

Planning Committee Meeting

**Council Chamber, Town Hall, High Street,
Colchester, CO1 1PJ**

Thursday, 19 October 2017 at 18:00

The Planning Committee deals with planning applications, planning enforcement, public rights of way and certain highway matters.

If you wish to come to the meeting please arrive in good time. Attendance between 5.30pm and 5.45pm will greatly assist in noting the names of persons intending to speak to enable the meeting to start promptly.

Information for Members of the Public

Access to information and meetings

You have the right to attend all meetings of the Council, its Committees and Cabinet. You also have the right to see the agenda (the list of items to be discussed at a meeting), which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available here:

<https://colchester.cmis.uk.com/colchester/MeetingCalendar.aspx>.

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COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 19 October 2017 at 18:00

The Planning Committee Members are:

Councillor Theresa Higgins	Chairman
Councillor Cyril Liddy	Deputy Chairman
Councillor Lyn Barton	
Councillor Helen Chuah	
Councillor Pauline Hazell	
Councillor Brian Jarvis	
Councillor Derek Loveland	
Councillor Jackie Maclean	
Councillor Philip Oxford	
Councillor Chris Pearson	

The Planning Committee Substitute Members are:

All members of the Council who are not members of this committee and who have undertaken the required planning skills workshop training:-

Councillors;

Christopher Arnold	Roger Buston	Nigel Chapman	Peter Chillingworth
Phil Coleman	Nick Cope	Robert Davidson	John Elliott
Annie Feltham	Adam Fox	Martin Goss	Dominic Graham
Dave Harris	Darius Laws	Mike Lilley	Sue Lissimore
Fiona Maclean	Patricia Moore	Beverley Oxford	Gerard Oxford
Lee Scordis	Rosalind Scott	Jessica Scott-Boutell	Lesley Scott-Boutell
Paul Smith	Martyn Warnes	Dennis Willetts	Julie Young
Tim Young			

AGENDA
THE LIST OF ITEMS TO BE DISCUSSED AT THE MEETING
(Part A - open to the public)

Please note that Agenda items 1 to 6 are normally dealt with briefly.

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting here: <http://www.colchester.gov.uk/article/13489/Planning-Committee>

Please note that any further information for the Committee to consider must be received no later than 5pm two days before the meeting in order for it to be included on the Amendment Sheet. With the exception of a petition, no written or photographic material can be presented to the Committee during the meeting.

1 Welcome and Announcements

The Chairman will welcome members of the public and Councillors and remind everyone to use microphones at all times when they are speaking. The Chairman will also explain action in the event of an emergency, mobile phones switched to silent, audio-recording of the meeting. Councillors who are members of the committee will introduce themselves.

2 Have Your Say! (Planning)

The Chairman will invite members of the public to indicate if they wish to speak or present a petition on any item included on the agenda. Please indicate your wish to speak at this point if your name has not been noted by Council staff.

These speaking provisions do not apply to applications which have been subject to the Deferral and Recommendation Overturn Procedure (DROP).

3 Substitutions

Councillors will be asked to say if they are attending on behalf of a Committee member who is absent.

4 Urgent Items

The Chairman will announce if there is any item not on the published agenda which will be considered because it is urgent and will explain the reason for the urgency.

5 Declarations of Interest

Councillors will be asked to say if there are any items on the agenda about which they have a disclosable pecuniary interest which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other pecuniary interest or non-pecuniary interest.

6 Minutes

There are no minutes for confirmation at this meeting.

7 Planning Applications

When the members of the Committee consider the planning applications listed below, they may decide to agree, all at the same time, the recommendations in the reports for any applications which no member of the Committee or member of the public wishes to address the Committee.

7.1 151004 16 Crouch Street, Colchester 7 - 38

Conversion and new roof to front range of former cinema to create 11 apartments and demolition of auditorium and erection of new building to provide 46 one and two bed apartments, refurbishment of 2 existing retail units and creation of 30 basement car parking spaces.

7.2 172172 Castle Park, High Street, Colchester 39 - 50

Development of a Christmas attraction for Colchester including temporary structures. Incorporating vintage rides, side stalls and other attractions. Set - up: 18th November 2017, Event Operating: 25th November 2017 to 7th January 2018 (maximum, likely to be less) and Site clear: 10th January 2018.

7.3 171933 Alexander Cleghorn Ltd, Newbridge Road, Tiptree, Colchester 51 - 66

Demolition of existing office buildings and canteen, provision of new service road including junction to highway, erection of new two-

storey office building and new one-storey staff canteen with associated car parking external works.

- | | | | |
|-----|---|--|----------------|
| 7.4 | 172233 and 182234
Colchester | Holly Cottage, Straight Road, Boxted, | 67 - 72 |
|-----|---|--|----------------|

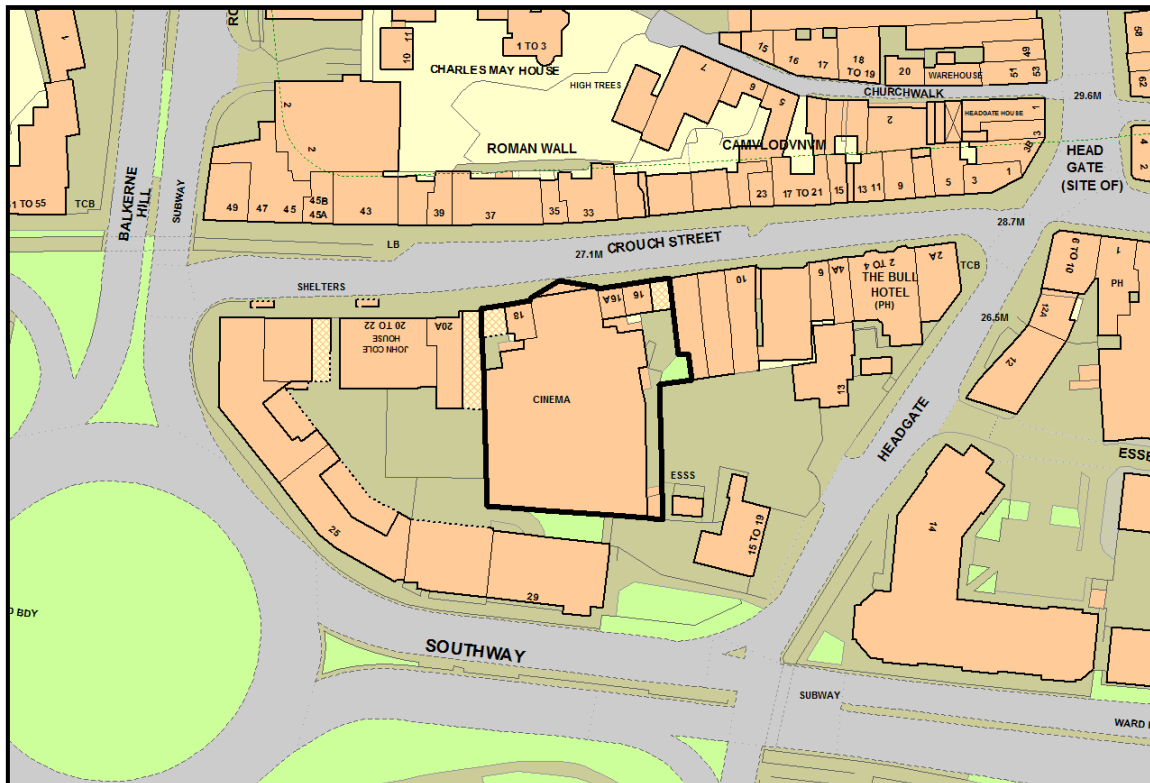
Raising of existing chimney stack to 1.8 metres above the thatch.
Replacement of existing casement window in end elevation.

Planning Committee Information Pages 73 - 82

8 Exclusion of the Public (not Scrutiny or Executive)

In accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public, including the press, from the meeting so that any items containing exempt information (for example confidential personal, financial or legal advice), in Part B of this agenda (printed on yellow paper) can be decided. (Exempt information is defined in Section 100I and Schedule 12A of the Local Government Act 1972).

Part B
(not open to the public including the press)



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Item No: 7.1

Application: 151004

Applicant: Blumarble Property Ltd

Agent: Pomery Planning Consultants Limited

Proposal: Conversion and new roof to front range of former Cinema to create 11no. Apartments and Demolition of Auditorium and Erection of New Building to provide 46no. One & Two Bed Apartments, refurbishment of 2no. existing Retail Units and creation of 28 basement car parking spaces.

Location: 16 Crouch Street, Colchester, CO3 3ES

Ward: Castle

Officer: Alistair Day

Recommendation: Approval subject to signing of Section 106 Agreement

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because objections have been received to the proposals and the viability of the scheme is such that it cannot afford to fund the s106 contributions that have been requested to mitigate the impact of this development.

2.0 Synopsis

- 2.1 The major issues for consideration are:

- The impact that proposed development would have on the character and appearance of Colchester Conservation Area No.1 and the setting of nearby listed buildings;
- the effect of the development on the amenity of occupiers of nearby buildings and whether the development would provide residents with adequate amenity;
- the impact of the proposed development on highway and pedestrian safety and the free flow of traffic; and
- whether the lack of s106 contributions would result in a development that is unacceptable

- 2.2 For the reasons set out in the report, the application is recommended for conditional approval.

3.0 Site Description and Context

- 3.1 The application site occupies a central position on the south side of Crouch Street (east), within Colchester town centre. The cinema was designed by architect Cecil Masey and was built in 1931. The building is composed of two distinct parts: the architecturally designed frontage range which has been described as being in a Spanish / Moorish style; and the rear auditorium, which is effectively a brick and rendered box with a corrugated roof. The interior of the building has been much altered and most of the original features have been stripped out (by a previous owner). The building closed as a cinema in 2002 when Odeon Cinema built their multiplex cinema in Head Street and has remained vacant since that time.

- 3.2 The former cinema is included on the Council's adopted List of Buildings of Local Architectural or Historic Interest and is situated within Colchester Conservation Area No.1. The front range of the former cinema, due to its distinctive architectural style, has the potential to make a significant positive contribution to the appearance of Crouch Street and in turn to enhance the special character of the Conservation Area. The auditorium in contrast is a bland box whose scale and mass is at variance with the historic grain of this part of the town centre. The auditorium is largely obscured from public view; the most obvious view being from Headgate, between the gap in the built

frontage. The auditorium is not considered to contribute positively to the character and appearance of the conservation area.

- 3.3 To the east of the former cinema is a three storey terraced mid C19 building designed in a standard 'stripped classical' style which is typical of that period and has retail units on the ground floor. The terrace is included on the Council's adopted Local List. To the west of the application site and separated by a modern three storey office building is Nos. 20-22 which is listed grade II* (star) for its special interest. Wrapping around the rear (south) of the site is a 3 to 4 storey modern office block. The north side of Crouch Street (opposite the application site) is composed of 2-3 storey buildings of mixed date and styles.

4.0 Description of the Proposal

- 4.1 The application proposes the conversion and extension of the cinema's foyer (front range) and the demolition of the rear auditorium to create 46 residential apartments. Eleven of the proposed apartments will be accommodated in the front range and 35 apartments are proposed in a new building to the rear. On the ground floor of the front range, the existing retail units are to be refurbished. A basement is to be created providing parking for 28 cars and 56 cycle spaces as well as a plant and servicing area.
- 4.2 The scheme provides 46 no. apartments and will comprise the following: 23 no. one bed units and 23 no. two bed units; of the 46 units, there is one duplex apartment and two studios.

5.0 Land Use Allocation

- 5.1 Central Area - Mixed Use

6.0 Relevant Planning History

- 6.1 C/COL/06/0541 - Change of use of former cinema site into night club with extensions and fire escape staircases to rear and new shop fronts. – Dismissed at Appeal

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. Colchester's Development Plan is made up of several documents as detailed below:

- 7.2 The 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
- SD2 - Delivering Facilities and Infrastructure
- SD3 - Community Facilities
- CE2a - Town Centre
- H1 - Housing Delivery
- H2 - Housing Density
- H3 - Housing Diversity
- H4 - Affordable Housing
- UR2 - Built Design and Character
- PR1 - Open Space
- PR2 - People-friendly Streets
- TA1 - Accessibility and Changing Travel Behaviour
- TA2 - Walking and Cycling
- TA3 - Public Transport
- TA4 - Roads and Traffic
- TA5 - Parking
- ENV1 - Environment
- ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The Colchester Borough Development Plan 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
- DP6 Colchester Town Centre Uses
- 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
- DP25 Renewable Energy

- 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 CE1 Mixed Use Sites

- 7.5 The National Planning Policy Framework (the Framework) sets out central government guidance on planning matters and is a material planning consideration.

- 7.6 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
Affordable Housing
Community Facilities
Open Space, Sport and Recreation
Shopfront Design Guide
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Street Services Delivery Strategy
Planning for Broadband 2016
Managing Archaeology in Development.
Developing a Landscape for the Future
Planning Out Crime
Town Centre Public Realm Strategy
Air Quality Management Guidance Note, Areas & Order

- 7.7 Historic England's Good Practice Notes: Managing Significance in Decision Taking in the Historic Environment and The Setting of Heritage Assets are also material considerations

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.

Conservation Advice

- 8.2 The following conservation advice has been provided by the Major Projects Manager:
- 8.3 The removal of the auditorium is regrettable as this removes a significant part of the intrinsic interest of the undesignated asset. In townscape terms this offers significant scope for enhancement given the blank box nature of the auditorium. The proposals have the potential to secure the retention and re-use of the most architecturally significant element that makes an undoubtedly positive contribution to the conservation area. In my view (subject to agreement on detailed fenestration), the additional storey on the frontage is acceptable and successfully melds/articulates with the existing and attached buildings. It would not adversely affect the setting of the neighbouring Grade II* listed building (20-22 Crouch Street) and locally listed terrace (no.1-14). The frontage block would remain in scale with the historic street scene.

