Statement refers to it as a “deliverable plan”. How the issue of plots 14-16 can be mitigated by only approving up to 26 dwellings is questioned as the plan is only for 26 dwellings in the first instance.

It is submitted that the indicative layout is not anywhere near along the “right lines” as stated in the Urban Design Officer’s comment in that The Colchester Borough Council Parking Standards now seems to require 2 spaces per unit for 2-bed flats and houses but the development plan shows only 1 parking space for 2-bed houses Nos 14 to 16 and 4 spaces for the 3 properties Nos 4-6 [this would seem to suggest that a further 5 parking spaces need to be accommodated somewhere on site]. Also NPower have said that the site will require an electricity sub-station and it is believed that any such sub-station should be shown on the planning application. UK Power Networks state that “where possible, a sub-station should be positioned a minimum of 10 metres from residential properties to mitigate potential noise nuisance”. This, together with the need for further parking spaces, would radically alter the design of this site.

Therefore, far from being “along the right lines” and a “deliverable plan” it is submitted that this should be regarded as being an unacceptable design and it is understood that “unacceptable design” is a factor which can be borne in mind when considering the issue of “harm”.

Although it is recognised that the plan can be amended, the above goes some way to show that not everything is as it would first seem with this Application.

Adverse effect on neighbouring properties – Essex Way - goes to harm

Sustainable development based on:

- [1] Economic role
- [2] Social role
- [3] Environmental role

The recommendation states that *“in conclusion, it is considered the proposed development satisfies all 3 roles and constitutes sustainable development”*

Objection / response

15.13 A Court of Appeal decision on 05.07.17. in the matter of *Barwood Strategic Land II LLP v East Staffordshire Borough Council & Anor [2017] EWCA Civ 893* upheld a High

Items contained in Planning Application and Recommendation to Approve with objections / comments in response

Court judgment quashing an inspector's decision :

It states:

The Court of Appeal has clarified the wordings of the National Planning Policy Framework's presumption in favour of sustainable development. It said that applications can be allowed on this basis only where there is no local plan in force or some deficiency in it.

Although not actually in force as yet, it is stated by CBC that the local plan it is at an advanced stage. Therefore, it is submitted that the above citation is something to be considered / taken into account when deciding this application.

Responding in particular:

[1] Economic role –

it is stated that the development would contribute to the economic role by generating employment and tax receipts during construction. Also that the addition of new residents would support the vitality and viability of services etc.

Response – generating employment etc would be a short term benefit only and could not be considered to outweigh harm done as listed below. Also, the Neighbourhood Plan would provide the same benefits but would not cause the same amount of harm as it would be spread over a greater period of time and thereby enable the village to plan for such development. It is disputed that new residents would support local services etc. On the contrary, it would only increase the strain and pressure on local services such as Heathlands School and the Doctor's surgery.

[2] Social role –

it is stated that the 26 dwellings would contribute to providing new housing and help to address the national shortfall.

Response – it is questioned why West Bergholt should need to contribute to the national shortfall when CBC have met their required commitments to the 5-year housing supply. Also, the Neighbourhood Plan would meet the same provisions but over a longer period of time to enable the village to provide for such influx of new residents.

[3] Environmental role –

The conclusion under 8.2 in the recommendation to approve states that *“the proposal is considered to be in contravention of current adopted local policies [SD1] and ENV1]..... furthermore, the proposal conflicts with the emerging Local Plan and emerging Neighbourhood plan which will plan for the most appropriate additional growth in West Bergholt. It also states that planning balance will need to be applied and permission only granted if other considerations outweigh the presumption against development outside settlement boundaries contained in the development plan”*

Response -

Policy ENV1 states that a greenfield site should be protected and, where possible, enhanced. It is submitted that it should not be developed for purely commercial reasons. The site already has native hedgerow and existing trees and is not [as stated by the applicant] surrounded by residential properties. On the contrary, a large part of the site

Items contained in Planning Application and Recommendation to Approve with objections / comments in response

runs alongside the Essex Way. CBC have also said there is a need to have open green spaces to break up the sprawl of urbanisation. The development of this site would mean the loss of an open space along the Essex Way.

