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Item No: 7.2

Application: 181214

Agent: Ms Anne Thorne, Anne Thorne Architects LLP

Proposal: Conversion to three flats.

Location: Cannock Mill House, Old Heath Road, Colchester, CO2 8AA

Ward: Old Heath & The Hythe

Officer: Sue Jackson

Recommendation: Approval subject to the signing of a linking legal agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because a legal agreement is required to link this application to a legal agreement with application 150492

2.0 Synopsis

- 2.1 The key issues for consideration are the conversion works, parking and the provisions of the linking agreement.
- 2.2 The application is subsequently recommended for approval subject to a legal agreement.

3.0 Site Description and Context

- 3.1 The area is predominantly residential and comprises 2 storey semi-detached and linked, terraced houses principally inter war, and some Edwardian properties on the opposite side of the road and adjacent to the site. There is private and former public housing along the south boundary in Barn Hall Road.
- 3.2 Cannock Mill House occupies an elevated position along Old Heath Road within the former grounds of Cannock Mill.

4.0 Description of the Proposal

- 4.1 Cannock Mill House is included in the approved list of buildings of local importance. It is an undesignated heritage asset. It is an attractively detailed traditionally formed brick dwelling with a slate roof. It has a raised position on the site due to the contours of the ground and is set back from the road frontage.
- 4.2 The proposal is to convert the building into three flats. The residential accommodation will form part of the Co-Housing development under construction within the grounds of Cannock Mill. Cannock Mill is a grade II listed former watermill that is currently undergoing a scheme of residential conversion.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 150492 Cohousing residential development of 23 no. 1,2 and 3 bedroom homes and the conversion of Cannock Mill, a listed building, to a cohousing common house with associated outdoor and parking spaces.
- 6.2 150493 application for listed building consent for the conversion of Cannock Mill.

7.0 Principal Policies

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

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

- SD1 - Sustainable Development Locations
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA5 - Parking

- 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
- DP11 Flat Conversions
- DP12 Dwelling Standards
- DP13 Dwelling Alterations, Extensions and Replacement Dwellings
- DP14 Historic Environment Assets
- DP16 Private Amenity Space and Open Space Provision for New Residential Development
- DP19 Parking Standards

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

SA H1 Housing Allocations

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

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Managing Archaeology in Development.

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 Archaeologist: No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.
- 8.3 Heritage Officer: has raised no objection
- 8.4 Highway Authority: from a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to conditions.
- 8.5 Environmental Protection: no objection subject to a condition limiting hours of work and advisory notes setting out best practice to protect resident's amenity during construction

9.0 Parish Council Response

- 9.1 N/A

10.0 Representations from Notified Parties

- 10.1 No representations have been received

11.0 Parking Provision

- 11.1 Three parking spaces are proposed. Further explanation on car use and parking provision is provided in the main report.

12.0 Open Space Provisions

- 12.1 There is no requirement for public open space. The private amenity space is described in the main report.

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

15.1 Report

- 15.1 The main issues in this case are:

The Principle of Development

- 15.2 The site is within an area allocated for residential development, and surrounded by residential properties the principle of the development is therefore acceptable. The NPPF recognises the importance of conserving and enhancing heritage assets including locally listed buildings (undesigned heritage assets).

Design and Layout

- 15.3 The application involves minimal changes to the external appearance of the building. The most significant change is the installation of solar panels on the side roof elevation. Other changes include new windows, replacing existing windows and a new door. Due to its position on the valley side, the building includes a basement as well as two floors of accommodation. The first floor will comprise a single unit, the ground floor a one bed unit and the living/kitchen space for the basement unit. Internal works involve removal of and new partition walls.
- 15.4 The conversion works are sympathetic to the character and appearance of the building and are considered acceptable thereby bringing an undesignated asset back into use.

Scale, Height and Massing

- 15.5 The proposal relates to the internal works of conversion of an existing building, no extensions are proposed.

Impact on the Surrounding Area

- 15.6 The proposal involves the renovation of a locally listed building and the works will have a positive impact on the area.