- 8.4 In terms of the impact of the development on the wider conservation area, the new rear flatted block will inevitably have a greater architectural presence than the existing. In views from within the adjacent courtyard (semi-public) and especially from Head Street and Southway the new building would be read as a well composed flatted scheme elevated competently in a contemporary style. The scale relates well to surrounding commercial buildings of the later C20 and is arguably of a higher architectural quality and would therefore enhance the character and appearance of the area (subject to detailing). The four storeys plus penthouse scale reflects the adjacent built forms that are seen from South Way and in wider long views from St Johns Green the new block would be lost in the jumble of blocks and roofscapes. The side elevation into the side courtyard to the rear of the Crouch Street frontage would not appear over-scaled and would not materially affect the setting of the rear of No.20-22 Crouch Street. It would introduce surveillance and activity that would enhance the sense of place within this existing commercial court.
- 8.5 Core Strategy ENV1 and UR2 and Development Policies DP1 and DP14 are complied with as the proposals would respect and enhance the character of the site and remove unsightly features. The proposals will also conserve the historic environment.

Urban Design Officer

- 8.6 No Objection - subject to some conditions being attached with regard to detailed matters.
- 8.7 The scheme is generally of good design in response to the site context and despite various constraints including viability. The main benefits will be the rejuvenation of the long vacant and decaying site, retention of the historic asset and provision of new high quality homes meeting housing need. This will significantly contribute to the regeneration of the Crouch Street area, including its built environment, life and vitality. Buildings are reasonably massed considering the historic town centre context, existing precedent and in response to immediate neighbours, this being carefully negotiated and involving the omission of a previously proposed additional floor. Car parking and private amenity appears reasonably provided taking into account the urban context and site constraints. Development also reasonably protects the amenity of surrounding development considering the urban context and existing precedent. The main/rear new building block is reasonably designed, subject to conditions guaranteeing high quality materials and details which will be inherently key to the success of the relatively simple contemporary styling.
- 8.8 An outstanding concern is the design of the 2nd floor extension to the Crouch Street frontage which appears apologetically caught between styles, neither refreshingly contemporary nor reassuringly traditionally translated from the vernacular below. However, I understand suitable improvements can be secured through condition. I was also concerned about the entrance to the underground parking being vulnerable to anti-social behaviour, though I understand this was the only solution acceptable to the highways authority considering the risk of queuing.

Archaeological Officer

- 8.9 The site of this development is an area of archaeological importance, recorded in the Colchester Historic Environment Record, close to the Roman walled town. An adequate archaeological desk-based assessment (CAT Report 1041) has been now submitted with the application. This research indicates there is high potential for encountering important below-ground archaeological remains at this location.
- 8.10 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.
- 8.11 In this case, an archaeological evaluation will be required to establish the archaeological potential of the site. Decisions on the need for any further investigation (excavation before any groundworks commence and/or monitoring during groundworks) will be made on the basis of the results of the evaluation.
- 8.12 Pre-determination archaeological evaluation is not now required for this proposal. However, I would recommend that the applicant undertakes the trial-trenching at the earliest opportunity to assess the archaeological potential at this location, in order to quantify the risk in terms of cost and time for any further archaeological investigation that might be required.

Landscape Officer

- 8.13 A comprehensive strategic hard and soft landscape design for the developments external spaces needs to be submitted as part of the proposal. These proposals should be designed to complement and help tie together the built form through the sensitive use of soft landscape (e.g. in the form of planters to the horizontal plane and climbers to the vertical) where space and light allows, and a dynamic hard/external-works landscape layout using a simple/minimal pallet that clearly complements the built form

Environmental Protection

General

- 8.14 Environmental Protection recommends the attachment of conditions to cover the following should planning permission be granted:

Noise Control
Emission Control; and
Best practice for demolition site

Contamination

- 8.15 It is noted that no walkover was conducted as part of the instructed works. However, based on the information provided, the conclusions and recommendations would appear reasonable i.e. that an intrusive investigation is not considered to be warranted at this time, but that if during development ground conditions are found to differ from those anticipated, further risk assessment will be required.
- 8.16 Consequently, should permission be granted for this application, a condition regarding unexpected contamination is recommended.
- 8.17 In addition, to the above, the Council's Contaminated Land Officer recommended that that pre-demolition asbestos surveys and necessary removal works should be conducted prior to commencing any demolition works on the existing building.

Highway Authority

- 8.18 From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:
- Development not occupied until basement parking (car and bike) available for use
 - Residential Travel Pack to be issued to residents
 - Construction Method Statement to be agreed

Historic England

- 8.19 On the basis of the submitted information Historic England do not wish to offer any comments on this proposal.

SuDs Team

- 8.20 The SuDs Team has reviewed the drainage strategy and the associated documents which accompanied the planning application and have confirmed that they do not object to the granting of planning permission subject to conditions

Cinemas Theatre Association

- 8.21 The Cinema Theatre Association (CTA) is the national body for the study of historic cinema buildings

- 8.22 The Regal was designed by accomplished theatre and cinema architect Cecil Masey. It has an impressive frontage with an unusual facade in an exuberant Spanish-American style unparalleled in Essex. This represents an important survivor of the provincial work of an accomplished cinema architect. The Regal is included in the Colchester Town Centre Conservation Area and is described in the Conservation Area Character Appraisal as one of the more interesting buildings in Crouch Street. The Character Appraisal also singles out for comment the range of shops which flank the tall gabled front and the fancy metalwork grills on the first floor metal windows of the cinema.

Recommendation:

- 8.23 The CTA welcome proposal to retain and repair the building's facade. Concern is expressed at the amount of intervention which is proposed to this facade, which will have a detrimental impact upon the building's historic and architectural significance. In particular:

- The CTA objects to the introduction of a second storey of dormer windows. Adding an additional storey will detract from the visual unity of the building's façade which is currently well-preserved and provides a good understanding of the architect's original design intention.
- The retention of the cast iron balconettes to the windows are welcomed. The proposed replacement windows are unsympathetic and do not follow the original window treatment, which should be used as model for any proposed restoration.
- The cinema originally had a pair of recesses on either side of the front door at ground level with Spanish-style arches referencing the building's gable above. It is possible that these may still exist under later cladding. It would be beneficial if these could be reinstated.
- CTA understand that the original entrance doors to the cinema still survive. These should be retained and restored as part of the building's refurbishment.

- 8.24 Internal decoration: When the CTA visited the cinema several years ago, there was still significant amounts of internal decoration surviving at ground level and in what had been the restaurant, which extended along and behind the first floor windows. We would urge that, where possible, any surviving internal decoration and fittings in the foyer and former restaurant should be retained and refurbished as they form an integral part of the building's character.

Conclusion:

8.25 The CTA welcomes proposals to repair the building and bring it back into beneficial use, but in their view the submitted scheme does not sufficiently respect the original design intention of the cinema's façade, which makes such a distinctive contribution to the streetscape and the Conservation Area.

8.26 *Officer Comment: The comments from CTA referred to above relate to an earlier reiteration of the proposal.*

9.0 Parish Council Response

9.1 The site is not parished

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.

Colchester Cycle Club

10.2 We support ECC's stance with regard to the need for car parking at this site. Our observation about the quality of the cycle parking in this plan still applies.

10.3 *Officer Comment: The comments from ECC referred to above relate to an earlier reiteration of the proposal in which they queried the need for on-site car parking. Subsequent to this, amend proposals have been submitted and the Highway Authority has confirmed that they do not have objection to this proposal subject to specified conditions.*

Other representations

10.4 Representation from the owner of Southway House has made the following representations:

- The development is located a relatively short distance from the north facing façade of Southway House. The close juxtaposition between the buildings will compromise the privacy of occupiers of the existing building and future residents of the development.
- The development, if permitted, would prejudice any future application under Permitted Development Rights to change the use of Southway House into residential use.
- The development is likely to cause disruption to the access of Southway House car park and the operations that are carried out from this building.
- There is not an objection to the re-development of this site in some form, which will serve to uplift the area as a whole, however the scheme will have

a detrimental impact on the owners and occupiers of Southway House in its current form.

11.0 Parking Provision

11.1 28 car parking spaces are proposed. Car parking provision is discussed further in the main body of the report.

12.0 Open Space Provisions

12.1 Limited open space is proposed as a part of this application, due to the constraints of the site. A number of the units are provided with balconies, secluded sitting out areas or roof terraces. A small communal courtyard is provided between the historic building and the new apartment block.

13.0 Air Quality

13.1 The application site is located approximately 80m outside the town centre Air Quality Management Area (AQMA). Air Quality implications are discussed in the main body of the report.

14.0 Planning Obligations

14.1 As a “Major” application, there was a requirement for this proposal to be considered by the Development Team. The following obligations were requested:

- Affordable Housing - 8 housing units or a contribution of £431,480
- Education - £56,600 for primary school contribution to St John’s Green Primary School.
- Open Space and Sport Facilities - £138,631 for enhancing recreational facilities at Hilly Fields including access improvements to footpaths and cycle ways.
- Community Facilities - a disabled toilet in the ground floor retail units.

14.2 Viability issues and the requested s106 contributions are discussed further in the main body of the report.

15.0 Report

Principle of Development

15.1 The application site is located on the edge of Colchester town centre and is identified as a Mixed Use Area on the Proposals Map. CS Policy SD1 states that new cultural, retail, office and mixed use developments will be delivered through regeneration of the Town Centre and its fringe. CS Policy TC1 states that Mixed Use Areas will provide mixture of residential and commercial uses. DPD Policy DP6 provides further guidance stating that appropriate uses will be supported where: a proposal contributes to the design quality, activity levels and character of the area; complement other uses on the frontage; and have no significant adverse impact on neighbourhood amenity. This policy goes on to state that support will also be given to bringing upper floors back into use, particularly for C3 residential

purposes and B1 business uses. The Framework promotes the growth of town centres and recognises that residential development can play an important role in ensuring the vitality of such area.

- 15.2 The proposed development, which will provide 46 units of residential accommodation with small scale retail units on the ground floor, is considered to accord with the aforementioned policies and the guidance set out in the Framework.

Heritage Considerations

- 15.3 The Planning (Listed Building and Conservation Areas) Act 1990 requires that special regard is paid to the desirability of preserving listed buildings and their setting and that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. CS Policy ENV1 and DPD Policy DP14 together seek to conserve and enhance Colchester's historic environment. Section 12 of the Framework deals specifically with conserving and enhancing the historic environment.
- 15.4 The former Odeon cinema is not a listed building. It is however included on the Council's adopted Local List of Buildings of Architectural or Historic Interest. The application site is located within Colchester Conservation Area No.1. There are also a number of listed buildings in the vicinity of the application site and special regard has to be paid to the setting of these buildings.
- 15.5 The former Odeon cinema comprises two distinct parts, namely the architecturally designed frontage range comprising the entrance foyer with its embedded shops and carriage arches and the rear auditorium. The front range consists of the Spanish or Moorish style gabled foyer (equivalent to three plus storeys in height) which is flanked by two storey hipped wings. To either side of the entrance foyer were originally recessed niches which reflected the design of main gabled foyer. At first floor level, the windows have cast iron balconettes which were originally surmounted with a string course that extended down like inverted consoles into bays between the windows. The front range is characteristic of 1930's cinema architecture, albeit of a slightly unusual design. The rear auditorium is essentially a large brick and rendered box with a corrugated roof. The building has been vacant since the Odeon moved to its current location in Head Street (about 13 years ago) and is in poor condition due to lack maintenance and repeated vandalism. In its current condition the former cinema is considered to detract from the general appearance of this part of the town centre and wider conservation area.
- 15.6 The current application proposes the repair and refurbishment of the front range. The ground floor shop units are to be reinstated and the entrance foyer and first floor converted to residential use. The distinctive windows (including the original foyer window) are proposed for renewal / reinstatement along with the original plaster work patterning. It is proposed to add a second floor of residential accommodation to the side wings. The new floor of accommodation will be set back behind a parapet wall and will have a hipped roof. The concerns expressed by the CTA regarding the addition of the extra floor of accommodation are appreciated. Members should however note that this representation relates to an earlier version of the scheme that had a mansard roof. The application has since been amended

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so that the new floor of accommodation is set back behind a parapet wall and now retains the hipped roof form of the original building. As a result of these changes, the proposed additional floor is clearly read as a new insertion and will not compete with unique design of original building. Notwithstanding these changes, officers accept that the insertion of an additional floor will subtly change the character of former cinema and the appearance of this part of Crouch Street. In negotiating these changes, officers have been mindful of the need to balance design issues with the need to ensure that the scheme is viable and hence deliverable. Securing the refurbishment of the front range, even with the addition of the extra floor of accommodation, will do much to enhance the appearance of this building and its contribution to the conservation area.