Goes to harm – possible effect of urbanisation along the Essex Way

Notwithstanding the legal precedent quoted it is also submitted that this development does not satisfy all 3 roles for sustainable development.

[3] Impact on area and neighbouring properties:

It is stated in the recommendation to approve that *“this development would not have an adverse impact on the surrounding area”*

Objection / response

This development would have a considerable impact on the surrounding area:-

Access:

With the Armoury Road access being refused, this would no longer be a dual access design so there will be no spread of vehicle movements – all vehicles and construction traffic having to use the Coopers Crescent access. It is questioned whether the Applicant’s assessment of traffic flow is based entirely on the number of proposed new houses and their vehicle numbers or whether it includes any provision for extra trade vehicles, supermarket delivery vehicles and other delivery vehicles associated with on-line shopping etc. There have been several recent surveys undertaken which have all shown that the increase of internet shopping is greatly increasing traffic flow now and will indeed do even more so in the future. All of this extra traffic would be utilising the access through Coopers Crescent. Has any of this been incorporated into the Applicant’s traffic flow assessment reports?

This development would have a considerable impact on the surrounding area / neighbouring properties by virtue of the safety issue caused by extra vehicle movement and a risk to health due to the harm caused by the pollution from extra traffic generated through the Maltings Park Development which, it should be noted is unadoptable by the Highways Authority due to the carriageways being too narrow or unsafe [possibly both] and including sharp bends with restricted views. This extra traffic would then be exiting to increase the traffic flow along Colchester Road. The Applicant has contended that the carriageways in Maltings Park / Coopers crescent would be suitable for use as they are already used by refuse vehicles. This is only once a week and these vehicles already cause problems by the need to drive over kerbs because of the narrowness of the road. In fact, there has already been damage to some of the kerbs due to this. The construction traffic required to get to the site would be using the carriageways on a daily basis and because the roadway would be too narrow for the vehicles to pass each other, it would cause back up and traffic delays with the resultant increase in safety issues ie if constructions vehicles were backed up round an almost blind bend together with a greatly increased risk to health due to the added pollution levels. It is not believed that any of these aspects have been considered in the planning application.

Goes to harm

Items contained in Planning Application and Recommendation to Approve with objections / comments in response

Parking:

It should be noted that the proposed site plan / deliverable plan shows a lack of parking facilities required by the CBC / Essex Design Guide. This does not take into account the need for delivery vehicles, trade vehicles, postal vans and all other such vehicles to park. Therefore it can easily be envisaged that encroachment would be made onto the Maltings Park development for extra parking [or even along the designated route of Armoury Road which CBC has said it wants to protect from any extra vehicle movement]. Maltings Park has its own problems with the lack of parking facilities for growing families as it is. This could lead to conflict between the 2 developments and would not contribute in any way to community cohesion. It would also increase the likelihood of accidents and is therefore to be considered as a safety factor.

Adverse effect on neighbouring properties and the Essex Way - goes to harm

Impacts on village amenities:

[1] Heathlands School is already full. Any influx of new residents would result in current parents having to “compete” with new parents for places. Many children will have to travel to schools outside the village. It would be totally inappropriate for primary school children to either walk or cycle to outside schools and this would result in increased traffic with parents having to transport their children to and from by car unless the CBC picks up the bill for the use of cabs for this purpose although this would still result in an increase in car use through the village.

[2] The Doctor’s surgery is now basically only an emergency hub with the result that patients are having to travel to surgeries outside the village. Any increased development will only add to the concern regarding appointments and travel to and from surgeries outside the village.

[3] If this application is approved, it would leave the door open / give the green light to other speculative applications for any parcel of greenfield land in the village thereby creating uncertainty to other village residents. It also flies in the face of all the work undertaken by the residents to formulate their village plan in accordance with the requirements of CBC.

All of the above does not enhance and, in fact, could cause great harm to the cohesion of the village of West Bergholt which, at the moment is very good.

