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**Item No:** 7.6/7.7

**Applications:** 172642 and 172643

**Applicant:** Mr N Percival

**Agent:** Mr Phillip McIntosh

**Proposal:** 7.6 172642: Demolish part of existing buildings, extend and convert into 12 dwellings and erect 10 dwellings (22 dwellings in total), including associated car parking.

7.7 172643: Alterations and conversion of Wakes Hall to provide residential dwellings.

**Location:** Wakes Hall, Colchester Road, Wakes Colne, Colchester, CO6 2DB

**Ward:** Rural North

**Officer:** Lucy Mondon

**Recommendation:** Approval subject to signing of Section 106 agreement

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

- 1.1 The applications are referred to the Planning Committee because planning application 172642 constitutes a major application which requires a S106 legal agreement. The accompanying Listed Building Consent application (172643) is also referred to Planning Committee for completeness as the applications are mutually dependent.

## **2.0 Synopsis**

- 2.1 The key issues for consideration are:
- Principle of development
  - Design and impact on the character of the area
  - Impact on the setting and special interest of Wakes Hall (Grade II listed building)

Other matters for consideration include: private amenity; highway matters; flood risk and drainage matters; and impact on biodiversity. S106 requirements are also discussed within the report.

- 2.2 The above matters are considered within the report as part of an overall planning balance, leading to the application being subsequently recommended for approval subject to a number of conditions.

## **3.0 Site Description and Context**

- 3.1 The site is located within the countryside, approximately 260 metres from the nearest settlement boundary (itself a small settlement area comprising a cluster of fifteen properties and All Saint's Church) and approximately 850 metres from the main Wakes Colne settlement boundary. The site fronts onto, and is visible from, Colchester Road and there are areas of woodland to the remaining north, east, and western sides of the site. Wakes Hall Business Centre lies immediately north of the site and is made up of a number of farm buildings (some contemporary with Wakes Hall) with office, and some light industrial, use.
- 3.2 Records indicate that the site is classified as Grade 2/3 Agricultural Land, is within an SSI Impact Risk Zone, and has potentially contaminated land. Public Right of Way 152\_26 is in close proximity to the front of the site, running south from Colchester Road. Public Right of Way 152\_25 runs northwards from Colchester Road and is located approximately 470 metres west of the site.
- 3.3 Wakes Hall sits within the centre of the site. It is a Grade II listed building that was, up until 2016, used as a care home. The building has undergone a number of alterations and additions. Most notably, comprising an extensive 1960s extension to the west and a 1970s two-storey extension and lift shaft to the north (rear). A number of internal alterations have also taken place in connection with the use of the building as a care home. Seven independent care units (referred to as 'bungalows' in the current applications) were built to the north-west of the hall in the late 1980s/early 1990s. There is also a

detached house on site to the north-west of the 'bungalows' (referred to as the 'former warden's house'), as well as an outbuilding immediately east of Wakes Hall (referred to as 'former warden's flat'). To the south-west corner of the site are some large outbuildings, understood to have previously been used as workshops and a garden centre in connection with the care home, but now largely overgrown.

- 3.4 Although not part of the application site, there are additional listed buildings in close proximity to Wakes Hall that form part of its immediate and wider setting. These include the 'Cart Lodge and Granary' (Grade II), currently located in the Wakes Hall Business Centre, but would have originally formed part of the Wakes Hall estate. To the south-east of the site is Wakes Hall Lodge, also a Grade II listed building. The listing descriptions are set out below.

Wakes Hall - Listed 1982

WAKES COLNE TYBURN HILL 1. 5214 Wakes Hall TL 82 NE 6/8 II 2. Early C19 house of gault brick in Flemish bond, of 2 storeys and 3 bays. The ground storey has a central portico with fluted Tuscan columns and entablature with one small pane double-hung sash each side, 3 sash windows on the first storey all beneath straight stucco heads. Four gault brick chimney stacks. A semi-circular bow window on the north-west flank wall has 3 double hung sashes at ground and first floors. Plan: square roof hipped and slated with wide eaves soffit. Tower block of 3 storeys on east flank with sashes with marginal panes, 2 to each storey. The tower has a hipped slate roof on modillioned cornice, and a central gault brick chimney stack.

Wakes Hall Cartlodge and Granary Listed 1982

WAKES COLNE TYBURN HILL 1. 5214 Cart lodge with granary over, south-west of Wakes Hall TL 82 NE 6/6 II 2. C18. A long range of red brick 2 storeys high, the first storey with 5 Diocletian windows, now blocked. The ground storey is open and carried on a double row of Samson posts, heavy pine floor joists. Roof hipped and slate clad.

Wakes Hall Lodge - Listed 1982

WAKES COLNE TYBURN HILL 1. 5214 Gate Lodge to south-east of Wakes Hall TL 82 NE 6/7 II 2. Early C19 gate lodge of gault brick, single storey with hipped slate roof and central gault chimney stack. Front door of 6 panels to left in wide pedimented case and small pane sash window in a 4 centred head to right. Similar sash windows in flank walls. Eaves with troughing, lead flashed ridge and hips.

## **4.0 Description of the Proposal**

- 4.1 The applications seek planning permission and listed building consent (as appropriate) for the creation of 22 No. dwellings on the site, comprising the following:
- The demolition of structures (including the existing outbuildings, 1960s extension, and lift shaft at Wakes Hall);
  - The conversion of Wakes Hall to 4 No. dwellings with a communal gym and media room (involving some demolition and new build);

- The conversion of the existing 'bungalows' to 6 No. dwellings;
  - The conversion of the existing 'former warden's house' and 'former warden's flat' (2 No. dwellings); and
  - The erection of 10 No. new dwellings.
- 4.2 The proposal also includes the provision of tennis courts and allotments (on site), as well as a link to footpath 152\_25 (located approximately 470 metres west of the site) across land within the applicant's ownership.
- 4.3 As well as the necessary planning drawings, the applications are supported by the following documents:
- Planning Statement
  - Arboricultural Impact Assessment
  - Contamination Report
  - Design and Access Statement
  - Development Appraisal
  - Ecological Assessment (Phase 1)
  - Faunal Surveys
  - Flood Risk Assessment
  - Heritage Statement (amended)
  - Highway Access Design Statement
  - Landscape and Visual Impact Assessment
  - Landscape Strategy
  - Noise Assessment
  - Schedule of Works (amended)
  - Viability Assessment

## **5.0 Land Use Allocation**

- 5.1 None; countryside.