- 15.7 The rear auditorium is in a very poor condition. The original main space has a raked floor which has been vandalised and water damaged over the last 13 years. The auditorium does not readily lend itself to alternative uses and, this combined with the extensive repairs that are required, means that it is not practical or viable to convert this part of the building. The current application therefore proposes the demolition of the rear auditorium and the erection of a new block of residential accommodation.
- 15.8 The demolition of the rear auditorium is regrettable as this removes a major part of the intrinsic interest of the undesignated asset. In townscape terms, the removal of the rear auditorium offers significant scope for enhancement of this part of the town given the blank box nature of the auditorium. Moreover the proposals secure the retention and re-use of the most architecturally significant element of the former cinema – i.e. the frontage range – and therefore enhance this part of the town centre conservation area.
- 15.9 The new accommodation block will be of a similar height to the existing auditorium but will occupy a smaller footprint. The proposed building will be five storeys in height with the top floor set back from the main building face to provide penthouse style accommodation. In design terms, this gives the top floor a recessive and subordinate quality and helps to reduce the overall visual of mass of the building. The elevational treatment of the proposed apartment block has an ordered structure and the disposition of windows and balconies / projections have been used to create a rhythm that is reflective of the grain of the surrounding townscape. A light connecting structure is proposed to link the new apartment building to the historic front range. The connecting building has been designed to reconcile the difference in floor levels between the two buildings. The new apartment block will be most visible from Headgate and the junction of Butt / Southway. The design of the building is a considerable improvement on the bland industrial box of the existing auditorium.

- 15.10 When considering the impact of a proposed development on a heritage asset, the Framework at paragraph 132 states that great weight should be given to the conservation of the heritage asset's significance. In this case, the designated heritage assets are Colchester Conservation Area No.1 and the nearby listed buildings, including nos. 20-22, which are listed grade II* (star). Paragraph 133 deals with substantial harm to, or total loss of significance of, a designated heritage asset. It is not considered that the proposed development would result in substantial harm to the identified designated heritage assets. Paragraph 134 deals with less than substantial harm and indicates that any such harm should be weighed against the public benefits of the proposal. In this instance, the benefits of the scheme include: bringing a locally listed building back into re-use; the provision of a choice of housing types in a sustainable location and the economic benefits as result of construction activity and possible job creation.
- 15.11 The Framework explains heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. The former Odeon cinema is of local significance not only because it's design but also due to its social and cultural interest. It therefore has value as a non-designated heritage asset. The refurbishment of the front range will help to enhance the character and appearance of the conservation area and the setting of nearby listed buildings. The demolition of the rear auditorium and its replacement by a new residential apartment block is also considered to enhance the street scene when viewed from Headgate, Southway and St Johns Green therefore this part of the conservation area.
- 15.12 The Council's Archaeological Officer notes that the application site is in an area of high archaeological potential and, as such, there is the potential for the proposed development to have an impact on buried archaeology. When constructing the former cinema, extensive excavations were undertaken and it is therefore thought likely that most buried archaeology would have been destroyed at this time. It is however possible for some archaeology to have survived and, given this, an archaeological recording condition is recommended.
- 15.13 For these reasons given above, it is considered that the proposed development would enhance the character and appearance of the town centre conservation area as a whole and the setting of nearby listed buildings in accordance with sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The development is also not considered to have a significant adverse impact of buried archaeology. As a result there would be no conflict with the aforementioned local plan policies and the guidance set out in the Framework.

Design Considerations

- 15.14 CS Policy UR2 seeks to promote and secure high quality design. DPD policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. DP11 and DP12 reflect the requirement for high quality design in new developments. The Framework promotes high quality design and states that poor quality design should be rejected.

- 15.15 The general design of the proposed development is discussed above and for the reasons explained is considered to have a positive impact on the character and appearance of this part of the town centre. With regard to materials, it is proposed to repair / re-render the front facade and render the rear façade of the front range where brick work is exposed. The new upper level of accommodation will also have a rendered finish and will be provided with a slate roof. The new apartment block will be faced in a buff brick with dark grey powder coated aluminium windows and capping to the lower 4 levels. The top floor which is set back from the façade of the floors below will be finished in a horizontal aluminium cladding system. The windows will be finished in the same colour throughout and balconies will have an aluminium frame glazed panel with a handrail. The roof will be finished in a mid/dark grey single ply membrane. Conditions are proposed to ensure that materials and the design of architectural features are appropriate. These conditions will also help to address the observations made by the Council's Urban Design Officer and CTA.

Amenity Considerations

- 15.16 DPD policy DP1 states that all development must be designed to a high standard and avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to privacy, overlooking, security, noise and disturbance, pollution (including light and odour pollution), daylight and sunlight. The adopted Essex Design Guide also provides guidance on the protection of residential private amenity
- 15.17 An objection has been raised from the owner of Southway House (located to the south of the site) who has expressed concern about the close juxtaposition between their offices and the proposed development: they opine that the proposed new relationship between these buildings would compromise the privacy of existing and future users. These concerns are appreciated, particularly as the existing occupiers of Southway House have had a long history of facing out (to the north) onto an 'inactive' built form. The proposed south elevation of the new apartment has been elevated with windows and it is therefore accepted that there will be some inter-visibility between the proposed development and Southway House. It is however important to note that whereas the cinema is built up to the boundary, the south face of the proposed apartment building is set back from the boundary, creating a distance of 8m plus between the two buildings. An 8m separation is not dissimilar to the width of many historic streets (for example Crouch Street is about 12m wide) and in this context the interrelationship between these two buildings would not seem to be unreasonable. The concerns raised by the owner of Southway House have nevertheless been discussed with agent. In order to reduce the perception of privacy being compromised, 1.8m privacy screens have been proposed to the terraced areas of the ground floor units and 1.6m high screens proposed to the balconies (which will obscure direct views when seated). The agent has also noted that whilst planning policy documents such as the Essex Design Guide provide criteria for the protection of residential amenity, commercial buildings are not considered to have the same sensitivity and therefore greater flexibility can be applied.

- 15.18 The Building Research Establishment's Report "Site Layout Planning for Daylight and Sunlight 1991 suggests that acceptable daylight in interiors is achieved if a 25° vertical angle from a point two metres above the floor is not obstructed. With regard to the potential impact that the proposed development would have on internal lighting levels of existing buildings, it is considered that there would be a general improvement as the footprint of the new building is smaller than that of the cinema. With regard to the new development, the majority of the proposed units would meet the 1990 standards for interior light. A small number of the ground floor units would not however meet the recommendations set out in the 1990 standards. Whilst this is something that officers would not normally encourage, the need for a certain quantum of development to make to the scheme viable combined with the surrounding dense urban built context means that strict adherence to this guidance is not considered practical. On balance, the benefits of this scheme are considered outweigh this shortcoming.
- 15.19 The application site is located within a street, which experiences a relatively high traffic volumes and in particular buses. It is also a street containing a significant proportion of uses that contribute to Colchester's night time economy and where people gather late into the night. A noise survey of existing ambient noise conditions has been carried out to determine the impact of noise on future occupiers of the development. This report concludes that with suitable mitigation (for example glazing and ventilation) the criteria for assessment, that of BS 8233:2014 and the World Health Organisation *Guidelines for Community Noise*, can be met. Environmental Protection Team has not raised any concerns in respect of the issue of noise.
- 15.20 A representation has been received from the owner of Southway House that the development is likely to cause noise and disturbance during the demolition and construction works. Environment Protection and the Highway Authority have also noted that this development has the potential to cause disturbance to the amenity of adjacent occupiers and road users during its construction. It is accepted that the development has the potential to impact on the amenity of nearby occupiers and a condition is recommended requiring the submission of a Construction Method Statement.
- 15.21 For the reasons given above, it is considered that the proposed development would not have a significant adverse effect on the amenity of neighbouring properties. In view of this, the proposed development is not considered to conflict with DPD Policies DP1 or Paragraph 17 of the Framework insofar as they seek to secure a good standard of amenity for all occupants of land and buildings.

Landscape and Ecology

- 15.22 Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. DPD Policies DP1 and DP21 and paragraph 118 of the Framework requires planning applications to provide appropriate landscaping and conserve or enhance biodiversity interest

- 15.23 The footprint of the existing building occupies much of the site and there are no natural features of significant interest. As a part of the redevelopment of this site an internal communal courtyard will be created, which will be hard landscaped. Given the constraints of the site, and, in view of its central location, the provision of large areas of communal private amenity space is not considered practical and/or contextually appropriate.
- 15.24 Given that the former cinema has been vacant for a number of years, there was a potential for bats (which are a protected species) to be present in the building. An ecological report was therefore submitted in support of this application. This report states that no bat droppings were found in the building. The report also notes that former cinema is constructed of materials that are of low suitability for roosting bats and that it is significant distance to foraging resources (trees/water bodies) which further reduces its potential as a roost. The report does however note that there is the potential for nesting birds and that appropriate checks will need to be made prior to the commencement of any works. The report concludes by stating that the installation of a native and wildlife friendly planting scheme and the provision of bat boxes on new buildings could enhance the ecological potential of the site. Given that the ecological reports states that the building is located a significant distance to foraging resources a condition is not proposed regarding the installation of bat boxes; a condition is however recommended regarding the installation of bird boxes.
- 15.25 The proposed development is considered to accord with CS Policy ENV1, DPD Policies DP1 and DP21 and the Framework.

Private and Public Open Space Provision

- 15.26 DPD Policy DP16 states apartments should be provided with a minimum of 25sqm per flat and that where balconies are provided this space may be taken off the communal requirement. Development Plan Policy DP16 states that in addition to private amenity space, all new residential development will be expected to provide new public areas of accessible strategic or local open space.
- 15.27 Given the built form constraints of the site, is not practical to provide on-site of POS (10% of the site area). A request for a contribution for off-site enhancement of public open space has been made, which is discussed when considering the viability of the scheme. In terms of private amenity space, 20 of 35 flats within the new apartment block are provided with either private balconies, secluded sitting out areas or roof terraces, whilst one of the 11 flats within the converted front range will be provided with private amenity space (a roof terrace). In town centre locations, particularly on sites that involve the conversion of an existing building, it is not unusual for residential properties to have smaller areas of private amenity space. Given the context and constraints of this site, the type of units proposed (apartments as opposed to family dwellings) the proposed amenity space provision is considered to be acceptable.

Transport and Accessibility

- 15.28 CS policies TA1 to TA4 seek to improve accessibility and change travel behaviour as part of a comprehensive transport strategy. Public Realm Policy PR2 requires that the design creates secure attractive, safe and people friendly streets which encourage more walking, cycling, recreation and local shopping. The Adopted Cycling SPD (January 2012) sets out a number of measures to enhance and promote cycling.
- 15.29 Given the site's town centre location, there is an existing good network of pedestrian and cycle links. The proposed development will also have very good access to public transport (bus and rail) facilities.
- 15.30 There is currently no formal parking on-site and the application proposes the creation of 28 parking spaces and 56 cycle parking spaces within the proposed basement. The basement parking will be accessed via the existing carriage arch on the west side of the building. The Highway Authority is of the opinion that the proposal will not result in a significant adverse impact in terms of highway safety or capacity and, as such, has not raised an objection to this application. The Highway Authority has requested that residential travel information packs are provided to each residential unit. Travel Packs will help to influence the behaviour and travel choices of a proportion of the occupants of the proposed apartments, initially at least. The requirement to provide travel packs accords with development plan policies and the principles in Framework which seek promote sustainable transport choices and accessibility.
- 15.31 Given the above, it is considered that the proposed development would accord with relevant development plan policies and national planning policy guidance set out in the Framework.

Parking

- 15.32 Policy TA5 of refers to parking and states that development proposals should manage parking to accord with the accessibility of the location and to ensure people friendly street environments. Policy DP19 states that the Council will refer developers to the Essex Planning Officers Association (EPOA) Vehicle Parking Standards which was adopted by Colchester Borough Council as a Supplementary Planning Document (SPD) in November 2009.
- 15.33 The Council's adopted parking standards state that for new dwellings of two or more bedrooms, two car parking spaces should generally be provided and that for one bedroom units 1 space per unit is acceptable. In addition to this provision visitor parking at a ratio of 0.25 spaces per unit is generally required. The guidance does however state that where development is located within the urban areas with good links to sustainable transport a lower parking standard can be considered.
- 15.34 The application site is located in Colchester town centre and is easily accessible by public transport. In view of this, a lower level of parking provision can be accepted on this site.

- 15.35 The application proposes 28 car parking spaces. The standard parking requirement for the number of units being proposed (23 no. 2 bed units and 23 no. 1 bed units) is 69 parking space, plus 12 visitor parking spaces. Whilst it is accepted that the parking provision is less than the standard provision set out in the adopted guidance, given that the site is located within the town centre, it is considered that a lower level of parking provision can be accepted in this instance. Members may also wish to note that three of the parking spaces are provided with electric charging points and that the penthouse will be provided with two parking spaces.
- 15.36 In terms of cycle parking, the Council's adopted guidance requires 1 secure covered space per dwelling to be provided. The application proposes 56 secure cycle parking spaces. This is in excess of the standard requirements and reflects the lower level of car parking and the site's sustainable location.
- 15.37 The proposed development is considered to accord with the aforementioned planning policies, the adopted guidance on parking and the Framework.

Hydrology and Drainage

- 15.38 CS policy ENV1 sets out the strategic policy approach to safeguard people and property from the risk of flooding. ENV1 seeks to direct new development towards sites with the lowest risk from flooding and promotes the use of flood mitigation measures (SUDS) to help manage risk. Core Strategy policy ER1 relates to Energy, Resources, Waste, Water and Recycling in Colchester. Development policy DP20 supports development proposals that include flood mitigation/ attenuation measures as well as flood resilience measures.
- 15.39 A Drainage Strategy has been submitted which shows that the site is situated within Flood Zone 1 – i.e. little to no risk of flooding. As this is a major application ECC Suds Team have been consulted and they have not raised an objection to this proposal.

Contamination

- 15.40 Development Plan Policy DP1 requires all development to avoid unacceptable environmental impacts; part (vi) requires the appropriate remediation of contaminated land. The desk top based contamination report accompanying this application concludes that the site is suitable for residential development. The Council's Contamination Land Officer agrees with the conclusions of the submitted report and has recommended a condition to cover unexpected contamination.