Impacts on Neighbouring Properties

- 15.7 The proposal involves the conversion of a dwelling into three flats. The changes to the existing fenestration are minimal. No new windows are proposed facing the neighbouring dwelling although two bath room windows on the first floor will change to a single bedroom window.
- 15.8 It is considered there will be no adverse impact on neighbouring properties

Amenity and Public Open Space Provision

- 15.9 There is no requirement for public open space. The flats will have private amenity space and access to the communal gardens, including allotments, on the Co-Housing site.

Landscape and Trees

- 15.10 There is no adverse impact on landscape or trees.

Highway Safety and Parking Provisions (including Cycling)

- 15.11 A new driveway from the access to the larger Co housing site will lead to three parking spaces at the front of the site. The Highway Authority has raised no objection to the access or parking arrangement.
- 15.12 The parking provision is, however, two space below that required by the Council's adopted minimum parking standards.
- 15.13 The applicant has confirmed the flats will be occupied by members of the Cohousing Group.
- 15.14 The supporting information for the Co- Housing application stated... "that one of the essential elements of the project vision is "environmentally aware travel arrangements. The group prioritise walking, cycling and using public transport. A special feature of Co-Housing is that unlike general needs housing residents are identified before development takes place and residents can take part in travel plan measures. Everyday living arrangements will include lift sharing, car pooling, combine shopping group walks and cycle rides.
- 15.15 A detailed Travel Plan has been submitted and agreed with the Highway Authority, this sets out ways cycling, walking, bus use, reduction in travel, lift sharing and car sharing will be encouraged.

- 15.16 The Cohousing Board, as the freeholder owner of the site and the dwelling units (which will be held on leases), will be responsible for monitoring the spaces and for taking members to task under site byelaws if this is not complied with. Responsibility for the implementation of the travel plan measures will lie with the Cohousing Board”.
- 15.17 A legal undertaking secured the occupation of the dwellings by members of the London Countryside Co-Housing Group and a scheme of additional parking to be submitted to and approved by the Local Planning Authority prior to any of the dwellings being occupied by non-members.
- 15.18 A linking agreement is proposed to ensure the three flats are also bound by these provisions.
- 15.19 The applicant’s commitment to low car ownership and non-car modes of transport are acknowledged and the parking provision is considered acceptable.

Other Matters

15.20 N/A

16.0 Conclusion

- 16.1 To summarise, the proposal involves a sensitive conversion of a locally listed building and permission is recommended.

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:
- 17.2 APPROVAL of planning permission subject to the signing of a legal agreement under Section 106 of the Town and Country Planning Act 1990, 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.
- 17.3 An agreement is required to link this application to the provisions of the agreement with application 150492 to secure “The dwellings to be occupied only by members of the London Countryside Co-Housing Group. Prior to any of the dwellings being occupied by non-members a scheme of additional parking to be submitted to and approved by the Local Planning Authority the approved scheme to be implemented in accordance with an agreed timetable”

17.4 The Permission will also be subject to the following conditions:

1. ZAA - 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. ZPD - Limits to Hours of Work

No demolition or construction work shall take outside of the following times;

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

3. Non Standard Condition - Bicycle Provision

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 in accordance with Policy DM 1 and 9 of the Highway Authority's Development Management Policies February 2011.

4. Non Standard Condition - Refuse recycling provision

Prior to the occupation of the proposed development the applicant shall provide a communal refuse/ recycling / bin store within 15m of the vehicular access within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To limit and reduce the time a refuse freighter is left waiting within the highway causing congestion and obstruction in the interests of highway safety and Policy DM 1 of the Highway Authority's Development Management Policies February 2011.

5. ZAM - *Development to Accord with Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers; 040, 110, 210, 310 and 311A.

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

6. ZFC - Simple Landscape Scheme

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

7. ZFD - Simple Landscape Scheme

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die, are removed or seriously damaged or seriously diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

Reason: In order to ensure that there is a sufficient landscaping scheme for the development where there is insufficient detail within the submitted application.