## **6.0 Relevant Planning History**

- 6.1 There are a number of permissions dating from the late 1950s to the late 1990s in connection with the site being used as a care home. The seven independent care units (the 'bungalows') currently on site were granted planning permission in 1987 (ref: 87/1064/A).
- 6.2 More recently, there have been a number of planning and listed building consent applications concerning repairs, alterations, and extensions to Wakes Hall such as:
- LB/COL/02/2077 Internal alterations to create kitchen, dining room, and lounge (approved);
  - LB/COL/05/1652 Redecoration and associated minor repairs to all buildings, strip, retile and overhaul slate roofs, new membrane and re-slate to match existing (withdrawn);
  - LB/COL/05/1688 Works to soft brick garden wall and addition of Tyvek felt to roof under slates (approved);

- F/COL/05/1810 Construction of two buttresses to support existing garden wall (approved);
  - 130009 Proposed conservatory (approved);
- 6.3 A planning application for the change of use of the seven independent care units falling within use class C2 (residential institution) to seven dwellings within Class C3 (dwelling houses) was withdrawn in 2017 (ref: 163002).
- 6.4 The proposal was subject to a preliminary enquiry in 2017. The advice given was that the Council was likely to be supportive of a proposal that delivers improvements to the setting of the listed building, as well as the removal of later additions that are uncharacteristic of the building (i.e. the large flat roof rear extension and single-storey side extensions). Provided that additional residential development is required to secure the improvements to the listed building, as well as provide other benefits to the wider community, the application could be viewed favourably. The Council's Historic Buildings and Areas Officer generally focused on the detailed design of the proposals in their advice. The Council's Urban Designer had concerns regarding the height of the proposed new build and recommended that the massing be reduced, preferably to single-storey (or demonstrate exceptional architectural qualities that may justify two-storey), as well as better integrate the parking serving the new build. This advice was included in a letter to the Agent in July 2017.

## **7.0 Principal Policies**

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:
- SD1 - Sustainable Development Locations
  - H1 - Housing Delivery
  - H2 - Housing Density
  - H3 - Housing Diversity
  - H4 - Affordable Housing
  - UR2 - Built Design and Character
  - PR2 - People-friendly Streets
  - TA1 - Accessibility and Changing Travel Behaviour
  - TA2 - Walking and Cycling
  - TA3 - Public Transport
  - ENV1 - Environment
  - ENV2 - Rural Communities

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

- DP1 Design and Amenity
- DP3 Planning Obligations and the Community Infrastructure Levy
- DP4 Community Facilities
- DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP17 Accessibility and Access
- DP19 Parking Standards
- DP20 Flood Risk and Management of Surface Water Drainage
- DP21 Nature Conservation and Protected Lanes

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

- Sustainable Drainage Systems Design Guide
- Street Services Delivery Strategy
- Cycling Delivery Strategy
- Affordable Housing
- Sustainable Construction
- Backland and Infill Development
- Provision of Community Facilities
- Vehicle Parking Standards
- Provision of Open Space, Sport, and recreational Facilities
- External Materials Guide for New Development
- Essex Design Guide

### 7.5 Submission Colchester Borough Local Plan 2017-2033

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

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Strategy for North Essex
- SP3: Meeting Housing Needs
- SP5: Infrastructure and Connectivity
- SP6 - Place Shaping Principles
- SG1: Colchester's Spatial Strategy
- SG2: Housing Delivery
- SG7: Infrastructure Delivery and Impact Mitigation
- ENV1: Environment

- ENV5: Pollution and Contaminated Land
- PP1: Generic Infrastructure and Mitigation Requirements
- NC4: Transport in North Colchester
- OV1: Development in Other Villages
- OV2: Countryside
- DM1: Health and Wellbeing
- DM2: Community Facilities
- DM3: Education Provision
- DM4: Sports Provision
- DM5: Tourism, Leisure, Culture and Heritage
- DM8: Affordable Housing
- DM9: Development Density
- DM10: Housing Diversity
- DM12: Housing Standards
- DM15: Design and Amenity
- DM16: Historic Environment
- DM18: Provision of Public Open Space
- DM19: Private Amenity Space
- DM20: Promoting Sustainable Transport and Changing Travel Behaviour
- DM21: Sustainable Access to Development
- DM22: Parking
- DM23: Flood Risk and Water Management
- DM24: Sustainable Urban Drainage Systems
- DM25: Renewable Energy, Water, Waste and Recycling

7.6 Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

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

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

## **8.0 Consultations**

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

## 8.2 Anglian Water

No objections, subject to condition for a foul water strategy, as well as an informative regarding assets owned by Anglian Water. Confirmation of the following:

- The foul drainage from this development is in the catchment of Earls Colne Water Recycling Centre that will have available capacity for these flows.
- The sewerage system at present has available capacity for these flows.

## 8.3 Arboricultural Officer

The Arboricultural Impact Assessment submitted is acceptable. The proposal only requires the loss of one moderate quality tree and the rest of the removals are low value. The proposal does have potential impacts on retained trees, but this can be addressed/mitigated via an Arboricultural Method Statement (required by condition).

## 8.4 Archaeological Advisor

The site has not been the subject of previous systematic archaeological investigation and there is a high potential for encountering below-ground archaeological remains in this landscape setting, which is topographically favourable for early occupation of all periods, being above the floodplain of the River Colne and at the confluence with a small tributary.

There are no grounds to consider refusal of permission in order to achieve preservation *in situ* of any important heritage assets. However, in accordance with the *National Planning Policy Framework* (Paragraph 141), any permission granted should be the subject of a planning condition to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.

## 8.5 Building Control No comments received.

## 8.6 Contaminated Land Officer

The Phase 1 Desk Study and Preliminary Risk Assessment has identified some potential contamination risks and recommend an intrusive investigation, including ground gas and groundwater monitoring in order to better assess the risks. Environmental Protection will expect the additional investigation to also include further assessment of risks associated with the Anglian Water reported spill of heating oil, location unknown. Appropriate asbestos surveys will need to be undertaken, prior to any refurbishment or demolition. Recommended conditions relating to site characterisation, submission of remediation scheme, implementation of remediation scheme, reporting of any unexpected contamination, and a remediation validation certificate.

## 8.7 Environment Agency No comments received.



8.8 Environmental Protection

No objections. Recommended informative regarding control of pollution during demolition and construction.

8.9 Essex Bridleway Association No comments received.

8.10 Essex County Fire and Rescue No comments received.

8.11 Essex Police

Satisfied that the proposal appropriately addresses paragraphs 58 and 69 of the NPPF (Case Officer Note: these paragraphs relating to creating 'safe and accessible environments').

8.12 Essex Wildlife Trust No comments received.

8.13 Highway Authority

No objections, subject to recommended conditions relating to access requirements; vehicular access surface treatment; visibility splays; vehicular parking and turning facilities; recycling/bin/refuse collection points; Construction Method Statement; provision of bus stops; pedestrian footways; and vehicular access gate requirements.