Air Quality

- 15.41 The Core Strategy contains policies for the delivery of development, infrastructure, facilities and services in Colchester to 2021. The Council does not have any specific policies on air quality within the Core Strategy; Policy TA4 however states that "The demand for car travel will be managed to prevent adverse impacts on sustainable transportation, air quality, and local amenity and built character." The adopted Colchester Borough Council - Air Quality guidance note is a material consideration.
- 15.42 The application site is located approximately 80m south-west of an Air Quality Management Area (AQMA) designated as a result of high nitrogen dioxide (NO₂) concentrations, which covers a large section of Colchester town centre. The Air Quality Report submitted with this application concludes that the actual impact of the development on the overall local air quality and on the future occupiers of the development will be slight and below thresholds, which would require specific mitigation. In recognition of the site's close proximity to the AQMA, the applicant has agreed to provide three electric charging points (to encourage greener cars) and a higher level of cycle parking (to encourage more sustainable modes of travel).
- 15.43 Environmental Protection has not raised an objection to this application on the grounds of impact on air quality.
- 15.44 It is considered that the proposed development is consistent with the requirements of the Council's adopted development plan policies, supplementary planning guidance and the Framework as regards to air quality impacts.

Viability and Development Obligations

- 15.45 4CS Policy SD2 requires that new development to provide necessary contributions to meet the community needs arising from a proposal. This policy goes on to state that the viability of developments will be considered when determining the extent and priority of development contributions. Further policies on specific topic areas are provided within the Core Strategy and the Development Plan Policies (for example on affordable housing, health, community facilities and open space etc.).
- 15.46 Paragraph 173 of the Framework states that the scale of obligations and policy burdens should not be so great as to threaten the ability of a scheme to be developed viably. Paragraph 176 states that where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.

15.47 The Council's Development Team considers all major planning applications and makes recommendations in respect of priorities for s106 obligations. The Development Team made the following obligations requests:

- Affordable Housing - 8 housing units or a contribution of £431,480
- Education - £56,600 for primary school contribution.
- Open Space and Sport Facilities - £138,631.
- Community Facilities – the provision of a disabled toilet within one of retail units.

15.48 The application proposes 46 residential units and therefore the Council's adopted policy on affordable housing would have traditionally been applicable to this development. Changes to the way that affordable housing contributions can be sought from a development were however made to the National Planning Practice Guidance (NPPG) in May 2016. These changes included the introduction of the Vacant Building Credit which is intended to provide an incentive to bring forward development on brownfield sites containing vacant buildings. This provides that where a vacant building is brought back into use or is demolished and replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floor space of relevant vacant building(s) when calculating any affordable housing contribution. Affordable housing contributions can be sought for any increase in floor space proposed by such an application.

15.49 In the case of the former Odeon, the applicant notes that building has an existing floor space of 3,660sqm and that the application proposes a total of 3,939sqm resulting in an additional 279sqm of floor space. This additional floor space can be translated to an affordable housing contribution and would thus need to be considered in the context of the scheme's overall viability.

15.50 The agent has stated the scheme for the redevelopment of the former Odeon site is not viable and cannot support any S106 obligations. To this end, a viability assessment has been submitted to the Council for consideration. The viability assessment was prepared by Morley, Riches & Ablewhite Chartered Surveyors in April 2017. The reports shows that 10.24% profit on the Gross Development Value (GDV) will be generated from the scheme which does not include any affordable housing contribution. If the s106 contribution are included, the developer's appraisal states that the developer's profit would reduce to 8.58% of GDV. A developer would normally expect to make a 20% profit on a pure residential scheme.

15.51 BPS, the Council's appointed viability consultants, has advised that whilst the scheme cannot viably deliver an affordable housing contribution, it can support s106 contributions. This is based on a developer profit of 19.8% of GDV (adjusted to take account of the retail element) which can be achieved when the benchmark land value attributed to the site by BPS is applied. BPS note however that if the purchase price is applied, the proposal would result in a significant apparent loss. (BPS has advised that in the absence of supporting analysis the purchase price is not considered to represent a suitable benchmark land value

as it would not comply with paragraph 23 of the NPPG which stipulates that the land value should: a) reflect planning policy requirements; b) provide a competitive return to the land owner and developer; and c) have regard to relevant market evidence).

15.52 BPS's Cost Consultant has also reviewed the applicant's build costs and does not consider the build costs to be excessive; indeed the Cost Consultant has commented that the applicant's costs are below those resulting from his benchmarking exercise by £1.59million. If the Cost Consultant's build costs are factored into the analysis, any surplus from the scheme is eradicated.

15.53 As can be seen from above, the bench mark land value and build costs have been based on assumptions which are unconfirmed and are not agreed in this instance. This has meant that there are differences between the applicant's cost analysis and that undertaken by BPS. Given this, it is proposed that the development is subject to a further viability review once build tender prices have been obtained and there is a clearer picture as regards to sales values of the units as this will enable a more robust assessment of this scheme's viability. This information would not however provide clarification on the bench mark land value and, in the absence of any further justification from the applicant in respect of this matter, it is recommended that the BPS bench mark land value is used in the future viability assessment. Should it be ultimately demonstrated that the scheme is sufficiently viable to support s106 contribution, it is recommended that the contributions are allocated first to the identified open space schemes and then to education schemes. (It is not considered reasonable (i.e. to meet the planning tests) for a disabled toilet to be provided within one of the small retail units. The viability review mechanism is to be secured through a s106 agreement.

16.0 Conclusion

16.1 The Framework has at its heart the promotion of sustainable development. The proposal has significant sustainability credentials. A core planning principle of the Framework is to conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. The proposal will enable the re-use of the former cinema, a locally listed building, which contributes to the designated heritage asset of the conservation area. It is considered that the scheme would acceptably fulfil the environmental dimension of sustainable development by preserving the identified heritage assets. The development will also have economic and social benefits by creating construction activity, promoting the vitality of the town centre and by possible creation of jobs.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is approval subject to the signing of a s106 agreement to cover an updated viability appraisal and potential contributions in relation to open space and education facilities and 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. 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:

Location Plan - Drawing No. 1101
Basement Plan – Drawing No. 6315 1211 B
Ground Floor – Drawing No. 6315 1212 B
First Floor – Drawing No. 6315 1213
Second Floor – Drawing No. 6315 1214
Third Floor – Drawing No. 6315 1215
Fourth Floor – Drawing No. 6315 1216
Roof – Drawing No. 6315 218
Elevation 1 of 3 – Drawing No. 6315 1301A
Elevation 2 of 3 – Drawing No. 6315 1302
Elevation 3 of 3 – Drawing No. 6315 1303A
Elevation North – Drawing No. 6315 1305A
Elevation South – Drawing No. 6315 1307
Elevation West – Drawing No. 6315 1308A
Detail Bay – Drawing No. 6315 1310

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

3. Non Standard Condition - Making the building wind and weathertight

Within two months of the dates of this approval a Schedule of Works to make the building wind and water proof and secure from unauthorised. The Schedule of Works shall be implemented within one month of the date of their approval or such other timeframe as may be agreed with the Local Planning Authority.

Reason: To safeguard this locally listed building and its contribution that it makes to the character and appearance of the conservation area.

4. Non Standard Condition - Archaeological Works

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.

5. Non Standard Condition - Building Recording

Prior to the commencement of any works, an appropriate programme of building recording (including architectural/historical analysis) shall be carried out in respect of the building that forms part of this permission. 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 that formed part of the historic development of this site

6. Non Standard Condition - Safeguarding hitherto unknown historic fabric

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

Reason To secure the proper recording of the listed building that formed part of the historic development of this site

7. Non Standard condition - Pre- contract details

No works of demolitions or alteration by way of substantial or partial demolition shall begin before evidence has been submitted to and approved in writing by the Local Planning Authority of a binding contract for the full implementation of the comprehensive scheme of development (and associated planning permission for which the contract provides)

Reason: To ensure that demolition works do not commence in isolation to the main proposals for the redevelopment of this site.

8. Non Standard Condition - Demolition Method Statement

Prior to the commencement of works, details showing the precise areas of the building to be demolished and Method Statement (including drawings where appropriate) for ensuring the safety and stability of the building fabric identified for retention throughout the phases of demolition and reconstruction shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out fully in accordance with the approved Method Statement.

Reason: To ensure that the locally listed building is appropriately protected and to safeguard its contribution to the character and appearance of the conservation area.

9. Non Standard Condition - Asbestos Survey

Prior to the commencement of any demolition or the stripping out work an Asbestos Survey of the building shall be submitted to and approved in writing by the Local Planning Authority. If asbestos is discovered, the survey shall be accompanied by a report setting out how the asbestos is to be removed and disposed of. The development shall be implemented in accordance with the agreed detail.

Reason: To ensure that risks from asbestos 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

10. Non Standard Condition: Construction Method Statement

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

- i) the parking of vehicles of site operatives and visitors
- ii) hours of deliveries
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development
- v) the hours of work
- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) wheel washing facilities
- viii) measures to control the emission of dust and dirt during construction
- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works
- x) a method statement for piling works

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

11. Non Standard Condition - Unexpected land contamination

In the event that unexpected land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. 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: The site lies on or in the vicinity of potentially contaminative former uses, where there is the possibility of contamination.

12. Non Standard Condition - Levels

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent properties, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the agreed scheme before the development is first occupied.

Reason: In order to allow more detailed consideration of any changes in site levels where it is possible that these may be uncertain and open to interpretation at present and where there is scope that any difference in such interpretation could have an adverse impact of the surrounding area.

13. Non Standard Condition - Noise Mitigation Scheme

Prior to the commencement of works (excluding works of demolition and underground enabling works) a Noise Mitigation Scheme to safeguard future occupier of the development from excessive noise shall be submitted to and approved in writing by the Local Planning Authority. The Noise Mitigation Scheme shall be substantially in accordance with the Loven Acoustic Environmental Noise Assessment Report dated 10 November 2016. The development shall be implemented in accordance with the approved details.

Reason: To ensure that future residents of the building are not adversely affected by undue noise.

14. Non Standard Condition - Additional Drawing of Architectural Features

Prior to the commencement of any works on the front (retained) range of the building, a Schedule of the Repair and Reinstatement Works for this part of the building shall be submitted to and approved in writing by the Local Planning Authority. The Scheme of Repair and Reinstatement shall include a written specification and drawings (at a scale of 1:5 and 1:50) as appropriate of the following:

- Render Mix and Colour Finish
- Details of the reinstatement of ornate plaster work,
- Details of the reinstatement of the niches to either side of the entrance foyer,
- Reinstatement / Repair of windows, balconettes and glazed screen
- Foyer Entrance Doors and canopy
- Shop fronts and Fascia Panels
- Entrance Steps
- Carriage Arches and gates
- Copings
- Rainwater goods
- Roofing materials

The development shall be implemented in accordance with the details subsequently approved.

Reason: To safeguard the character and appearance of the conservation area by ensuring that the front range is appropriately restored and lost and/or damaged architectural features are reinstated.

15. Non Standard Condition - Additional Drawing of Architectural Features

Notwithstanding the details submitted, additional drawings of the second floor extension to the front range (at a scale of 1:5 and 1:50 as appropriate) shall be submitted and approved in writing by the Local Planning Authority prior to works commencing on this part of the buildings. The additional drawing shall include details of the parapet wall and coping, the render finish and colour, windows and other openings (including cills and reveals), verge and eaves, rooflights and roof coverings. The development shall be implemented in accordance with the details subsequently approved.

Reason: In sufficient information has been submitted to ensure that the detailing to this prominent elevation does not detract from the character and appearance of the conservation area and the setting of nearby listed building.

16. Non Standard Condition - Additional Drawing of Architectural Features

Prior to the commencement of works on the new apartment building (excluding demolition and underground enabling works) and notwithstanding the details submitted additional drawings that show details of the link structure, windows, cills, arches, louvres and/or panelling, doors, projecting brickwork / balconies, parapet, screens, rainwater goods, verges, eaves to be used, by section and elevation, at scales between 1:50 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: In order to ensure that the architectural detailing of the development is appropriate and to safeguard the character and appearance of the heritage assets and their setting.

17. Non Standard Condition - Materials

No development shall take place until full details of the materials (including brick bond, joint profile and mortar colour) to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In order to ensure that suitable materials are used on the development and to safeguard the character and appearance of the heritage assets and their setting

18. Non Standard Condition - Reinstatement Works

No part of the building shall be occupied until the section of the front range (east carriage arch) proposed for removal to facilitate construction access to the rear of the site has been reinstated. The reinstatement works shall match the existing structure in all its detail unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the section of the Crouch Street frontage that is to be removed to facilitate construction access to the rear of the site is reinstated in a timely manner and that the reinstatement works replicate the original detailing of this part of the building.

19. Non Standard Condition - Landscape

No works shall take place (except of works of demolition) 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:

- MEANS OF ENCLOSURE;
- HARD SURFACING MATERIALS;
- MINOR ARTEFACTS AND STRUCTURES (E.G. FURNITURE, PLAY EQUIPMENT, REFUSE OR OTHER STORAGE UNITS, SIGNS, LIGHTING ETC.);
- 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 AND MONITORING PROGRAMS.

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

20. Non Standard Condition - Surface Water Drainage

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 shall include but not be limited to:

- The run-off rate restricted to 2.85l/s for all events up to the critical 1 in 100 inclusive of climate change storm event.
- Provide sufficient storage to ensure no on or 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. Any storage device should have appropriate half drain times.
- Final modelling and calculations for all areas of the drainage system.
- Appropriate FFLs which are above any surface water flood risk.
- 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 and highlighting any minor changes to the approved 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.