Goes to harm

Settlement boundary:

The recommendation to approve also states that “*the site shows some suitability for development as it adjoins the existing settlement boundary*”.

Objection / response

It is contended that this site should not be considered for approval on the grounds that it abuts the existing settlement boundary. If this were to be a consideration, any land

Items contained in Planning Application and Recommendation to Approve with objections / comments in response

abutting the boundary could be said to be included! It has not been included in the Neighbourhood Plan because it was considered inappropriate / not viable for development and a better and more suitable alternative site has been put forward the plans for which are, as previously stated, at an advanced stage.

The recommendation states in conclusion that *“in the Officer’s opinion this represents a sustainable development with limited harm identified which is outweighed by the significant social and economic benefits”*

Objection / response

The Officer’s opinion is obviously subjective but the legal precedent quoted above means that sustainable development should not take precedence over local plans.

In any event, it is submitted that this is not a sustainable development by reasons of the objections put forward above [including those against the social and economic benefits and environmental aspects] many of which go to **harm** and that this application should not be considered for approval.

Also Item 17 of the NPPF states that under Core Planning Principles, applications should be genuinely plan led in accordance with neighbourhood planning / joint working etc. This application does not accord with this principle [and is certainly not neighbourhood led as can be evidenced by the number of objections put forward] and would seem to be purely speculative and commercially led on the part of the applicant.

From Mr and Mrs Corder
14 Coopers Crescent

16.07.18.

Application Number: 180733
Name: West Bergholt Parish Council
Address: 80 Chapel Road, West
Bergholt, CO6 3HL
Tel:
Email:
Date and time of comment left: 26-07-2018 11:42
Comment Type: Object to Proposal
Comment:

26/07/18

FAO: Sue Jackson (Planning Officer),

Planning Application 180733

Please find below further comments from the Parish Council regarding planning application 180733 which were approved at the full council meeting dated Wed 25th July 2018:

General

? The Parish Council finds it unacceptable that a clear and obvious deviation from present Local Plan policies, and the clear direction of travel set out in the publication draft of the Local Plan and the Reg14 West Bergholt Neighbourhood Plan is to be overruled by an officer recommendation to allow the application.

? Such a decision is counter to all the collaborative work undertaken between the community, Parish Council and CBC which has taken place over the years.

? What is the point of having Local and Neighbourhood Plans if applications can come forward and be judged against a benefit and harm set of criteria?

? The Planning Application for both the White Hart and NEEB site off Colchester Road have been turned down on policy-based criteria, so the same logic should be applied to this application.

? The Parish Council calls for the application to be turned down.

Sustainable Development Principles

? The committee report attempts to show that despite clear deviation from policies that the development is of benefit to the community. The case made in the report is narrow and over-stated. In particular benefits for economic, environmental and social aspects have been claimed which will not accrue directly to the community and further that obvious harm has been ignored and not covered by the report.

? Furthermore, in the same section of the report the Local Plan

(SS15) and Neighbourhood Plan sections, although faithfully summarised, have not been used to show that these are the areas which truly show sustainable development principles are at play.

Economic criteria

? Employment benefits have been claimed. There is nothing unique about the benefits claimed in terms of how these would benefit the local community. Construction employment benefits whilst not disputed, do not accrue to the village as they would take place wherever the housing in the village was constructed ? in the area in the Neighbourhood Plan for example; the New Homes Bonus similarly is a general CBC benefit and not one which assists the village; housing benefits will accrue from other sites such as those in the Neighbourhood Plan.

Social Criteria

? Social benefits from 30% social housing again is not a benefit which will uniquely accrue because of this site, and the Neighbourhood Plan sites will also seek this level of provision.

? Wider benefits claimed are only mitigation and not net benefits.

? Harm has been ignored. In particular the harm caused from construction traffic entering narrow sub-standard roads causing damage, noise, nuisance and a road safety problem.

? Once built the additional traffic which although it can access the site from the highway, will exacerbate the totally inadequate internal road layout that exists, which already does not meet Manual for Streets criteria and has not been adopted.