8.14 Heritage Advice

Heritage advice has been provided by the Specialist Planning Manager. There has been extensive negotiation relating to heritage matters during the course of both applications that has resulted in some amendments to the proposals. Concluding remarks from the Specialist Planning Manager are that there is a public benefit in the prospect of bringing the listed building back into a beneficial use which would ensure its renovation and long-term survival. Whilst some elements of the alteration works would result in some negative impacts, overall it is considered that these are outweighed by the positive aspects of the scheme. The design of the new housing block is considered to constitute a flawed approach, but, given the unique circumstances of the site and type of development proposed, there is a desire to support the broad concept of the scheme. In view of this, it is considered important to secure design detailing and materials of the highest order; the drawings submitted are ambiguous and lack sufficient details to ensure that this will be the case. The materials and design detailing of architectural features will therefore need to be appropriately conditioned.

8.15 Historic England

On the basis of the information available, do not wish to offer any comments. Advised to seek the views of specialist conservation and archaeological advisers as relevant.

8.16 Landscape Officer

The proposed allotments and tennis court area are located within an area of higher grade (2/3) agricultural land. In the absence of any agricultural land classification report, if the proposed development of the agricultural land is considered to be within the setting of a heritage asset and considered as 'significant development', an agricultural land classification report is required along with a justification of the necessity of the development, in order that the impact on the agricultural land can be fully assessed.

Once proposals are agreed, recommended condition to require detailed landscape proposals.

8.17 Natural England

Confirmed that they have no comments to make on this application. Standing advice regarding protected species and ancient woodland provided.

8.18 Planning Policy

Factual commentary provided on relevant Local Plan Policies and Emerging Plan Policies in relation to the proposals. Concluding comments as follows:

The site is brownfield land, which is one of the core land-use planning principles set out in the NPPF and will provide housing for older persons. Elements of the proposal go some way to addressing the issue of the site being functionally isolated relative to services and facilities. However, as a countryside location, remote from the settlement boundary, the proposal is contrary to policies SD1, ENV1 and ENV2 of the adopted Local Plan and policies SG1 and OV2 of the submitted Local Plan.

The NPPF does however include examples of exceptions where proposals for isolated dwellings in the countryside may be acceptable (paragraph 55). For the proposal to meet the second special circumstance: "where such development would represent the optimal viable use of a heritage asset or where appropriate enabling development to secure the future of heritage assets" the viability report must clearly demonstrate and justify that the 10 new dwellings are necessary, in addition to the 12 dwellings from converting existing buildings, to secure the future of the heritage asset and a historic buildings specialist must be of the view that the proposal does indeed represent the optimal viable use of this heritage asset. If this special circumstance can be met the viability report must also demonstrate that the provision of affordable housing would render the development unviable, otherwise the proposal would be contrary to policy H4.

8.19 Street Services No comments received.

8.20 SUDs

No objections, subject to conditions requiring detailed surface water drainage scheme; scheme to minimise surface water run-off during construction; and maintenance and management plan.

8.21 The Ramblers Association No comments received.

8.22 Transport Policy No comments received.

8.23 Urban Design

No objection subject to Historic Buildings Officer satisfaction. Previously raised concerns regarding the height and form of the main new building in a way that would inappropriately dominant the rural setting, if not the historic building, leading to a sense of the countryside being excessively eroded. Parking to the front of the new building is inappropriate (although accepted that it has to go somewhere). Design quality is key to overcoming these concerns.

Recommended conditions to ensure high quality design in order to mitigate sensitivities. Conditions to require architectural details and materials, with samples provided as appropriate (including hard surfacing).

## **9.0 Parish Council Response**

9.1 The Parish Council have stated that they ‘fully support this application.’

## **10.0 Representations from Notified Parties**

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

10.2 The Colne Stour Countryside Association supports the application as ‘making appropriate use of this Heritage Asset, whilst having no or minimal impact on the surrounding countryside. The site has good road access and when developed should make a positive contribution to housing needs.’

## 11.0 Parking Provision

11.1 All of the proposed properties have at least two spaces (the majority have three) bedrooms. In terms of parking provision, the Vehicle Parking Standards SPD require the following for residential properties of two or more bedrooms:

Vehicle (minimum)	Cycle (minimum)	PTW (minimum)	Disabled (minimum)
2 spaces per dwelling	1 secure covered space per dwelling.  None if garage or secure area is provided within curtilage of dwelling	N/A	N/A if parking is in curtilage of dwelling, otherwise as Visitor/unallocated

11.2 The proposal provides two car parking spaces per dwelling (a total of 44 car parking spaces) and there would be an informal visitor parking arrangement on the driveway within the site.

11.3 Cycle stores provide formal cycle parking for the 'bungalow' conversion and new build, with a total of 16 spaces equating to 1 space per dwelling. No formal cycle parking is proposed for the remaining development (i.e. Wakes Hall conversion, Former Warden's flat, or Former Warden's House).

## 12.0 Open Space Provisions

12.1 The proposal includes communal open space, such as landscaped courtyards, parkland (to the front of the site), a woodland (to the western side of the site), and allotments and tennis courts (to the north-western corner of the site).

## 13.0 Air Quality

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

## 14.0 Planning Obligations

14.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. It was considered that Planning Obligations should be sought. The Obligations that would be agreed as part of any planning permission would be (with additional explanation in brackets):

- That the development is for the over-55's (as this is the basis on which the application has been made and has a bearing on the contributions being sought);

- That the on-site facilities (tennis courts, allotments, communal gym and lounge area) are provided and maintained for use by the residents (as the provision of on-site facilities has resulted in no community facilities or open space contributions being sought);
- A review mechanism for the viability review (in order to ascertain whether there is any monetary surplus from the development that can be contributed towards affordable housing, as no affordable housing is being provided); and
- A clause to ensure that the works to the listed building are carried out as part of the development (as the premise of the application is that the overall development of residential units will fund additional works to the listed building in order to improve its character and setting).

14.2 Contributions have not been sought for education given the nature of the development being for the over 55's who are less likely to have school-age children. No contribution request was received from the NHS.