21. Non Standard Condition - Drainage Management

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 has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented as approved.

Reason: To safeguard against the potential for flood risk or pollution hazard from the site.

22. Non Standard Condition - Drainage Management

No works shall take place until a Drainage Maintenance Plan has been submitted to and approved in writing by the Local Planning Authority. The Drainage Management Plan shall include who is responsible for different elements of the surface water drainage system, the maintenance activities/frequencies and, if any part is to be maintained by a maintenance company, details of long term funding arrangements. The scheme shall be implemented in accordance with the Drainage Maintenance Plan and maintained thereafter as such.

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

23. Non Standard condition - 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

24. Non Standard Condition - Refuse and recycling

Notwithstanding the details submitted, additional drawings shall be submitted to and approved by the Local Planning Authority of the refuse and recycling storage facilities. The facilities shall be provided prior to the occupation of the unit(s) hereby permitted and shall thereafter be retained to the satisfaction of the Local Planning Authority at all times.

Reason: To ensure that the proposed refuse and recycling storage facilities are of an appropriate size for the storage and collection of waste and that their design and materials reflects that part of the development in which they are located.

25. Non Standard condition - Privacy screen

The privacy screen(s) and/or balconies shown on the approved drawings shall be erected prior to the occupation of each unit that they are intended to serve and shall be retained thereafter in their approved form.

Reason: In the interest of safeguarding private amenity and to ensure a satisfactory form of development.

26. Non Standard Condition - Car Parking

The development shall not be occupied until such time as the basement car parking area, indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The car parking area shall be retained in its approved 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.

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

27. Non Standard Condition - Electric Charging Points

The development shall not be occupied until such time that the electric charging point, indicated on the approved plans, have been installed and made available to the use of the residents. Prior to the installation of the charging points, details of the type of charging points shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and the electric charging points shall thereafter be retained for the use of the residents.

Reason: In the interest of promoting greener modes of transport and to reduce the potential impact of the development on the town centre air quality management area.

28. Non Standard Condition - Cycle parking

The development shall not be occupied until such time as details of cycle parking for each dwelling has been submitted to and approved in writing with the Local Planning Authority. The cycle parking shall be secure, convenient, covered and provided prior to the first occupation of any development hereby permitted and shall be maintained free from obstruction at all times for that sole purpose thereafter.

Reason: To ensure that adequate provision is made for cycle parking in order to encourage and facilitate cycling as an alternative mode of transport and in the interests of both the environment and highway safety

29. Non Standard Condition - Travel plans

On the first occupation of each dwelling, the residents shall be provided with Travel and Information Packs, the contents of which shall previously have been agreed in writing by the Local Planning Authority.

Reason: To promote modal shift towards more sustainable forms of transports.

30. Non Standard Condition - Bird Boxes

Prior to the first occupation of the buildings a scheme for the provision of bird boxes shall be submitted to and approved in writing by the Local Planning Authority. The bird boxes shall be installed within one month of the bird box scheme being approved.

Reason: In the interest of securing biodiversity enhancement.

18.0 Informatives

18.1 The following informatives are also recommended:

(1) ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) 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.

(3) ZTB - Informative on Any Application With a Site Notice

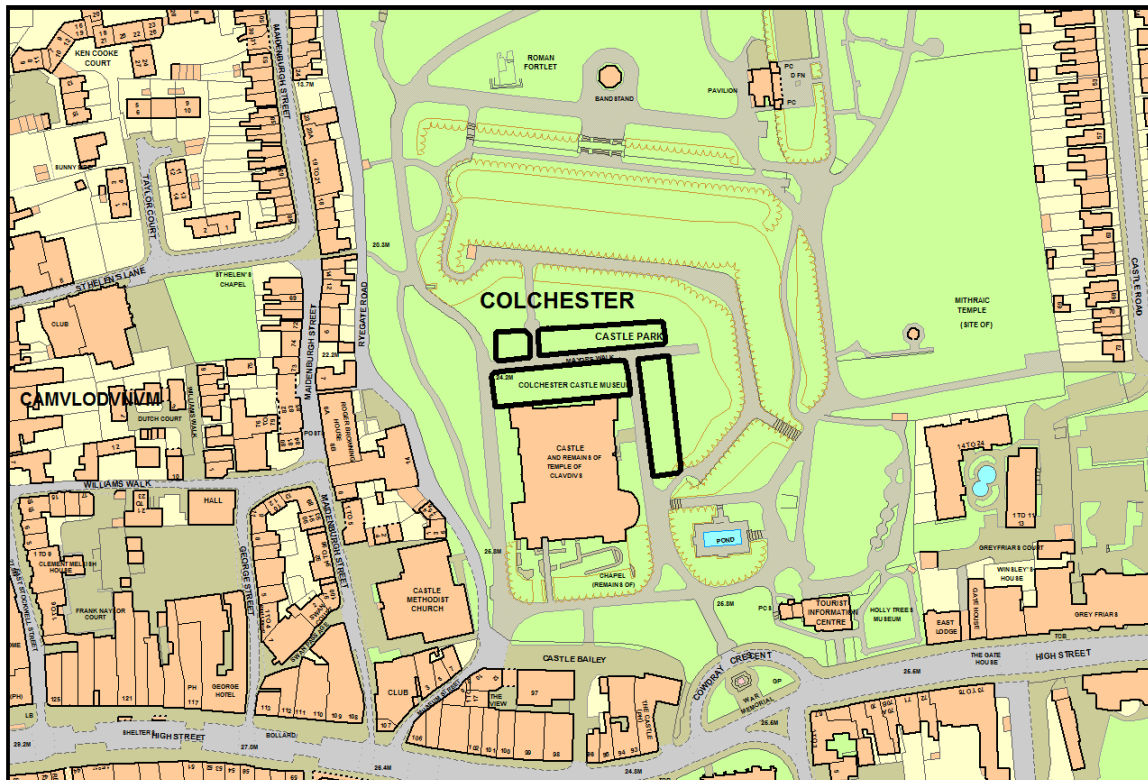
PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

(4) Non Standard Informative

The Highway Authority observes that the proposed car parking spaces are not dimensionally in accord with the current Parking Standards.

(5) Non Standard 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.



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Item No: 7.2

Application: 172172

Applicant: Colchester Borough Council

Proposal: The development of a Christmas attraction for Colchester including temporary structures. Incorporating vintage rides, side stalls and other attractions. Set - up: 18th November 2017, Event Operating: 25th November 2017 to 7th January 2018 (maximum, likely to be less) and Site clear: 10th January 2018

Location: Castle Park, High Street, Colchester

Ward: Castle

Officer: Alistair Day

Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the Council is the applicant.

2.0 Synopsis

- 2.1 The key issues explored below are: the impact on designated heritage assets and the potential for the event to cause noise and disturbance to local residents. The report concludes that the proposed event will not cause significant material harm to the aforementioned material planning issues.
- 2.2 The application is subsequently recommended for conditional approval.

3.0 Site Description and Context

- 3.1 Castle Park is located to the north-east of the town centre and is effectively divided into two sections by the Roman Wall that traverses it, from east to west.
- 3.2 The application site is located in the south western quadrant of the Upper Castle Park. Museum Street, Castle Bailey, Cowdray Crescent and the Hollytrees Museum form the southern boundary of the application site. The west boundary of the site is formed by Ryegate Road. Surrounding these streets is a mixture of commercial, religious and residential properties. The northern boundary of the site is formed by the earthworks of castle rampart. The eastern boundary of the site is formed in part by the castle ramparts and in part by the footpath that runs adjacent to area of land known as Hollytrees Meadow. The east side of the Upper Castle Park is bounded by residential properties.
- 3.3 Within the application site there are a number of highly graded designated heritage assets. The Norman Castle and Hollytrees Mansion Museum are respectively listed grade I and grade II* for their special architectural or historic interest; the main Castle Park gateway and summer house are listed grade II. The majority of the park is a designated scheduled ancient monument (SAM) and this relates to the precincts of the Temple of Claudius and the Norman Castle and its associated ramparts. The Upper Park falls within the Town Centre Conservation Area (Colchester Conservation Area No.1) and the Castle Park is listed in the Register of Historic Parks and Gardens (Grade II). The application site also includes a number of mature trees that make a positive contribution to the setting of the listed buildings and the character and appearance of the area. In addition to the heritage assets within the application site, there are numerous listed and locally listed buildings located immediately adjacent to Upper Castle Park.

4.0 Description of the Proposal

- 4.1 The submitted planning application relates to a Christmas attraction comprising temporary structures incorporating vintage rides, side stalls and attraction. The supporting information explains that the site set-up will be from 18th November 2017 with the event operating from 25th November 2017 and 7th January 2018. The site will be cleared by 10th January 2018.
- 4.2 It is proposed that the event will operated between 10:00 am and 22:30 hrs, with the Castle grounds cleared by 23:00 hrs.

5.0 Land Use Allocation

- 5.1 The Upper Castle Park is identified in the adopted Site Allocations Plan as 'Open Space'.

6.0 Relevant Planning History

- 6.1 171944 - To provide Colchester with Halloween event to operate during the month of October 2017 - – Conditional Approval
- 6.2 151298 - Provision of a Winter Wonderland and Ice Rink with Germanic chalets selling traditional Christmas items – Conditional Approval

7.0 Principal Policies

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the adopted development plan comprises the adopted Core Strategy (December 2008, amended 2014), Development Plan Policies (October 2010, amended 2014) and Site Allocations Plan (October 2010)
- 7.2 The Core Strategy sets out strategic planning policies and the following are of most relevance to this application:

SD1 - Sustainable Development Locations
CE2a - Town Centre
UR2 - Built Design and Character
PR1 - Open Space
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA5 - Parking
ENV1 - Environment

- 7.3 The Development Plan Policies provide more detailed planning policy guidance and the following are of relevance to this application:

DP1 Design and Amenity
DP6 Colchester Town Centre Uses
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 The National Planning Policy Framework (the Framework) must also be taken into account in planning decisions. The Framework makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions to sustainable development namely: economic, social and environmental.

8.0 Consultations

- 8.1 The stakeholders have been consulted and their response is summarised below. More information may be set out on our website.

Landscape Officer

- 8.2 No objection.

Archaeological Officer

- 8.3 I can confirm that I am now satisfied with the proposal from an archaeological perspective. Given the similarity of the proposed structure to the ice rink (albeit over a slightly larger area), and the very limited impact which the ice rink had, and the protection measures that are being undertaken elsewhere with the project, I do not have any further concerns with the proposal.

Environmental Protection

- 8.4 Should planning permission be granted Environmental Protection wish to make the following comments:-

Site boundary noise levels (for amplified sound, machinery and equipment)

Amplified sound, machinery and equipment shall not exceed a noise level of 15-min Laeq of 55dB at the site boundary.

Amplified sound shall be directed away from residential properties.

Generators

Generators should be of the silent type.

Lighting

Lighting should be directed away from residential properties and no light shall shine into residential properties.

Hours of operation

We therefore recommend that the event finishes at 22:00 as applied for.

Tree Officer

8.5 At the time of writing this report no comments have been received.

8.6 Historic Building Officer

No Observations have been received

Highway Authority

8.7 No Objection.

Historic England

8.8 This application concerns the development of a temporary Christmas attraction within the bailey of Colchester Castle., a nationally important Norman castle keep which over lies the remains of the Roman temple of Claudius. A similar event was successfully held in 2016 following the grant of planning permission and scheduled monument consent. Providing the detailed method statements and close monitoring of the event are complied with, Historic England advises the development would not cause harm to the designated heritage assets. The current proposals are in line with those previously consented and scheduled ancient monument consent for this event has been granted by the Secretary of State.

Garden History Society

8.9 We have considered the information provided in support of the above application and on the basis of this, do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

9.0 Parish Council Response

9.1 The application site is not located with a parish.

10.0 Representations from Notified Parties

10.1 Consultation have been carried out with third parties including neighbouring properties. A single representation was received from a local resident. 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 park [that subject is subject to the application] will be accessible after dark; reassurance is required that the entire park will be policed and monitored during this event.

10.3 The attraction is to be active until 22:00; what reassurance can be given regarding noise pollution from this attraction up to 22:00 and the prompt cessation of noise pollution at 22:00.

11.0 Parking Provision

11.1 N/a

12.0 Open Space Provisions

12.1 N/a

13.0 Air Quality

13.1 The site is located within the town centre Air Quality Management Area but is not considered to have any significant impact on air quality in the long term

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.

15.0 Report

The Proposal

15.1 The submitted planning application relates to a Christmas attraction comprising vintage rides, side stalls and attractions set against the backdrop of Colchester Castle. The supporting information explains that the site set-up will be from 18th November 2017 with the event operating between the 25th November 2017 and 7th January 2018. The site will be cleared by 10th January 2018.

15.2 It is proposed that the event will operate between 10:00 am and 22:00 hours.

The Principle of Development

15.3 The application site is located in the south western quadrant of the Upper Castle Park; the Castle Park is located immediately to the east of the heart of the town centre.

15.4 The proposal to hold a Christmas event in Colchester town centre accords with CS Policy SD1 and the Framework which promote development in sustainable locations.

- 15.5 The Upper Castle Park is identified in the Site Allocations Plan as 'Open Space'. The proposal to hold a Christmas event for a limited period is not considered to conflict with this land-use designation or the function of the park.