8. Non Standard Condition - Hard and Soft landscape Scheme

No works shall take place until a scheme of hard and soft landscaping works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any proposed changes in ground levels and also accurately identify positions, spread and species of all existing and proposed trees, shrubs and hedgerows on the site, as well as details of any hard surface finishes and external works, which shall comply with the recommendations set out in the relevant British Standards current at the time of submission.

Reason: In order to ensure that there is a sufficient landscaping scheme for the relatively small scale of this development where there are public areas to be laid out but there is insufficient detail within the submitted application.

9. ZFE - Landscape Management Plan

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

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

10. ZFR - Tree and Natural Feature Protection: Entire Site

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

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

11. ZFQ - Tree and Natural Feature Protection: Protected Areas

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

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

12. Non Standard Condition - Provision of parking spaces

Prior to the first occupation of the development hereby permitted, the parking spaces shall have been laid out within the site in accordance with the approved plan. The approved parking spaces shall thereafter be maintained free from obstruction and available for parking use at all times.

Reason: To ensure that there is satisfactory parking provision at the site at the time when the development becomes occupied.

13. Non Standard Condition - Making Good

Prior to the occupation of any dwelling all external 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 locally listed building.

18.0 Informatives

1. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either before you commence the development or before you occupy the development. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning 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.

2. Colchester Advisory Notes for the Control of Pollution during Construction & Demolition Works

The following information is intended as guidance for applicants/developers and construction firms. In order to minimise potential nuisance to nearby existing residents caused by construction and demolition works, Environmental Protection recommends that the following guidelines are followed. Adherence to this advisory note will significantly reduce the likelihood of public complaint and potential enforcement action by Environmental Protection.

3. Best Practice for Construction Sites

Although the following notes are set out in the style of planning conditions, they are designed to represent the best practice techniques for the site. Therefore, failure to follow them may result in enforcement action under nuisance legislation (Environmental Protection Act 1990), or the imposition of controls on working hours (Control of Pollution Act 1974)

4. Noise Control

- 1) No vehicle connected with the works to arrive on site before 07:30 or leave after 19:00 (except in the case of emergency). Working hours to be restricted between 08:00 and 18:00 Monday to Saturday (finishing at 13:00 on Saturday) with no working of any kind permitted on Sundays or any Public/Bank Holidays.
- 2) The selection and use of machinery to operate on site, and working practices to be adopted will, as a minimum requirement, be compliant with the standards laid out in British Standard 5228:1984.
- 3) Mobile plant to be resident on site during extended works shall be fitted with non-audible reversing alarms (subject to HSE agreement).
- 4) Prior to the commencement of any piling works which may be necessary, a full method statement shall be agreed in writing with the Planning Authority (in consultation with Environmental Protection). This will contain a rationale for the piling method chosen and details of the techniques to be employed which minimise noise and vibration to nearby residents.

- Emission Control
 - 1) All waste arising from the ground clearance and construction processes to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.
 - 2) No fires to be lit on site at any time.
 - 3) On large scale construction sites, a wheel-wash facility shall be provided for the duration of the works to ensure levels of soil on roadways near the site are minimised.
 - 4) All bulk carrying vehicles accessing the site shall be suitably sheeted to prevent nuisance from dust in transit.
 - 5) All necessary measures shall be taken to minimise dust, including damping down and the use of barriers.

Best Practice for Demolition Sites

Prior to the commencement of any demolition works, the applicant (or their contractors) shall submit a full method statement to, and receive written approval from, the Planning & Protection Department. In addition to the guidance on working hours, plant specification, and emission controls given above, the following additional notes should be considered when drafting this document: -

- Noise Control
 - 1) If there is a requirement to work outside of the recommended hours the applicant or contractor must submit a request in writing for approval by Planning & Protection prior to the commencement of works.
 - 2) The use of barriers to mitigate the impact of noisy operations will be used where possible. This may include the retention of part(s) of the original buildings during the demolition process to act in this capacity.
- Emission Control
 - 1) All waste arising from the demolition process to be recycled or removed from the site subject to agreement with the Local Planning Authority and other relevant agencies.

5. Highway Informative

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