14.3 Affordable Housing: Core Strategy policy H4 emphasises the Council's commitment to improving housing affordability in Colchester. At least 20% of new dwellings (including conversions) should be provided as affordable housing. In terms of the proposed development, the affordable housing requirement would be 4 No. dwellings. In this case, the Agent has argued that 'Vacant Building Credit' should apply which is a mechanism whereby national policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace. In using this mechanism, the affordable housing requirement would reduce to 1 No. dwelling. The Council's Affordable Housing Officer has, however, determined in accordance with recent appeal decisions that Vacant Building Credit does not have to be automatically applied without regard being paid to the full circumstances, namely where the Borough has an acute unmet affordable housing need. [Caselaw examples include Secretary of State v West Berkshire District Council and Reading Borough Council Judgment 2016; and Appeal APP/N1920/W/16/3162337 Patchetts Equestrian Centre, Aldenham]. The Affordable Housing Officer has confirmed that Colchester does indeed have an unmet affordable housing need; the Strategic Housing Market Assessment December 2015 identifies a need of 278 affordable dwellings a year (266 affordable rent and 12 shared ownership) but delivery is not meeting this need. In 2015/16, 106 affordable dwellings were delivered, in 2016/17 100 affordable dwellings were delivered and in 2017/2018 there are 184 dwellings anticipated. The Viability Assessment has demonstrated that any affordable housing on this scheme is not viable, but it is considered necessary to reassess the viability of the scheme (when actual costs and sales figures are known) so that the Council can capture any surplus income (over developer profit) towards affordable housing. The commuted sum for 4 No. dwellings has been calculated as £984,915.79. It is therefore recommended that the viability is reassessed (see bullet point 4 above).

## 15.0 Report

15.1 The main issues in this case are:

- The Principle of Development
- Design and impact on the character of the area (including landscaping)
- Heritage matters (in particular, the impact on the setting and special interest of Wakes Hall (Grade II listed building))
- Private amenity
- Amenity space and public open space
- Highway safety and parking provisions (including cycling)
- Flood risk and drainage
- Ecology
- Other matters
- Planning Balance

### Principle of the Development

15.2 In terms of the principle of development, there are four key Borough Council Core Strategy policies that require consideration: SD1 (Sustainable Development Locations); ENV1 (Environment); H1 (Housing Delivery); and TA1 (Accessibility and Changing Travel Behaviour). Core Strategy policy SD1 establishes that, throughout the Borough, growth will be located at the most accessible and sustainable locations in accordance with the settlement hierarchy, with Core Strategy policy H1 seeking the majority of housing to be on previously developed land. Core Strategy policy ENV1 (Environment) states that unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced, with development being strictly controlled. Finally, Core Strategy policy TA1 requires future development in the Borough to be in highly accessible locations, such as centres, to reduce the need to travel.

15.3 The application site is an unallocated site located outside the settlement boundaries of Wakes Colne. The site does not, therefore, fall within any of the settlements identified in the hierarchy of policy SD1 and proposed development in the countryside would, by its very nature, not protect nor enhance the landscape as required by policy ENV1. Whilst there are some services and facilities in Wakes Colne (a school, pub, church, convenience store) these are not readily accessible by means other than private car which is essentially a requirement of policy TA1. Development in this location would, therefore, be contrary to the provisions of the aforementioned Core Strategy policies.

15.4 It is recognised, however, that the site is a former care home with associated workshops and can therefore be classified as Previously Developed Land by virtue of the NPPF. The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. It should also be noted that Core Strategy policy H1 also seeks to direct residential development to previously developed land. The reuse of this land would not, therefore, be a fundamental conflict in land use policy terms.

15.5 In considering the environmental sensitivities of the site, the presence of a listed building (the Grade II Wakes Hall) and classification as Grade 2/3 Agricultural Land (i.e. best and most versatile agricultural land) is relevant.

15.6 Dealing with the agricultural land classification first, paragraph 112 of the NPPF states that *'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'*. Whilst some raw hydrological, geological, and land use data has been submitted with the application, no assessment of the site, in the form of an Agricultural Land Classification Report has been provided. It is therefore uncertain as to whether the site is indeed Grade 2/3 Agricultural Land as the Government data is set at a high level rather than being site specific. The Council's Landscape Officer has requested that an Agricultural Land Classification Report be submitted by the applicant so that the grade of the land can be determined and the impact upon the agricultural land fully assessed. This has not, however, been pursued by the Case Officer following an assessment of the 'sequential' approach set out in paragraph 112 of the NPPF: the site is previously developed land (which is preferable for development over greenfield land), the area of land in question (essentially the north-western corner of the site as the remainder has been developed) is relatively small, and there is no realistic alternative site of lower quality land as the majority of the Borough, other than urban areas and non-agricultural areas, is Grade 2/3.

15.7 Turning to the heritage value of the site, the special circumstances for housing in the countryside (set out in paragraph 55 of the NPPF) is relevant and set out below.

1. The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
2. Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
3. Where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting; or
4. The exceptional quality or innovative nature of the design of the dwelling. Such a design should be truly outstanding or innovative (helping to raise standards of design more generally in rural areas); reflect the highest standards in architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.

- 15.8 The planning application has been made on the basis that the conversion and new build would enable and include the re-use of the Grade II listed Wakes Hall and include works to enhance its setting (points 2 and 3 of the NPPF special circumstances). A Viability Report has been submitted with the application and has been independently assessed by the District Valuer Service, with the conclusion that the proposed development would be necessary to fund the works to the listed building and surrounding grounds.
- 15.9 The Case Officer view, however, is that the proposal does not represent enabling development. This is because enabling development relates to development that is contrary to planning policy and this site, being brownfield land, has the potential for redevelopment without a fundamental conflict in land use policy terms subject to material planning considerations. The Agent disputes this assessment, but it remains the Case Officer position. The remainder of the report will therefore concentrate on relevant material matters and the benefits of the scheme (in relation to paragraph 55 of the NPPF), in order to reach a balanced planning judgement.

#### Heritage matters

- 15.10 The starting point for the consideration of the proposals is Section 16(2)/66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which requires that special regard is had to the desirability of preserving the building (Wakes Hall in this case), or its setting, or any features of special architectural or historic interest it possesses. Government policy guidance set out in the NPPF confirms the great weight in favour of conservation of designated heritage assets. The particular significance of any heritage asset likely to be affected by a development proposal needs to be identified and assessed. Any harm requires clear and convincing justification.
- 15.11 Adopted local plan policies Core Strategy policy ENV1 and Development Plan policy DP14 reflect the statutory provisions and the guidance set out in the NPPF in terms of the need to safeguard the special interest of listed buildings and their settings. In particular, Development Plan policy DP14 states that development will not be permitted that will adversely affect (inter alia) a listed building, or important archaeological remains. The policy goes on to state that development affecting the historic environment should seek to enhance the heritage asset in the first instance.
- 15.12 The proposals involve works to Wakes Hall (including demolition, extensions, and internal and external alterations to enable conversion to 4 No. dwellings with a communal gym and media room); the conversion of existing buildings; new purpose built residential accommodation; and site layout and landscaping works. Each of these elements of the proposals have heritage impacts that are assessed in turn. The main heritage issues raised by the applications are:
- The effect that the proposal will have on the special interest of the listed building and the associated curtilage structure;
  - The effect that the proposal will have on the setting of Wakes Hall and other nearby listed buildings;



- The balance of any harm against the public benefits of the proposal

Works to Wakes Hall:

- 15.13 Wakes Hall has been altered and extended over time and the sequence of changes are for the most part evident in the standing archaeology of the building. Notwithstanding the changes, externally the main house remains relatively unchanged and the original plan form of the building form can still be discerned. Wakes Hall represents a typical C19 country house and its significance lies in both its historic and architectural interest.
- 15.14 The Heritage Statement accompanying the application provides a detailed assessment of the evidential values of Wakes Hall, although the Statement provides a less detailed analysis of the impact that the proposed alteration works would have on the building's significance. The Case Officer has therefore made an assessment of the impact based on a number of site visits to the property, the information submitted with the applications, and specialist heritage advice.
- 15.15 Historic England guidance explains that the best way to conserve a building is to keep it in use, or to find it an appropriate new use. The supporting information submitted with the planning application is that the building is not well suited for continued care use. Given this, returning the building back to residential use (a dwelling or dwellings) would seem logical. The ideal solution would be return Wakes Hall to a single dwelling house and remove the various modern accretions, but the Viability Report submitted has demonstrated that this would not be financially viable.
- 15.16 Wakes Hall dates from the early to mid C19 and has been greatly extended and adapted. These works are not considered to have been respectful to the architectural or historic character of the building. To the south of the main house (and wrapping around the rear of the house) is a 1960s single storey accommodation block. This building obscures part of the ground of the south elevation and much of the north elevation. The accommodation block is considered to detract from special interest of the listed building. To the east of the C19 tower, is a three storey extension, which the applicant states was added in the 1970s prior to the building being listed in 1981. The extension has a flat roof with cut back upper storey and dormers. This extension detracts from the setting of the main house by virtue of the fact that it obscures the north elevation main house / tower and due to its poor design and detailing. In addition to the above extensions, a modern lift tower further obscures and clutters the north elevation.

- 15.17 Internally the building has suffered from substantial alterations; the majority of the alterations stem from when the building operated as a care home. These alterations are unsympathetic and detract from the original plan form of the house.
- 15.18 In addition, the building is also showing some signs of deterioration, with areas of damp and localised failure of interior finishes. The possibility of the building further deteriorating is increased by it remaining vacant.
- 15.19 The current proposal has been put forward as a solution to providing the long term conservation and repair of this important listed building. The proposals provide the opportunity to revert many of the unsympathetic additions and reinstate the original plan of the building.
- 15.20 The removal of the 1960s extension and lift shaft is considered to be a positive element of the scheme given that these additions do not reflect the historic character of Wakes Hall in both their form and detailed design.
- 15.21 The 1970s rear extension is included in the proposals as being retained and extended (upwards). The existing extension has been identified in the Heritage Statement as having a negative impact on the special interest of the listed building. Given this, it is unfortunate (and unclear) why the opportunity has not been taken to remove this element of the building. Whilst the proposed scheme improves the aesthetic appearance of the extension, the extension will nevertheless still visually compete with the historic building. Ultimately, the proposed works seek to improve the appearance and offer a marginal gain over the existing. The detailing of the alterations will, however, need to be heavily conditioned.
- 15.22 The proposal includes extensive internal alterations, the majority of which undo the unsympathetic alterations and go towards returning the building back to its original plan form which is positive. Amendments to the scheme, as a result of negotiation with the Agent, have secured further improvements with regards to the historic character of the building. There remains, however, two elements of the proposed alterations that are considered to have a detrimental impact on the historic interest of the building.
- 15.23 Firstly, the removal of a service staircase is not considered to be acceptable. The stairs provide evidence of the historic development of the building (when a service corridor and access to the second floor of the building was added in the 19<sup>th</sup> century). The Agent has stated that the removal of the stair is required in order to reinstate the main bedroom. This is, however, disputed as the staircase can be retained (enclosed by a door) within the existing room subdivisions; the retention would involve some amendments to the size of the proposed en-suites only. Heritage advice is that the removal of the staircase constitutes the unnecessary removal of historic fabric with particular significance. The retention of the staircase can be conditioned so that there is no objection to the proposal in this aspect.

- 15.24 Works are proposed to convert the Coach House (a red brick building attached to the rear of Wakes Hall) to residential accommodation which would involve cutting some part of the original roof structure. The Coach House is listed as a curtilage structure and, although the works required to convert the building are undesirable they are not considered a reason for refusal when considering the scheme as a whole and the level of benefit achieved from the remaining internal alterations.

Conversion of 'bungalows', Warden's House, and Warden's Flat:

- 15.25 The complex of single storey almshouse-style bungalows and the former Warden's house are shown to be retained and upgraded. These buildings are not ideally located in terms of the setting of Wakes Hall, but as existing buildings, their conversion to residential use would not materially impact (i.e. change) the setting of the listed building. Similarly, the conversion of the former Warden's flat would not change its current relationship or influence on the setting of Wakes Hall. The conversion of these buildings is, therefore, considered to be acceptable. Details of any external alterations (such as new windows and doors) will be required in order to ensure that these are appropriate in respect of the historic character of the site.

New Build:

- 15.26 Wakes Hall constitutes a modest C19 country house with farmstead of a similar date to the rear. Heritage advice is that the proposed new development constitutes a disproportionate response to historic built form at Wakes Hall; the scale of the proposal is more befitting that of a stately home than that of modest C19 country house. This is further exasperated by the long unbroken frontage of the new development and its pastiche neoclassical design. The development, by virtue of its scale and mass, cannot be described as mews style development (heritage statement 4.3) and is not considered to enhance the setting of identified heritage assets or the rural character of the site. In addition to this, the new building could also have a harmful impact after nightfall, when the light pollution would invade the characteristic ambience of this isolated house and its setting.
- 15.27 The proposed development, albeit landscaped, would be harmful to the setting and the contribution that the setting makes to the significance of the designated heritage asset (listed building); this is accepted by the agent in their updated justification. It is agreed, however, that this harm would be less than substantial. Having regard to s66 of the Planning (Listed Building and Conservation Areas) Act 1990 and the various court judgements that relate to the concept of harm, considerable importance and weight should be attached to this harmful impact. The development would not accord with one of the core planning principles of the NPPF which seeks to conserve heritage assets in a manner appropriate to their significance so that they may be enjoyed for their contribution to the quality of life of this and future generations.

- 15.28 Harm to the significance of a designated heritage asset must be given considerable weight in the planning balance, creating a strong presumption against the grant of planning permission where such harm is found. In striking the balance, it is not enough simply to ask whether the advantages of the scheme outweigh the harm in a loose or general sense, but whether they outweigh harm in a manner sufficient to rebut that strong statutory presumption.
- 15.29 In this instance less than substantial harm has been identified. Paragraph 134 of the NPPF is therefore relevant and requires that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. A viability assessment has been submitted in support of this application and the Council's consultant has concluded the new build element constitutes the minimum necessary to facilitate the repair and reuse of the listed building. The public benefits derived from this scheme are the repair of the principal listed building (including the reinstatement of some historic elements) and the selected removal of modern additions that detract from the special interest of the building. Ultimately, these benefits are considered to outweigh the harm that would result from the proposed new build.