Heritage and Design Considerations

- 15.6 Castle Park forms part of the grounds of Colchester Castle and the Hollytrees Mansion and is divided into an upper and lower park by the town wall. The Upper Castle Park includes the following listed buildings: the dual designated Norman castle (listed grade I for its special architectural or historic interest and a scheduled ancient monument), Hollytrees Mansion Museum (listed grade II*) and the main entrance gates to the Park and summer house (all listed grade II). The grounds of the Upper Castle Park are designated a Schedule Ancient Monument which covers the precincts of the Temple of Claudius and the Norman Castle with its associated ramparts. The Upper Castle Park also falls within the town centre conservation area and is a Registered Historic Park and Garden. In addition to the above heritage features, there are numerous listed and locally listed buildings that surround the Castle Park site.
- 15.7 Under s.66 and s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (P(LBCA)A) there is a statutory duty to protect from harm listed buildings and their settings and to preserve or enhance the character or appearance of a conservation area. The Ancient Monuments and Archaeological Areas Act 1979 and subsequent amendments make provision for the Secretary of State to protect Scheduled Ancient Monuments (SAMs). The CS Policy ENV 1 and DPD Policy 14 seek to protect the historic environment and thus reflect the provision of the P(LBCA)A. The aims of the Framework are also generally consistent with the requirement of the P(LBCA)A. With regard to design, CS Policy UR2 and Development Plan Policy DP1 seek to promote and secure high quality design. Section 12 (paragraphs 126 to 141) of the Framework deals with conserving and enhancing the historic environment.
- 15.8 The application site is one of the most historically sensitive locations in Colchester and, therefore the potential impact that the proposal will have on the identified heritage assets (both direct and indirect) is a fundamental consideration.
- 15.9 In terms of direct impacts, the primary consideration is whether the proposal will result in damage being caused to features of archaeological importance notably the remains of the precincts of the Temple of Claudius and/or the Norman Castle and its associated earthworks. A mitigation strategy has been put forward for the protection of the archaeological features and the Council's Archaeological Officer has confirmed that this is acceptable.

- 15.10 All works affecting a SAM or its setting require scheduled ancient monument consent (SAMC). Members may wish to note that Historic England has been consulted separately on the requirement for Scheduled Ancient Monument Consent. Historic England has also been consulted on this application. Historic England has advised that the development would not cause harm to the designated heritage assets and that the proposals are in line with the scheduled ancient monument consent that has been granted by the Secretary of State.
- 15.11 The indirect impacts associated with this application relate to the setting of the identified heritage assets. The proposed Christmas event will change the existing setting of the castle and its immediate environment during the course of its operation. That said, the change to the setting of the Upper Castle Park will be of a temporary nature and provided appropriate controls are put in place to prevent damage to features of acknowledged importance, it is considered that the proposal will not result in any significant harm being caused.

Trees and Landscape

- 15.12 CS Policy ENV1 states that the Borough Council will conserve and enhance Colchester's natural and historic environment. Central Government guidance on conserving the natural environment is set out in Section 11 of the Framework.
- 15.13 Upper Castle Park contains a number of mature trees and ornamental flower beds that make a positive contribution to the setting of the nearby listed and the character and appearance of the area. It is considered important to ensure that existing trees are appropriately protected to avoid any potential damage to their long term health. To this end, the proposed temporary buildings will be sited outside tree protection zones and temporary matting will be used to help mitigate against wear and tear and compaction.
- 15.14 Given the above, it is considered that the proposal would not result in harm to the landscape of Castle Park and would not result in the loss of important trees. The current planning application is therefore considered to accord with CS Policy ENV1 and policies DP1 and DP21 that require development schemes to protect existing landscape features.

Residential Amenity

- 15.15 DPD Policy DP1 states that all development must be designed to avoid unacceptable impacts on amenity. Part III of this policy seeks to protect existing public and residential amenity, particularly with regard to (amongst other things) noise and disturbance, pollution (including light and odour pollution).

- 15.16 The application form states that the event will operate between 25th November 2017 and 7th January 2018. The opening hours will be between 10:00 and 22:00. All visitors to the event will need to purchase a ticket (either in advance or on the gate).
- 15.17 It is acknowledged that large scale events in Castle Park have the potential to cause disturbance to nearby residents. The Environmental Protection Team is satisfied that the proposed hours of operation of the Christmas event will not result in undue nuisance being caused to local residents.
- 15.18 With regard to noise levels generated by amplified sound, machinery and equipment, Environmental Protection has recommended that all generators are of the 'silent type', amplified music and lighting is directed away from residential properties and that the noise from equipment does not exceed a noise level of 15-min Laeq of 55dB at the site boundary. These requirements have been discussed with the applicant and they are considered acceptable to them. Conditions covering these elements have been recommended to safeguard the amenity of nearby residents. The applicant has also advised that stewards will police the event to prevent anti-social behaviour.
- 15.19 Subject to safeguard mentioned above, it is not considered that the proposed development would have a significant adverse effect on the living conditions of the neighbouring residential properties. In view of this, the proposed development is not considered to conflict with DPD Policy DP1

Parking and Highway Matters

- 15.20 Castle Park's position in the heart of the town centre means that it is highly accessible by a various sustainable modes of transport.
- 15.21 The applicant has advised that vehicular access to the event for the purposes of set-up, servicing and clearance will be via Museum Street. Once within the site, vehicles will follow a clockwise gyratory route around the Castle. All event set-up vehicles are to be marshalled by event staff and parking areas are to be installed at various locations using track matting to allow vehicles to unload without blocking the road way. Visitors to the event will be expected to use the town centre car parks, if coming by car, or travel to the event by public transport, by foot or cycle.
- 15.22 The Highway Authority has confirmed that they have no objection to this proposal in terms of its impact on highway safety or capacity.

Tourism

- 15.23 DPD Policy DP10 seeks to promote tourism, leisure and cultural activities within the Borough.
- 15.24 The proposed Christmas event will provide a traditional fairground rides and associated attractions with a small area of retail providing refreshment and merchandising. The event has the potential to attract significant numbers of

visitors to Colchester. The proposed event will serve to raise the regional profile of Colchester, boost the town centre economy and create potential jobs. The potential economic benefits of this proposal for the town are considerable.

Other Issues

15.25 From an operational point of view, the applicant has advised the following:

- the standard procedures for Event Application Process for the Park will be followed;
- the event will comply with the Council's Event Policy and the Castle Park Events Licence;
- An adequate bond will be put in place for reinstatement of the park after the event.
- Colchester Event Company has committed to pay for all ground reinstatement costs.

15.26 Whilst the above details are not planning matter, they will help to ensure that the event will be well managed and that the grounds are restored after the event.

16.0 Conclusion

16.1 The proposal to hold a Christmas event at the Upper Castle Park accords with local and national planning policies and with appropriate conditions it is considered that any potential harm caused by this proposal can be suitably mitigated. The application is therefore recommended for a conditional approval.

17.0 Recommendation

17.1 APPROVE subject to the following conditions

18.0 Conditions

1 – ZAA - Time Limit

The period of this permission for the operation of the Christmas event is from 18th November 2017 to 10th January 2018 unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt as to the scope of this permission.

2 – ZAM - Approved Drawings

The development hereby permitted shall be carried out in accordance with the following document / details:

- Christmas 2017 Site Map and Christmas Feature New Location Plan,
- Christmas Site Protection Method Statement
- Protection Method Statement,
- Castle Bailey-Castle Park Reinstatement Method Statement,
- Tree Protection Zone drawing.

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

3. Non Standard Condition - Restriction of Hours of Operation

Unless otherwise agreed in writing with the Local Planning Authority, the use hereby permitted shall not be open to customers outside the hours of 10:00 to 22:00 only

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from people entering or leaving the site and for the avoidance of doubt as to the scope of this permission.

4. Non Standard Condition - Restriction of Hours of Delivery

Unless otherwise agreed in writing with the Local Planning Authority, no services deliveries shall be received at the site outside of the following times:

- Monday to Sunday 08:00 to 14:00 or when the event is in operation

And all vehicles shall access the site from the Museum Street entrance

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise including from delivery vehicles entering or leaving the site.

5 – Non Standard Condition - Noise

All Generators should be of the 'silent' type.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of nearby residents by reason of undue noise.

6 – Non Standard Condition - Site boundary noise levels (for amplified sound, machinery and equipment)

Amplified sound, machinery and equipment shall not exceed a noise level of 15-min Laeq of 55dB at the site of boundary with residential properties.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

7 – Non Standard Condition - Lighting

All lighting installed at a part of the event hereby permitted shall be directed away from residential properties and no light shall shine into residential properties.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue lighting emission.

8 – Non Standard Condition - Tree Protection

The fairground attractions and other attractions, marquees, support buildings and welfare structures, plant, equipment or other machinery shall be sited outside the tree protection zones as shown on the submitted Tree Protection Zone Drawing unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that existing trees are appropriately safeguarded.

19.0 Informatives

1 - ZT0 – Advisory Note on Construction & Demolition

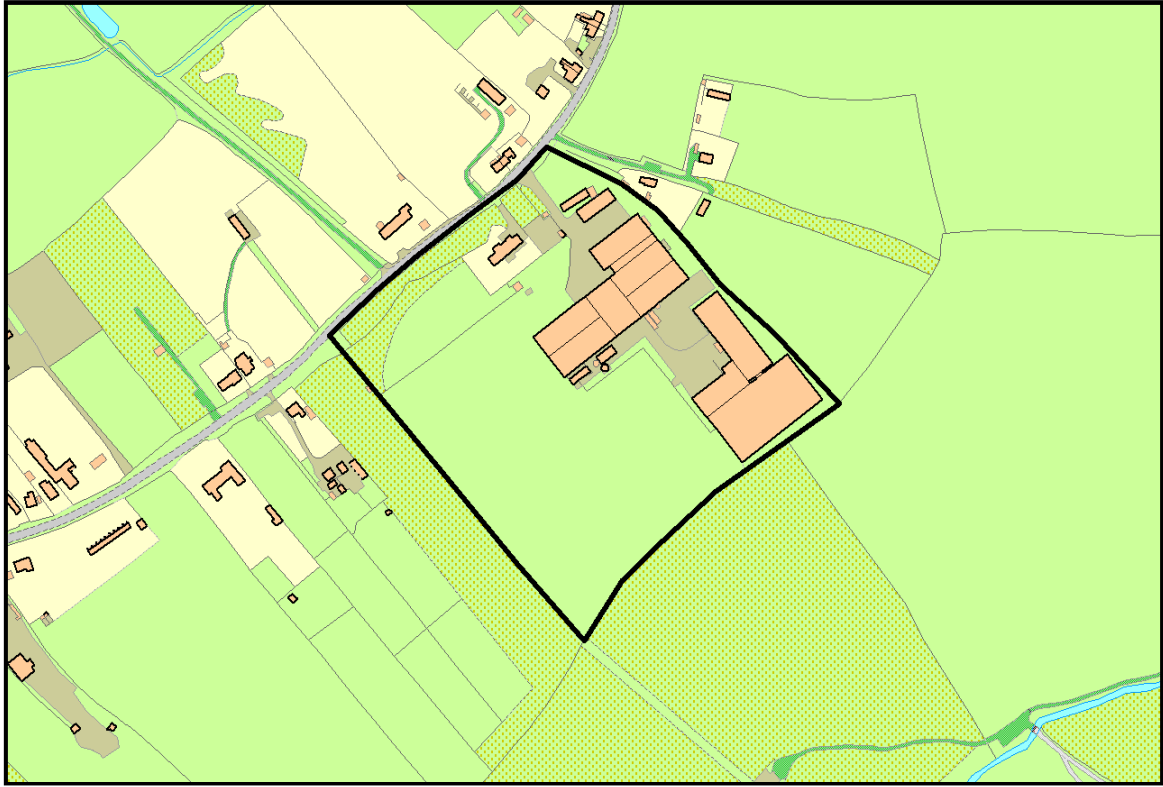
The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

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3 - ZTB - 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.



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Item No: 7.3

Application: 171933

Applicant: Mr Gary Cleghorn, Alexander Cleghorn Ltd

Agent: Stanley Bragg Architects Limited

Proposal: Demolition of existing office buildings and canteen, provision of new service road including junction to highway, erection of new two-storey office building and new one-storey staff canteen with associated car parking external works

Location: Alexander Cleghorn Limited, Alexander Cleghorn Ltd, Newbridge Road, Tiptree, Colchester, CO5 0JA

Ward: Tiptree

Officer: Eleanor Moss

Recommendation: Deferral and delegation to Officers, subject to sustainable drainage issues being resolved.

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it is a major and has received material objections.

2.0 Synopsis

- 2.1 The key issues explored below are the development proposed and policy implications, impact upon neighbouring amenity, traffic, sustainable drainage and other matters raised in the representations.
- 2.2 It is explained that, part from the issue surrounding sustainable drainage (SuDS), all matters have been satisfied. The application is subsequently recommended for deferral and delegation to Officers to issue approval once the issue of SuDS is resolved.

3.0 Site Description and Context

- 3.1 The application site is a well-established commercial premises located outside the settlement boundary of Tiptree.
- 3.2 It measures approximately 6.5 hectares, containing a number of industrial and commercial buildings. The Occupier, Alexander Cleghorn Ltd, has been manufacturing furniture components since 1958. The business has been functioning at this site since the early 1970s.
- 3.3 The site is classified is allocated as an existing Local Employment Zone.

4.0 Description of the Proposal

- 4.1 This application seeks planning permission for the erection of a new office, canteen and a new access along with associated car parking. The proposal will see the demolition of the existing dwelling and office building on site.

5.0 Land Use Allocation

- 5.1 Employment.

