

DOCUMENTS (cont'd)

- Document 4/1-24 -
13. Letter from Surveyor to the Diocese to Planning Authority, 27 March 1985.
 14. Letter from Planning Authority to Surveyor to the Diocese, 9 April 1985.
 15. Letter from Surveyor to the Diocese to Planning Authority, 30 May 1985.
 16. Letter from Howard Sharp & Partners to Planning Authority, 29 April 1985.
 17. Decision notice relating to application No TVS 4464/1.
 18. Decision notice relating to application No TVS 4464/2.
 19. Note of meeting with J W Robinson prepared by N C Francis 7 February 1985.
 20. Decision notice relating to application No TVS 4464.
 21. Decision notice relating to application No TVS 4464/3.
 22. Decision letter relating to appeals Nos A/82/4996, E/82/161, A/82/11892, E/82/321, A/82/11265 and E/82/338.
 23. Inspector's report cited in Document 4/22.
 24. Decision letter relating to appeal No P33/826.

" 5/1-6 - Produced on behalf of Planning Authority:

1. Letter from D J Brent to H D Spencely, 21 February 1985, and enclosed copy of report on trees on appeal sites.
2. Extracts from British Standards 5837 (1980), pp 2, 8.
3. Table prepared by F Joyce, showing application of Document 5/2 to trees on appeal sites.
4. Extracts from South Hampshire Structure Plan, approved 1977, pp 27a-29a.
5. Extracts from Romsey Town Centre Local Plan, pp 7, 22-23.
6. 'Romsey Conservation Area', published by Hampshire County Council.

PLANS

Plan A/1-4 - Submitted with application No TVS 4464/1:

1. Location and layout.
2. Ground-floor plan.
3. First-floor plan.
4. Elevations.

" B/1-4 - Submitted with application No TVS 4464:

1. Location and layout.
2. Ground-floor plan.
3. First-floor plan.
4. Elevations.

" C/1-2 - Submitted with application No TVS 4464/3:

1. Location and layout.
2. Plans and elevations.

PLANS (cont'd)

Plan D/1-2 - Submitted with application No TVS 4464/2.

1. Location and layout.
2. Plans and elevations.

" E/1-6 - Produced on behalf of appellant:

1. Location, plans and elevations of The Vicarage, showing proposed alterations in accordance with scheme prepared by H S Sawyer & Sons, Winchester, in 1961.
2. At scale of 1/2500 showing positions of Schemes A, B, C and D.
3. Computer-drawn bird's-eye perspective of sites and their surroundings from north.
4. Extract from OS map (1867) showing sites and their surroundings.
5. As Plan C/1.
6. As Plan C/2.

" F/1-2 - Produced on behalf of Planning Authority:

1. Extract from Plan B/1 and Plan C/1.
2. 'Conservation in Romsey', published by Test Valley Borough Council 1983, showing boundary of Conservation Area and listed buildings.

PHOTOGRAPHS

Photo 1/1-14 - Produced on behalf of appellant:

- 1-3 Sites from south, January 1986.
4. Sites from south, February 1985.
5. Sites from east, January 1986.
6. Sites from north-east, January 1986.
7. The Vicarage from east, February 1985.
8. Recent dwellings to north of churchyard, February 1985.
9. Recent dwellings to east of churchyard, February 1985.
- 10-11 Sites from west, January 1986.
12. Folly within Vicarage plot from east, January 1986.
13. Rear part of Vicarage plot from east, January 1986.
14. Rear part of Vicarage plot from west, February 1985.