Layout and Landscaping:

- 15.30 The removal of the existing modern buildings (stores / workshops) to south west of the main house would serve to improve the general setting of the listed building. This is considered to be a positive aspect of the proposal.
- 15.31 Concerns were raised with the Agent in respect of the proposed car parking to the front of the new build. It is considered that the car parking to the front of the new build would dominate the development; extensive frontage curtilage parking would not be considered acceptable in an urban development, let alone in a rural site of heritage value. It was suggested that the car parking be relocated to the rear of the new build, but this was not taken up by the Agent. Instead, the proposal has been revised so that the area for car parking is lowered by 300mm. Lowering the ground levels could help to mitigate the appearance of the car parking, in addition to planting to filter views, although 300mm is not considered to be particularly substantive. Further details of the ground levels and car parking arrangement can be sought for approval via condition.
- 15.32 Heritage advice has also raised a concern with the principle of the proposed tennis courts in that they have a negative impact on the setting of the listed building which would have originally been surrounded by parkland and farmland. The Case Officer view is that the tennis courts are sited in a discreet location to the rear of the site and would not detract from the setting of the listed building. It is also notable that the tennis courts would be in close proximity to an area of existing solar panels, as well as an access road to holiday lodges; the site for the tennis courts is not, therefore, considered to be open countryside where development may appear incongruous. A condition would be required to restrict the erection of floodlighting as lighting would have a marked and detrimental impact on the countryside setting.

- 15.33 The proposals also include regrading the main driveway and entrance to the building, reverting the inappropriate tarmac driveway from the use of the site as a car home. The regrading of the main driveway is considered to be a positive benefit of the scheme as it will better reflect the original layout of the site. The Agent has confirmed that a resin bonded gravel is now proposed as opposed to tarmac which is supported. The use of resin bonded gravel does, however, need to be extended to the remaining driveways within the site (currently shown to be tarmac). This can be conditioned.
- 15.34 In conclusion, heritage advice is that there is significant benefit in the prospect of bringing this important listed building back into a beneficial use which could ensure its renovation and long-term survival. Subject to the amendment regarding the service staircase, it is considered that whilst there would be some negative aspects, these are far outweighed by the positive aspects of the scheme which involve the removal of some unfortunate elements. The works to Wakes Hall would have an overall positive effect on its own setting; similarly the openness created by the removal of the modern single storey extension would have a positive effect on the wider landscape setting of the building. The conversion of existing buildings on site are considered to have a neutral impact on the setting of the listed building. As the new build is necessary to fund improvements to the buildings and its immediate surroundings it is ultimately considered acceptable.
- 15.35 In terms of archaeology, the Council's Archaeological Adviser has confirmed that the site has not been the subject of previous systematic archaeological investigation. There is, therefore, a high potential for encountering below-ground archaeological remains, although this factor should not restrict planning permission being granted. In accordance with paragraph 141 of the NPPF, in order to advance the understanding of the significance of any heritage asset (i.e. archaeological remains) that may be lost (wholly or in part) the asset should be recorded, hence a condition is required to record and advance understanding of the significance of any heritage asset before it is damaged or destroyed.
- 15.36 It should be noted that Historic England have not provided any comments on the application. They have advised that the Local Planning Authority should instead seek the views of specialist conservation and archaeological advisers as relevant.

#### Design and impact on the character of the area

- 15.37 In considering the wider design impacts of the proposal, Core Strategy policy UR2 and Development Plan policy DP1 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings. Core Strategy policies H2 and H3, relating to housing density and housing diversity are also relevant.

- 15.38 The proposal can be sub-divided into four main elements:
1. Conversion of Wakes Hall
  2. Conversion of existing buildings (bungalows, Former Warden's House, and Former Warden's Flat)
  3. New Build
  4. Associated layout and landscaping
- 15.39 The first two elements involve the conversion of existing buildings. The conversion of the bungalows, Former Warden's House, and Former Warden's Flat would not result in significant external changes and do not, therefore, have a direct impact on the character of the area. The conversion of Wakes Hall would include the removal of some later additions, namely the single-storey glazed extension, and lift shaft. These parts of the building are publically visible, from Colchester Road or the Wakes Colne Business Park, and their removal would have some public benefit in exposing and emphasising the original form of the listed building. This would better reveal the significance of the heritage asset.
- 15.40 The new build element of the proposal would extend into the countryside setting which is a harmful aspect of the proposal. The Council's Urban Designer has, however, recommended that conditions to secure high quality architectural detailing, materials, and surface treatments would help to mitigate sensitivities in terms of the impact of the proposal on the character of the surrounding area. The Council's Landscape Officer has not objected to the proposals subject to detailed landscape proposals being submitted and agreed. It is considered necessary that the condition is accompanied by an informative to clarify certain requirements in terms of heritage considerations (e.g. bound gravel driveways in lieu of the tarmac proposed).
- 15.41 The character of the area is undeniably rural, with sporadic development and houses set in spacious plots in the main. The proposal is not considered to disrupt this character as there would still be a feeling of spaciousness around the properties by virtue of the retained and managed woodland and parkland. The proposal is, therefore, considered to be compatible with its surroundings in terms of housing density.
- 15.42 In terms of housing diversity, Core Strategy policy H3 seeks to secure a range of housing types across the Borough, with housing development providing a mix of housing types to suit a range of different households. The policy goes on to state that housing developments will also need to contribute to the provision of affordable housing and homes that are suitable to the needs of older persons, persons with disabilities and those with special needs.

- 15.43 The proposal is for housing for those aged over 55 years. The proposal therefore provides housing for older persons as per policy H3. This is considered to be important as the Council's Planning Policy team have provided updated information from the submitted emerging Local Plan which explains that Colchester is expected to record a 60.6% increase in its population of those aged 65 years and over. The Strategic Housing Market Assessment (SHMA) identifies a requirement for 2,147 specialist units, in addition to the requirement for housing suitable for the needs of older people which allows people to live in their own home for as long as possible.
- 15.44 In terms of creating a safe environment, Essex Police have confirmed that they are satisfied that the proposal is appropriate in terms of creating a safe and accessible environments.