6.0 Relevant Planning History

- 6.1 090324 – Erection of entrance and fascia signs. Approved on 11/05/2009
98/0256 – Erection of an industrial building, hardstanding and alterations to access. Approved on 30/04/1998
98/0930 – Erection of weatherproof canopy for loading and unloading facilities. Approved on 14/08/1998
97/0563 - Outline application for use of land for erection of industrial building, hardstandings and alterations to existing access. Approved on 24/07/1997
95/0844 - Resubmission for proposed office accommodation. Temporary Approval on 05/10/1995

95/0276 - Proposed office accommodation. Approved After Appeal on 08/10/1996

91/0113 - Construction of industrial type unit for expansion of chipboard components business. Refused on 03/06/1991

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

CE3 - Employment Zones

UR2 - Built Design and Character

TA4 - Roads and Traffic

TA5 - Parking

ENV1 - Environment

ENV2 - Rural Communities

ER1 - Energy, Resources, Waste, Water and Recycling

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

DP1 Design and Amenity

DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses

DP19 Parking Standards

DP20 Flood Risk and Management of Surface Water Drainage

7.4 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

Sustainable Construction

Sustainable Drainage Systems Design Guide

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Archaeological Officer does not raise any concerns about the application
- 8.3 The Contamination Officer notes the submitted contamination report and recommends conditions, all conditions will be imposed as part of any planning consent.
- 8.4 The Landscape Planner does not object and has suggested a condition.
- 8.5 The Tree Officer is satisfied with the arboricultural content of the proposal and recommends conditions. All conditions will be imposed as part of any planning permission.
- 8.6 The Environmental Protection Officer does not raise an objection to the scheme on the proviso that recommended conditions are applied. All recommended conditions will be imposed as part of any planning permission.
- 8.7 The Highway Authority does not raise an objection to the proposal and recommends that conditions are applied. All recommended conditions will be imposed as part of any planning permission.
- 8.8 The SuDs Authority raises concerns with the application, as it has not been fully demonstrated within the drainage strategy that sufficient storage is being provided for surface water up to a 1 in 100 plus climate change event. The Agent has confirmed that this will be provided.
- 8.9 Natural England does not raise any concerns to this application.

9.0 Parish Council Response

- 9.1 Tiptree Parish Council has stated the following:

Tiptree Parish Council has no objection to this application but would like to add an additional condition that no parking be allowed overnight in the driveway. This is in addition to the previous comment of no overnight parking on the public highway.

OFFICER'S COMMENT – This is not an enforceable condition. In any event, it is held that parking matters have been satisfactorily dealt with.

9.2 Layer Marney Parish Council has stated the following:

At present many HGV's travel through Layer Marney inappropriately using Smythes Green Road/Clears Road/Newbridge Road as a rat run to Cleghorns and to the B1022. The Parish has raised complaints about this with CBC in the past. The existing planning consent for Cleghorns does not restrict HGV's heading to their site from using this route. This needs to be corrected by conditions of consent as it is fairly self-evident that there is potential for additional HGV traffic. HGV traffic should be conditioned to enter and leave the site via Newbridge Road only in the Tiptree direction - this part of the road is much better constructed and of good width and is speed restricted. The entrance should be so constructed to make it impossible for HGV's to enter the site from the Layer Marney direction. At present there is no weight restriction or speed limit on the road through Layer Marney and Smythes Green - the 30mph speed limit starts at the edge of Tiptree beyond the entrance to the Cleghorns site. In the Layer Marney direction the road is narrow and lacks the necessary foundation to take heavy vehicles and there is significant over-run of the verges. To traverse the right angle bend at Smythes Green requires HGV's to take the full width of the road on a blind bend. There are numerous minor accidents on this bend. There is also a very narrow bridge across a brook further along the road which does not have appropriate signage regarding priority.

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:

- Impact upon privacy
- Highway concerns
- Concerns relating to noise
- Concerns relating to HGV access along rural roads
- Concerns relating to overnight parking

11.0 Parking Provision

11.1 The proposal complies with car parking standards.

12.0 Open Space Provisions

12.1 N/A

13.0 Air Quality

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

14.0 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 not be sought as the business is not expanding.

15.0 Report

Principle of Development:

- 15.1 The site is allocated as an existing Local Employment Zone. Core Strategy Policy CE3 supports opportunities to enhance and renew more dated buildings within Local Economic Areas and supports and promotes rural enterprise and local employment. Development Policy DP5 sets out the appropriate uses for allocated uses. The appropriate uses include business (B1) and general industrial (B2). The site currently operates as a B1 and B2 use and the proposal does not seek to alter these uses.
- 15.2 In view of the above it is considered that the principle of replacing the existing commercial buildings and amending the access and parking arrangements would be acceptable. However, there are other matters such as design and impact on neighbouring amenity amongst others, which will be discussed further in this report.

Design and Impact upon Surrounding Area:

- 15.3 The buildings on site are generally not visible from the surrounding rural area, due to dense tree screening. A glimpsed view of the new office building may be visible from Newbridge Road however it will be well screened by the existing boundary vegetation.
- 15.4 The proposed office building is considered to be functional and modern in appearance. It is not considered to be unattractive in appearance and would not appear wholly out of keeping with the context of the existing complex of buildings on site.
- 15.5 The proposed canteen is located within the centre of the site and the design follows the industrial style of its immediate context. Views of the proposed canteen will be extremely limited from the public realm. As such, the proposed canteen is considered to be in keeping with site.

Impact upon Neighbouring Amenity

- 15.6 It is noted that a number of concerns have been raised by the adjacent properties in relation to impact upon neighbouring amenity due to the proposed office building. The proposed office building is two storeys in height and replaces a single-storey office building. Given that the proposed office building is over 45 metres (approximately) from the nearest neighbouring properties and is densely screened by existing vegetation, it is considered that any impact upon neighbouring amenity would be marginal.

Landscaping and Trees:

- 15.7 The majority of the existing trees and landscaping is scheduled to remain and this has been achieved by positioning the proposed access road over an area of dead or dying trees, hence these trees are of very little value and their removal is not objected to.
- 15.8 The proposal would be conditioned to create additional native planting in order to secure additional visual screening and diversity to the existing vegetation. As the trees to be removed are of very little value and additional landscaping would enhance the existing landscape arrangement in place, the application can be held to be acceptable in terms of visual amenity.

Highways and Parking:

- 15.9 The proposal seeks to create an additional access road solely for delivery vehicles and factory staff, therefore reducing vehicle movements at the existing site access to office and visitor traffic only. A number of residents have raised concerns regarding larger vehicles using the existing site access, this application seeks to move the access for larger vehicles away from the residential properties.
- 15.10 The new service road would provide access to a 70-car parking area allocated to the factory staff. The existing car parking area served from the current access is to be reconfigured to provide 40 parking spaces for office staff and visitors. The car parking provision is considered to be appropriate.
- 15.11 The new site access is located to the east of the industrial buildings. By providing a new secondary point of access from Newbridge Road, this allows service vehicles to the production buildings to be routed around the existing buildings and away from nearby residential properties; to the rear part of the site. The Highway Authority does not object to the proposal and it is considered the proposal is acceptable in terms of highway impacts.

Flooding:

- 15.12 The concerns from Essex County Council as the SuDs authority, regarding sufficient water storage are noted and are being addressed by the Agent. These will be dealt with via your Officers and any concerns raised by SuDs will be resolved prior to a decision being issued.
- 15.13 Should this be satisfactorily resolved prior to the Committee meeting, the recommendation will be changed to one of approval. Failing this, the recommendation remains as described below.

16.0 Conclusion

- 16.1 To summarise, the development accompanied by a reasonable conditions set out in the recommendation is considered acceptable in that it represents a suitable land use which accords with the Councils Adopted development Plan and the National Planning Policy Framework (NPPF)

17.0 Recommendation to the Committee

- 17.1 The Officer recommendation to the Committee is for:

Deferral and Delegation to Officers to resolve SuDS matters. Subject to such matters being resolved, APPROVAL of planning permission subject to the following conditions:

NOTE – Further conditions may be added as suggested by the SuDS authority.

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. 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 47604-PP-003 Revision A, 6397-1104-P2, 6397/1106 Revision P1, 6397-1204-P1, 6397-1205-P1, 6397-1302-P1, 6397-1303-P1, Arboricultural Impact Assessment Ref: 342 and 342-03.

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

3. Non Standard Condition – Visibility Splays

Prior to the proposed access being brought into use, vehicular visibility splays of 110m by 4.5m by 100m as measured along, from and along the nearside edge of the carriageway shall be provided on both sides of the centre line of the access as shown detailed on Richard Jacksons' drawing numbered 47604-PP-003 Rev A, and shall be maintained in perpetuity free from obstruction clear to ground.

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.

4. Non Standard Condition – Access

Prior to first occupation of the proposed development, the proposed vehicular access and new access road shall be provided and constructed in accord with Richard Jacksons' drawing numbered 47604-PP-003 Rev A and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to the specifications of the Highway Authority.

Reason: To ensure that vehicles using the site access do so in a controlled manner, in the interests of highway safety.

5. Non Standard Condition – Surface Water

Prior to occupation of the proposed development, details showing the proposed means of preventing the discharge of surface water from the development (new commercial access) onto the highway shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway, in the interests of highway safety.

6. Non Standard Condition – Car Parking Area

The development shall not be occupied until such time as the car parking area, indicated on the approved plans, including any spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. The car parking 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.

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

7. Non Standard condition – Parking for Two Wheeled Vehicles and Bicycles

Prior to commencement of the proposed development, details of the provision for parking of powered two wheelers and bicycles, of a design that 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 and shall be maintained free from obstruction at all times for that sole purpose in perpetuity.

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

8. Z00 – 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.

9. ZGX - 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.

10. ZGY - 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

11. ZGZ - 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.

12. ZG0 - 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 9, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10, 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 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. ZG3 - *Validation Certificate*

Prior to the first OCCUPATION 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 10.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

14. Non standard condition - Noise

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment, vehicles and machinery shall not exceed 0dB(A) above the background levels determined at all facades of noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 (Methods for Rating and Assessing Industrial and Commercial sound) and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

15. Non Standard Condition – Hours of Construction

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

Weekdays: 08:00 to 18:00

Saturdays: 08:00 to 13:00

Sundays and Bank Holidays: None

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.

16. Non Standard Condition - 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 as shown in the Arboricultural Impact Assessment by Oisín Kelly dated 5th July 2017 (Ref: 342). 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.

17. ZFS - Tree and Hedgerow Protection: General

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

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

18. ZFU - Tree Canopy Hand Excavation

During all construction work carried out underneath the canopies of any trees on the site, including the provision of services, any excavation shall only be undertaken by hand. All tree roots exceeding 5 cm in diameter shall be retained and any pipes and cables shall be inserted under the roots.

Reason: To protect trees on the site in the interest of visual amenity.

19. Non Standard Condition – Trees

No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 16 has been approved in writing by the local planning authority. This scheme will be appropriate to the scale and duration of the works and will include details of:

- a. Induction and personnel awareness of arboricultural matters
- b. Identification of individual responsibilities and key personnel
- c. Statement of delegated powers
- d. Timing and methods of site visiting and record keeping, including updates
- e. Procedures for dealing with variations and incidents.
- f. The scheme of supervision shall be carried out as agreed.

g. The scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved by the local planning authority.

Reason: To protect trees on the site in the interest of visual amenity.

20. ZFE – Landscape management plan

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 and monitoring programs.

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

18.0 Informatives

18.1 The following informatives are also recommended:

(1) ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

(2) 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.

(3) ZTB - 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.

(4) – Non Standard Informative

The Highway Authority advises and recommends that a 17m long x 4.0m wide passing place for the largest vehicle attracted to or generated by the sites activities is provided along the straight section of new road opposite the warehouse / factory unit.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to:

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

(5) Non Standard Informative

It should be noted that any technical interpretation of these detailed requirements by the applicant or their agent should be sought externally from/through the relevant professional (i.e. Arboricultural consultant – details of local practices available through Arboricultural Officer on 01206 282469 (am only).

In the interest of efficiency any clarification of technical requirement should initially be discussed between the relevant professionals (to whom copies of all relevant landscape consultations must be forwarded for reference), i.e. the Applicant's Arboricultural Consultant and the Council's Arboricultural Officer.

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>



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Item No: 7.4

Application: 172233 & 172234

Applicant: Mr & Mrs Nigel Chapman

Agent: Lucy Carpenter Planning Consultant

Proposal: Raising of existing chimney stack to 1.8 metres above the thatch. Replacement of existing casement window in end elevation

Location: Holly Cottage, Straight Road, Boxted, CO4 5QN

Ward: Rural North

Officer: Benjy Firth

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 These applications are referred to the Planning Committee because the applicant is an Elected Member.

2.0 Synopsis

- 2.1 The key issues for consideration are the impact of the works on the Heritage Asset.
- 2.2 The applications are subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application site sits on the western side of Straight Road within the defined settlement boundary of Boxted. The site contains a Grade II Listed detached thatched cottage, believed to have formerly been two separate cottages that have been linked by modern extensions.

4.0 Description of the Proposal

- 4.1 The proposal seeks the extension of an existing chimney and the replacement of an existing window.
- 4.2 This report will deal with both planning permission and Listed Building Consent.

5.0 Land Use Allocation

- 5.1 The site is within the defined settlement limits and has no relevant allocation.

6.0 Relevant Planning History

- 6.1 None identified.