Environmental Criteria

? Environmental benefits are claimed due to the site not being visible to the remainder of the village and because the landscape will not be compromised. However, the harm caused by the loss of amenity value placed on the open nature of the site has been ignored. Also, there will be a degradation of views from those who live locally. Landscape quality must be viewed from the point of those who can view it not just for those to whom it is hidden.

? We doubt that significant biodiversity will be promoted by a site which removes so much open space and that hedgerows will not be maintained or be rich in flora or fauna.

In Conclusion

? The benefits have been over-stated, are general in nature, and

even those that would accrue give little benefit to the community, only benefiting the Borough in a very general sense or are mitigating pressure placed on the community and its facilities by the development itself.

? Obvious harm has been ignored.

? The role of the Local Plan and Neighbourhood Plan has been undermined.

? The pejorative nature of the assessment is summed up by the statement ??it is considered to be a logical rounding-off of the settlement?. Since when has this been an over-riding consideration. The West Bergholt settlement boundary resembles in many respects the coast of Norway! Is it CBC?s intention to ?round-off? all the odd open and undeveloped spaces and similarly try to prove nil harm!!

Kind regards

Laura Walkingshaw

Clerk ? West Bergholt Parish Council

The Evaluation Of Planning Application 180733 and its Effect on Maltings Park Road and Coopers Crescent from a Manual for Streets (version 1 2007) Harm Perspective

Through the planning application 180733 it would appear the Essex Highways have not really focused on vehicle movements around the Maltings Park Road estate. In Manual for Streets, although not legally required, it does clearly point towards having a 'Road Safety Audit' carried out. This doesn't appear to have happened either from Highways or by the applicant. To ensure that some form of audit was done we have, carried out an evaluation using the Manual for Streets document.

The aim of Manual for Streets (Mfs) is that there is a need to bring about transformation in the quality of streets. "This requires a fundamental change in the way streets are designed and adopted, including a more collaborative approach between the design professions and other stakeholders."

(1) This should include local residents. One of the key aims is to "create safe and attractive places which have their own identity". (2)

Mfs 1.6 Changes to Approach

1.6.1 Clearly states that the main changes in the approach are "applying a user hierarchy to the design process with pedestrians at the top."

On application 180733 this has clearly been ignored because from the outline planning permission there is no evidence to include a footway after the entrance from Coopers Crescent and around the proposed development.



At this point there is a total 6.62m. If you allow the footway to continue at 1.8m, this leaves an access width of only 4.48m and at this distance it also leaves no gap between the access road and the garage of 14 Coopers Crescent. According to **Mfs Figure 3.1.2** there should be a 1 metre plot boundary. This now restricts the entrance point to 3.48m. The whole section **Mfs 6.7** "Emergency vehicles" makes for interesting reading and I would doubt that **6.7.3** has even been considered with this application when dealing with 'harm'



Mock up for aspect perspective of Waste collection vehicle through access point

If an HGV travels through this access point then, using **MfS Figure 6.18** there would be a maximum gap of 240mm either side. This alone is a significant risk of harm to pedestrians, buildings and footway. If construction traffic was also accessing through this point then the risk of harm will again increase as these vehicles are often wider than a standard HGV.

Access point A (marked in purple), is a spur of the carriageway which is to be retained and utilised for turning purpose for emergency vehicle, refuse trucks etc. If this piece of carriageway is incorporated as an extension of Coopers Crescent and used to access the proposed site, it would mean vehicles having to turn into this newly developed carriageway. As above at 3.48m this single access carriageway would have extremely restricted views and poor sight stopping distances.

Colchester Borough Council Development Policies clearly state:

“access to all developments should be created in a manner which maintains the right and safe passage of all highway users. Development will only be allowed where there is a physical and environmental capacity to accommodate the type and amount of general traffic generated in a **safe manner**. The access and any traffic generated shall not unreasonably harm the surroundings, including **the amenity of neighbouring properties** and/ or the public rights of way network.

MfS 6.8.4 to 6.8.13.

Waste collection vehicles are also singled out for specific reasons.