#### Amenity

- 15.45 Development Plan policy DP1 requires all development to be designed to a high standard that protects existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, and daylight and sunlight. These principles are emphasised in Development Plan policy DP12 which relates to dwelling standards and focuses on the avoidance of adverse overshadowing, ensuring acceptable levels of daylight to all habitable rooms (with no single-aspect north-facing homes), acceptable levels of privacy, continued maintenance of buildings and external spaces, the adaptability of internal layouts, parking standards, and accessible bin and recycling storage areas.
- 15.46 The proposal is not in close proximity to existing residential properties so there are no concerns regarding its impact on the private amenity of existing residents. There may be some instances of overlooking within the development itself, with some units within the bungalow conversion and new build being closer than the 25 metres set out in the Essex Design Guide. The nature of the proposal is, however, a development for the over-55s where the majority of the site (woodland, gardens, allotments, tennis courts) being communal. Levels of privacy are therefore considered to be somewhat lower than in a standard private residential development. That being said, instances where overlooking could occur between properties is limited to two or three instances and is not considered to be a significant issue to justify refusal of planning permission.
- 15.47 In terms of impacts on further residents from the existing business park, a noise Assessment was submitted with the planning application and, following consultation, Environmental Protection have confirmed that they have no objections to the proposal. The Noise Assessment concludes that no significant noise is generated by business activities or service vehicles on business park and that, despite the single-glazed windows in the listed building, noise levels would remain within WHO guidelines with windows closed (with only a slight increase above guidelines with windows open). There is not, therefore, considered to be an adverse impacts to the proposed development from the existing business park.

- 15.48 In terms of the remaining requirements of Development Policy DP12, it is considered that the proposed dwellings would be afforded adequate levels of daylight and sunlight. Maintenance of the buildings and external space can be secured via condition, as can the bin and recycling storage areas. Parking standards are discussed in the subsequent section 'Highway safety and parking provisions'.
- 15.49 Please note that, whilst Development Plan policy DP11 relates to flat conversions, its focus is on conversions within defined settlement boundaries, hence it has not been considered for this proposal given its countryside location.

#### Amenity space and public open space

- 15.50 Development Plan policy DP16 requires all new residential development to provide private amenity space to a high standard which has a sufficient level of privacy and is secure and usable. Standard garden sizes are set out in the policy, with two and three bedroom houses requiring garden sizes of at least 50sqm 60sqm respectively, and flats requiring a minimum of 25sqm per flat to be provided communally. In terms of public open space, policy DP16 requires all new development to provide at least 10% of the gross site area as usable open space.
- 15.51 Whilst the proposal includes some private amenity space for the converted bungalows, new build, and Former Warden's House, the space afforded is below policy standard in some instances. This is not, however, considered reason to refuse the application given the 'communal' nature of the proposed development. Communal space is generous, such as the formal gardens and walled gardens, as is the more 'public' open space (parkland and woodland) which equates to well-over 10% of the site area.
- 15.52 When read as a whole, the proposal is considered to provide sufficient amenity space.

#### Highway safety and parking provisions (including cycling)

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



- 15.54 The Highway Authority has confirmed that they have no objections to the proposal on highway safety grounds subject to conditions that ensure that the highway is kept clear of obstructions and hazards, that there is safe pedestrian access, and that the development promotes sustainable means of transport. The Highway Authority requirements can be accommodated as conditions.
- 15.55 In terms of parking, the proposal provides adequate (i.e. policy compliant) car parking for the development. Adequate cycle parking is provided for the bungalow conversion and new build in the form of covered communal cycle stores. No dedicated cycle parking is provided for the Former Warden's House, Former Warden's Flat or the Wakes Hall conversion, although the Former Warden's House is provided with a garden where it is considered that safe cycle storage can be accommodated as necessary. Although the Wakes Hall conversion does provide generous storage areas for each flat (in the basement) this is only accessible via stairs so may not be suitable for cycle storage. There are, therefore, five units within the development that would not have cycle parking facilities.

#### Flood risk and drainage

- 15.56 Development Plan policy DP20 states that development will only be supported where it minimised the risk of increased flooding both within the development boundary and off site in Flood Zones 2 and 3. Sustainable Drainage Systems (SuDS) are identified as being important to manage surface water runoff rates.
- 15.57 The site is located within Flood Zone 1 which as a very low risk of flooding from rivers or the sea (less than 0.1%) according to Environment Agency Long Term Flood Risk Information. The site is also outside any areas at risk of flooding from reservoirs. The site is not, therefore, considered to be susceptible to flooding.
- 15.58 In terms of surface water flooding, the proposed development would remove some impermeable elements (the existing outbuildings, single-storey glazed extension, and lift shaft), but would result in an overall increase in structures and hard surfacing (the new build and associated pathways/driveways). Essex County Council, as Lead Local Flood Authority, have confirmed that they have no objections to the proposal in terms of surface water flood risk, subject to conditions requiring a detailed surface water drainage scheme; a scheme to minimise surface water run-off during construction; and a maintenance and management plan for the surface water drainage scheme. The proposal is therefore considered to be acceptable in terms of flood risk subject to the aforementioned conditions.
- 15.59 Following consultation with Anglian Water, foul drainage for the development is considered to be acceptable, subject to a condition for a foul water strategy.

## Ecology

15.60 Section 40 of the Natural Environment and rural Communities Act 2006 places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity and a core principle of the NPPF is that planning should contribute to conserving and enhancing the natural environment. Development Plan policy DP21 seeks to conserve or enhance biodiversity and geodiversity in the Borough. New developments are required to be supported by ecological surveys where appropriate, minimise the fragmentation of habitats, and maximise opportunities for the restoration, enhancement and connection of natural habitats.

15.61 The site is within an SSSI impact zone and there are areas of potential habitat within the site (woodland, trees, overgrown areas). As such, an Ecological Assessment was submitted with the planning application, along with an associated 'Badger Survey, Great Crested Newt E-D.N.A. Reptile Presence or Absence, Bat Roost Assessment'. A summary of the findings is as follows:

- No part of the proposed development site or adjacent area has any statutory or non-statutory conservation designation or status.
- The proposed development site however is within a designated zone of influence for the Chalkney Wood S.S.S.I. to the South west. The proposed development area is not part of this designated site nor is it required for its integrity or future management. It does not create new access to this site nor will it create any significant disturbance. The proposed development will not reduce the area of the S.S.S.I. its conservation value, management regimes or future ecological viability.
- There is a Priority Habitat (Deciduous Woodland) to the north of the survey area and a flood plain grazing marsh to the south west. The proposed development will not reduce the area of these habitats, their conservation value, or affect their management regimes or future ecological viability.
- The front section of the survey area is the main existing access to the Wakes Hall with formal estate-style, open managed garden areas to the west and east. These areas have limited biodiversity and low conservation value.
- A number of on-site buildings will be removed as part of the proposed development. Although in reasonable condition a bat roost presence is possible and therefore a bat roost assessment is advisable.
- There are a number of localised areas within the proposed development site that have, through natural ecological succession, achieved some mixed vegetative structure. Amongst this successional vegetation are a number of potential reptile refugia. A multi-visit reptile presence or absence survey is required for the relevant habitat areas.
- To the northern site boundary and occasionally to the left flank are a number of characteristic badger field signs. A badger survey is required to determine if there is an active sett within or adjacent to the proposed development site.