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:

UR2 - Built Design and Character
ENV1 - Environment

- 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
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

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

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

The Essex Design Guide
Boxted Parish Plan incorporating Village Design Statement

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 The Council's Listed Buildings and Areas Officer made the following comments:

The work would require the rebuilding of and extension to the main chimney of 500mm. Although a small amount of historic brick will be removed, the public benefit incurred to the loss of the brick outweighs the harm incurred as the fireplace will be able to be used as designed and the thatch retained. The proposed work, subject to the attached conditions will preserve the visual interest of the chimney and cottage as the increase in height will not harm its visual impact in relation to the house, and works will be carried out in materials to match the original. Steel liners will be installed which will not harm any historic fabric.

Fire-proof boarding will be installed around the chimney to provide a permanent air gap between the chimney and the thatch. This intervention will not harm any historic fabric and will preserve the visual integrity of the building.

The replacement of the casement window in the gable end of the rear plan form is acceptable as the existing window is much altered, beyond repair, and will be replaced with a historically accurate replacement which will preserve the special interest of the building.

9.0 Parish Council Response

9.1 No comments were received.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties.

10.2 No comments were received.

11.0 Parking Provision

11.1 The proposal seeks no alteration to existing parking provision at the property.

12.0 Open Space Provisions

12.1 The proposal seeks no alteration to existing private amenity space provision at the property.

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.

15.0 Report

15.1 The proposal seeks the extension of an existing chimney and the replacement of a casement window. Neither alteration has any impact upon neighbouring amenity. As per the Listed Building Officers comments both alterations preserve the special interest of the building and do not harm any of the historic fabric. Both alterations are therefore considered acceptable.

16.0 Conclusion

16.1 To summarise, the proposed development fully accords with the Council’s policy requirements, no objections have been received and the proposal preserves the Heritage Asset.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission and Listed Building Consent subject to the following conditions:

1. **ZAA – Time Limit**
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.
***amended version for Listed Building Consent**
2. **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 2017-001 and 2017-004.
Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.
3. **ZBB - Materials**
The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings.
Reason: To ensure that materials are of an acceptable quality appropriate to the area
4. **Non Standard Condition – Brick Sample**
Prior to the commencement of any works, a sample of the proposed brick shall be submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be implemented in accordance with agreed brick.
Reason: To protect the special architectural or historic interest of the listed building.
5. **Non Standard Condition - Materials**
The brick detailing to the top of the chimney shall match that of the existing, and the chimney pot shall be constructed in clay.
Reason: to preserve the special architectural or historic interest of the listed building.

6. **Non Standard Condition - Materials**
The brick shall match the original in materiality, texture, arris finish and variety or homogeneity of colour, likely to be handmade stock. The mortar mix (likely to be lime with some soft sand, sharp sand and aggregate), pointing profile and pointing depth and bond shall match the original.
Reason: To protect the special architectural or historic interest of the listed building.

18.1 **Informatives**

18.1 The following informatives are also recommended:

1. The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.
2. 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.

Material Planning Considerations

The National Planning Policy Framework highlights that the planning system is plan-led and reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require (in law) that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

Where our Development Plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

The following approach should be taken in all planning decisions:

- Identify the provisions of the Development Plan which are relevant to the decision and interpret them carefully, looking at their aims and objectives
- Identify and consider relevant material considerations for and against the proposal
- Consider whether or not the proposal accords with the Development Plan and, if not, whether material considerations warrant a departure from the Development Plan.

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission). The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations.

When applying material considerations the Committee should execute their decision making function accounting for all material matters fairly, reasonably and without bias. In court decisions (such as *R v Westminster CC ex-parte Monahan* 1989) it has been confirmed that material considerations must relate to the development and use of land, be considered against public interest, and be fairly and reasonably related to the application concerned.

Some common material planning considerations which the Planning Committee can (and must) take into consideration in reaching a decision include:-

- Planning policies, including the NPPF and our own Development Plan
- Government guidance, case law, appeal decisions, planning history
- Design, scale, bulk, mass, visual appearance and layout
- Protection of residential amenities (light, privacy, outlook, noise or fumes)
- Highway safety and traffic issues, including parking provisions
- Heritage considerations; archaeology, listed buildings and conservation areas
- Environmental issues; impacts on biodiversity, trees and landscape, flooding
- Economic issues such as regeneration, job creation, tourism and viability
- Social issues; affordable housing, accessibility, inclusion, education, recreation

The above list is not exhaustive

The following are among the most common issues that are **not** relevant planning issues and cannot be taken into account in reaching a decision:-

- land ownership issues; private property rights, boundary disputes and covenants
- effects on property values
- loss of a private view
- identity of the applicant, their character, previous history, or possible motives
- moral objections to a development, such as may include gambling or drinking etc
- competition between commercial uses

- matters specifically controlled through other legislation

Strong opposition to large developments is a common feature of the planning process but whether or not a development is popular or unpopular will not matter in the absence of substantial evidence of harm (or support from the policies within the Development Plan). It is the quality of content, not the volume that should be considered.

The law also makes a clear distinction between the question of whether something is a material consideration, and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case but provided it has given regard to all material considerations, it is for the Council to decide what weight is to be given to these matters. Subject to the test of “reasonableness”, the courts (or the Local Government Office) will not get involved in the question of weight. Weight may be tested at appeal.

Planning Obligations

Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. Planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are:

1. necessary to make the development acceptable in planning terms
2. directly related to the development, and
3. fairly and reasonably related in scale and kind.

These legal tests are set out as statutory tests in the Community Infrastructure Levy Regulations and as policy tests in the National Planning Policy Framework.

Human Rights, Community Safety and Equality and Diversity Implications

All applications are considered against the background and implications of the:

- Human Rights Act 1998
- Crime and Disorder Act 1998 (and in particular Section 17)
- Equality Act 2010
- Colchester Borough Council Equality Impact Assessment (EIA) Framework

In order that we provide a flexible service that recognises people's diverse needs and provides for them in a reasonable and proportional way without discrimination.

Using Planning Conditions or Refusing Planning Applications

The Planning System is designed to manage development, facilitating (not obstructing) sustainable development of a satisfactory standard. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (PPG) reinforce this, stating that “Planning should operate to encourage and not act as an impediment to sustainable growth”. Therefore, development should be considered with a positive approach. Where a condition could be used to avoid refusing permission this should be the approach taken.

The PPG sets out advice from the Government regarding the appropriate use of conditions, and when decision makers may make themselves vulnerable to costs being awarded against them at appeal due to “unreasonable” behaviour. Interpretation of court judgments over the years is also an important material consideration. Reasons why a Planning Authority may be found to have acted unreasonably at appeal include lack of co-operation with applicants, introducing fresh evidence at a later stage, introducing a new reason for refusal, withdrawal of any reason for refusal or providing information that is shown to be manifestly inaccurate or untrue.

In terms of the Planning Committee, Members are not bound to accept the recommendations of their officers. However, if officers’ professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the authority.

Whenever appropriate, the Council will be expected to show that they have considered the possibility of imposing relevant planning conditions to allow development to proceed. Therefore, before refusing any application the Planning Committee should consider whether it is possible to resolve any concerns by use of conditions before refusing permission. Failure to do so on a planning ground capable of being dealt with by conditions risks an award of costs where it is concluded on appeal that suitable conditions would enable the proposed development to go ahead.

Any planning condition imposed on a development must pass 6 legal tests to be:

- | | |
|--|-------------------------|
| 1. Necessary | 2. Relevant to planning |
| 3. Relevant to the development permitted | 4. Reasonable |
| 5. Precise | 6. Enforceable |

Unless conditions fulfil these criteria they are challengeable at appeal as ultra vires (i.e. their imposition is beyond the powers of local authorities).

If no suitable condition exists that can satisfy these tests a refusal of planning permission may then be warranted. In considering the reasons for that refusal, the Council must rely only on reasons for refusal which stand up to scrutiny and do not add to development costs through avoidable delay or refusal without good reason. In all matters relating to an application it is critically important for decision makers to be aware that the courts will extend the common law principle of natural justice to any decision upon which they are called to adjudicate. The general effect of this is to seek to ensure that the Council acts fairly and reasonably in executing our decision making functions, and that it is evident to all that we have done so.



Colchester Borough Council Development Management

Highway Safety Issues

When considering planning applications, Colchester Borough Council consults Essex County Council Highways Authority on all highway safety issues. They are a statutory consultee, and a recognised expert body. This means that they must be consulted on planning applications, by law, where the proposed development will involve a new access to the highway network, create “material” changes in traffic movement, or where new roads are to be laid out. Where developments affect the trunk road network Highways England become a statutory consultee.

When the Highway Authority is consulted they are under a duty to provide advice on the proposal in question as the experts in highway matters. Their opinion carries significant weight upon which the Local Planning Authority usually relies. Whilst this Council could form an opinion different to the Highway Authority, it would need to provide counter-evidence to justify an argument that the expert body was incorrect. That evidence would need to withhold challenge in appeal or through the courts. Failure to do so would result in a costs award against the Council for acting unreasonably (see other notes pages within this Agenda). Similarly, if the Highway Authority were unable to support their own conclusions they may face costs being awarded against them as the statutory consultee.

Officers of Essex County Council Highway Authority conduct their own site visits to each site in order to take account of all highway safety matters. They also consult their own records and databases, traffic flow information and any other relevant material that may be available, including any submitted documents within planning applications.

Parking Standards

Although the Highway Authority has some remit over parking in so far as it relates to highways safety issues, parking itself is a matter for the Local Planning Authority to determine against national policy and our own adopted standards. Like the other Essex Authorities, Colchester Borough Council has adopted the Essex Planning Officer’s Association Parking Standards. These standards set out that:

- A parking space should measure 2.9 metres by 5.5 metres. A smaller size of 2.5 metres by 5 metres is acceptable in special circumstances.

For residential schemes:

- The residential parking standard for two bedroom flats and houses is two spaces per unit.
- The residential parking standard for one bedroom units is one space per unit.
- A garage should have an internal space of 7 metres by 3 metres. Smaller garages do not count towards the parking allocation.
- One visitor space must be provided for every four units.

Residential parking standards can be relaxed in areas suitable for higher density development and where there is good walkable access to shops, service and public transport, such as town centres.



Colchester Borough Council Environmental Control

Advisory Notes for the Control of Pollution during Construction and 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 Control 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 Control.

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)

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 Holiday days.
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 Control). 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.

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

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.

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

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.

The Town and Country Planning (Use Classes) Order 1987 (as amended)

Class A1. Shops

Use for all or any of the following purposes—

- (a) for the retail sale of goods other than hot food,
- (b) as a post office,
- (c) for the sale of tickets or as a travel agency,
- (d) for the sale of sandwiches or other cold food for consumption off the premises,
- (e) for hairdressing,
- (f) for the direction of funerals,
- (g) for the display of goods for sale,
- (h) for the hiring out of domestic or personal goods or articles,
- (i) for the washing or cleaning of clothes or fabrics on the premises,
- (j) for the reception of goods to be washed, cleaned or repaired,
- (k) as an internet café; where the primary purpose of the premises is to provide facilities for enabling members of the public to access the internet where the sale, display or service is to visiting members of the public.

Class A2. Financial and professional services

Use for the provision of —

- (a) financial services, or
- (b) professional services (other than health or medical services), or
- (c) any other services (including use as a betting office)

which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of the public.

Class A3. Restaurants and cafes

Use for the sale of food and drink for consumption on the premises.

Class A4. Drinking establishments

Use as a public house, wine-bar or other drinking establishment

Class A5. Hot food takeaways

Use for the sale of hot food for consumption off the premises.

Class B1. Business

Use for all or any of the following purposes—

- (a) as an office other than a use within class A2 (financial and professional services),
- (b) for research and development of products or processes, or
- (c) for any industrial process,

being a use which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

Class B2. General industrial

Use for the carrying on of an industrial process other than one falling within class B1 above

Class B8. Storage or distribution

Use for storage or as a distribution centre.

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

Class C2A. Secure residential institutions

Use for the provision of secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short-term holding centre, secure hospital, secure local authority accommodation or use as military barracks.

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Class C4. Houses in multiple occupation

Use of a dwellinghouse by not more than six residents as a “house in multiple occupation”.

Class D1. Non-residential institutions

Any use not including a residential use —

(a) for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner,

(b) as a crèche, day nursery or day centre,

(c) for the provision of education,

(d) for the display of works of art (otherwise than for sale or hire),

(e) as a museum,

(f) as a public library or public reading room,

(g) as a public hall or exhibition hall,

(h) for, or in connection with, public worship or religious instruction, (i) as a law court.

Class D2. Assembly and leisure

Use as —

(a) a cinema,

(b) a concert hall, (c) a bingo hall or casino,

(d) a dance hall,

(e) a swimming bath, skating rink, gymnasium or area for other indoor or outdoor sports or recreations, not involving motorised vehicles or firearms.

Sui Generis Uses

Examples of sui generis uses include (but are not exclusive to):

theatres, amusement arcades or centres, funfairs, launderettes sale of fuel for motor vehicles, sale or display for sale of motor vehicles, taxi businesses or a business for the hire of motor vehicles, a scrapyard or the breaking of motor vehicles, hostels, retail warehouse clubs (where goods are sold, or displayed for sale, only to persons who are members of that club), night-clubs, or casinos.

Interpretation of Class C3

For the purposes of Class C3(a) “single household” shall be construed in accordance with section 258 of the Housing Act 2004.

Interpretation of Class C4

For the purposes of Class C4 a “house in multiple occupation” does not include a converted block of flats to which section 257 of the Housing Act 2004 applies but otherwise has the same meaning as in section 254 of the Housing Act 2004

Deferral and Recommendation Overturn Procedure (DROP) Flowchart

If Councillors require more information, or minor amendments to be explored, then the item should be deferred.

If no more information or amendment is desired Councillors will proceed to propose a motion.