There are so many points to note but for the purpose of this evaluation the main ones are:

6.8.7 states that they require a turning circle of 20.3m. It recommends a minimum street width of 5m, but smaller are acceptable where on street parking is discouraged.

6.8.8 Reversing causes a disproportionately large number of moving vehicle accidents (harm) in the waste/ recycling industry. Injuries to collection workers or members of the public by moving collection vehicles are invariably **severe or fatal**. BS 5906: 2005 recommends a maximum reversing distance of 12m.

There should also be enough width in the road for waste collection vehicles to pass parked cars. As you will see from the pictures below this is impossible on the existing estate. There are times when we have 2 waste collection vehicles on the estate at the same time (1 servicing the commercial properties and 1 servicing the residents) and this causes significant problems. See photographs on next page



Adding another 26 homes to this development will further increase the risk of 'harm'.

Mfs 7.5 Stopping sight distance (SSDs)

7.5.2

The SSD is the distance within which drivers need to be able to see ahead and stop from a given speed. It is calculated from the speed of the vehicle, the time required for a driver to identify a hazard and then begin to brake (the perception-reaction time) and the vehicle's rate of deceleration. See photographs below:



Picture 1 - The entrance to Coopers Crescent where the proposed development will enter



Picture 2 - The same picture but now with a pedestrian only 13.6 metres from the front of the car

Figure 7.1 Mfs

Speed mph	10	12	15	16	19	20
SSD (metres)	9	12	15	16	20	22
SSD adjusted for bonnet length	11	14	17	18	23	25

This would indicate that there is a risk of harm at this point, very close to the entrance of the proposed development. A point to note that these pictures were taken when there were no cars parked on the street.

When the estate was built in the late 1990's, none of the hedges had grown, people's gardens were immature and as years have passed this has reduced the SSD's further. When the estate was built, people had 1 or 2 cars per household and as their children have grown up they now also own cars. We are now in a situation where there some families with 3 or 4 cars per household and front gardens are converted to parking spaces. This also reduces the SSD's – see photographs below:



It is also important to note that in **7.6 Mfs** it states that, that “visibility should be measured horizontally and vertically” to as low as 0.6m to allow for children.

The SSD's around the existing site vary but on some corners are as short as 7.6 metres – see layout of existing estate on next page



The inner ring of the estate has no footway, in some places only 2 metres from the front door to the edge of the street and some of these at corners with poor SSD's. If a child ran out on to these streets then there is a serious risk of harm even with a speed limit of 15mph. There are currently 2 residents who have mobility scooters, again with the SSD's and no footway a serious risk of harm.

All of this is based on existing traffic levels which have significantly increased over the past 20 years since the estate was built. Modern life has meant that we have seen a 67% growth in service and courier vehicles where very little consideration is given to other road users.

If the application is approved then there will be an approximate 50% increase in vehicles using the estate which will definitely increase the risk of harm to pedestrians.

SUMMARY

In conclusion when 'Highways' have approved application 180733 they have only looked at the point of harm from an entrance/exit perspective from/to Colchester Road and the volume of traffic leading to Colchester through Braiswick. No consideration was given to the existing **private, unadopted roads** of the Maltings Park Road Estate. The splayed entrance to maltings Park Road is considered better than the lack of a splayed entrance to/from Armoury Road.

The existing Maltings Park Road estate is already struggling with the increased levels of traffic and not enough parking spaces. Adding additional traffic movements of nearly 50% will clearly increase risk of harm to pedestrians, vehicles, properties and the environment.

Using **Manual for Streets** as a reference point this application should be rejected on highways harm alone. Streets "form vital components of residential areas and greatly affect the overall quality of life for local people". (3). When considering whether harm can be caused by this proposed development the needs of pedestrians, cyclists and people who have additional mobility needs clearly have to be taken into account.

- (1) Manual for Streets, www.thomastelford.com/books, 2007
- (2) Manual for Streets, www.thomastelford.com/books, 2007
- (3) Manual for Streets, www.thomastelford.com/books, 2007