- To the right flank of the site is a single open pond. It contains a number of maturing carp which will be a significant restriction to an amphibian presence, however there are a number of pond characteristics that are suitable for an amphibian presence. A Great Crested Newt presence or absence survey is required for the pond.

15.62 The subsequent species surveys concluded the following:

- No active badger sett of any type is present within or adjacent to any part of the proposed development site. There is no badger related constraint to the proposed development.
- There is no reptile presence in any part of the proposed development area, and no field sign of any past reptile presence. There is no reptile related constraint to the proposed development.
- No bat roost or any indicative sign of any past bat use was found within the buildings on site. There is no bat related constraint to the proposed development.
- The E-DNA test confirmed that there is no Great Crested Newt presence in the on-site pond. There is no amphibian related constraint to the proposed development.

15.63 Having consulted the Defra online 'MagicMap', it was established that there was no further requirement to consult on the SSSI given the nature of the proposal as residential and below 50 dwellings. Consultation with Natural England did not generate any comments other than standing advice regarding protected species. The submitted ecological assessment and species surveys have demonstrated that there is no evidence of protected species onsite and, as such, the proposal is not considered to have an adverse impact on the biodiversity or ecology of the site. It is recognised that a large proportion of the site will remain undeveloped as parkland, woodland, or garden. The future management of the parkland and woodland is considered to be important in order to retain habitat features.

#### Other matters

15.64 Contamination: Development Plan policy DP1 requires new development to undertake appropriate remediation of contaminated land. The NPPF (paragraph 109) requires the planning system to contribute to and enhance the natural and local environment by (inter alia) preventing both new and existing development from contributing to or being put at an unacceptable risk from, or being adversely affected by unacceptable levels of soil pollution. Planning decisions should ensure that new development is appropriate for its location and the potential sensitivity of the area or proposed development to adverse effects from pollution should be taken into account.

15.65 The proposal is for residential development, which would be classed as a 'sensitive receptor' should the site be contaminated. The Phase 1 Desk Study and Preliminary Risk Assessment submitted with the application identified some potential contamination risks and recommended an intrusive investigation, including ground gas and groundwater monitoring, in order to

better assess the risk. The Council's Environmental Protection team will expect the additional investigation to be carried out and also include further assessment of risks associated with an Anglian Water reported spill of heating oil (location unknown). Appropriate asbestos surveys will also need to be undertaken, prior to any refurbishment or demolition. These matters, along with any necessary remediation, can be addressed via planning conditions. Adherence to these planning conditions will ensure that the site is suitable for residential use.

## **16.0 Planning Balance and Conclusion**

- 16.1 Whilst the countryside location of the site suggests that the development would be contrary to Core Strategy policies SD1, ENV1, and TA1 it is recognised that the site is Previously Developed Land where development is encouraged by virtue of the NPPF. The reuse of this land would not, therefore, be a fundamental conflict in land use policy terms. Some level of harm from the development has been identified, principally the form and scale of the proposed new build upon the setting of the listed building.
- 16.2 It is necessary to assess whether the benefits of the scheme outweigh the identified harm in terms of the conflict with planning policy and impact on the setting of the listed building.
- 16.3 First, the proposal provides housing for older people that contributes to meeting a growing need for housing for an ageing population. This is considered to be a benefit of the proposal.
- 16.4 Second, the proposal includes a number of uses for future residents (allotments, tennis courts and a gym), improved pedestrian access to the village centre, and a bus stop adjacent to the site. These measures will be important in helping to address the issue of the site being functionally isolated relative to services and facilities. Improvements to accessibility by enhancing sustainable transport links accords with Core Strategy policies TA1 (Accessibility and Changing Travel Behaviour), TA2 (Walking and Cycling) and TA3 (Public Transport). These measures can be conditioned and are considered to be a further benefit of the overall scheme.
- 16.5 Finally, it is considered that there is a public benefit in the prospect of bringing the listed building back into beneficial use which would ensure its renovation and long-term survival. Whilst the alteration works would result in some negative impacts, overall it is considered that these are outweighed by the positive aspects of the scheme which involve the removal of some unfortunate elements. Improvements to the immediate setting of the listed building (i.e. reverting the main driveway and entrance to its original arrangement; and maintaining the surrounding parkland). The benefits of bringing the building back into long-term use and improving its immediate setting is considered to outweigh the less than substantial harm caused by the new build elements and a small proportion of the alterations to the listed building. The 'improvement works' will need to be secured (in this case via a S106 agreement).

16.6 The benefits of the scheme, when taken as a whole, are considered to outweigh the conflict with planning policy and the identified harm to the setting of the listed building.

16.7 Conditions are required in order to ensure that the proposals are acceptable in relation to relevant planning policies as set out in the report.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

1. APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (for clauses refer to paragraph 14.1 above), within 6 months from the date of the Committee meeting. In the event that the legal agreement is not signed within 6 months, to delegate authority to the Head of Service to refuse the application, or otherwise to be authorised to complete the agreement. The Permission will also be subject to the following conditions.
2. APPROVAL of Listed Building Consent subject to the following conditions.

## **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 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 the Applicant/Developer shall provide 2 No. new bus stops, one opposite the proposed development site westbound and one eastbound and adjacent to the vehicular access to Colchester Road (the precise location to be agreed with the Highway Authority) together with the provision 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 being provided entirely at the applicant/Developer's expense in accordance with details submitted to and approved, in writing by, the Local Planning Authority.

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 the footway between the two vehicular access points across the sites northern frontage shall be extended to a minimum of 2.0m in width to connect to the new bus stop and new bellmouth radii and shall also provide a new 2.0m wide footway on the southern side of Colchester Road which shall provide connectivity and accessibility from the proposed development site to the westbound bus stop being provided entirely at the Applicant/Developer's expense including new kerbing, surfacing, drainage, any adjustments in levels and any accommodation works to the verge, footway and carriageway channel to the specifications of the Highway Authority.

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: 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.

## **18.0 Informatives**

18.1 The following informatives are also recommended:

### **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](http://www.colchester.gov.uk/planning) or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

## **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](mailto: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](mailto: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.

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 / ensembles 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, by 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. Chimney retention**

Notwithstanding the submitted details, the chimney in room P.26 (as shown in the submitted Schedule of Works) shall be retained in its original form.

Reason: As the proposed alteration to the chimney would have a detrimental impact on the character of the designated heritage asset and for the avoidance of doubt as to what has been consented.

**15. 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.

**16. Retention of 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

**17. 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.