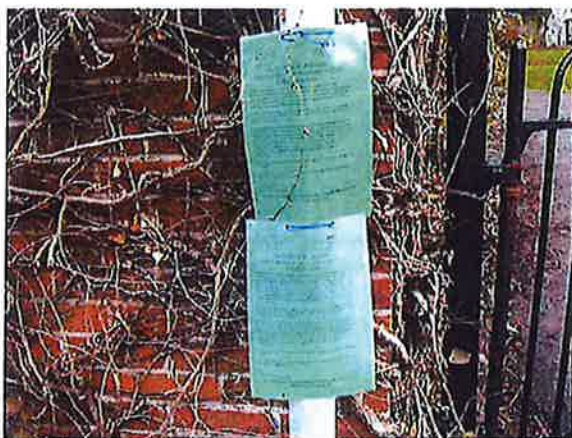
Photo 2/1-8 - Photomontages produced on behalf of appellant:

- 1-2 As Photograph 1/5, with and without Scheme D.
- 3-4 As Photograph 1/2, with and without Scheme D.
- 5-6 As Photograph 1/5, with and without dwelling of Scheme D and access of Scheme B.
- 7-8 As Photograph 1/2, with and without dwelling of Scheme D and access of Scheme B.

APPLICATION REF: 8/11/0524 **SITE ADDRESS:** The Vicarage, Quay Road (Central Christchurch Conservation Area, within curtilage of Grade II listed Vicarage and Vicarage boundary wall) and affecting the setting of the Priory and entrance gateway (grade I & II* listed), Church Hatch and railings (both grade II* listed) and 14 Church Street (grade II listed)).

SITE DESCRIPTION

The application site forms part of the large plot which is associated with the existing Vicarage (grade II listed building) which fronts Quay Road. The plot extends over 50 metres north-east from the rear elevation of the existing vicarage to abut Church Street. To the southern and eastern boundaries of the site is a c. 2 metre high grade II listed red brick boundary wall. Within the site are a number of mature trees, a number of which are protected via Tree Preservation Order's in addition to the protection given by the Conservation Area status of the site. As the site is located within the town centre the uses within the local area includes a mix of residential with shops and restaurants. Directly abutting the site is the boundary of the Town Centre Scheduled Monument. A number of listed buildings also lie within the setting of the site including; Church Hatch and railings opposite (grade II*), 14-16 Church Street (grade II listed), and the railings to the Priory (grade II*). The site is also located adjacent to designated Green Belt which extends primarily around the Priory Precinct.



Looking south down Church Street



Looking at eastern boundary of site



Western part of site looking towards Church Lane



Western part of site looking to rear elevations of garage buildings



Western part of site looking towards the Vicarage



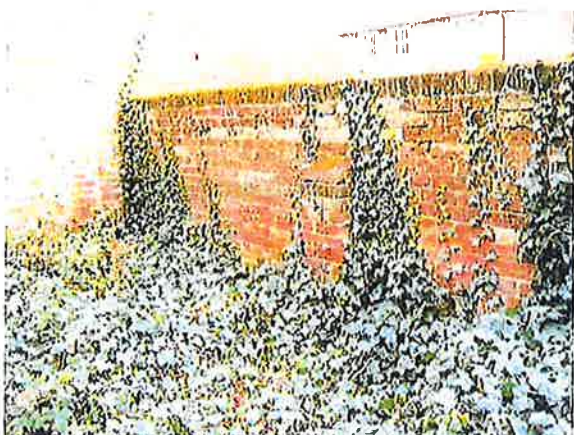
Western part of site looking towards Vicarage and outbuildings which face Quay Road



Taken centrally from Vicarage gardens looking north-east towards Church Street



Taken from eastern part of site looking towards rear elevation of 14 Church Street



Internal view of Church Street boundary wall



Internal view of Church Street boundary wall



Looking towards rear extensions to 14 Church Street



Quay Road elevation of existing garage entrances



View from Priory churchyard looking towards site



View from northern part of churchyard looking towards application site

CURRENT PROPOSAL

Sever land and erect a 2 storey vicarage fronting Church Street with associated pedestrian and disabled access from Church Street following part demolition of grade II listed wall. Erect double garage following demolition of existing and create a vehicular and pedestrian access from Quay Road.

PLANNING HISTORY

CHB6066 – Demolition of existing building and rebuilding of the vicarage and private garage with re-siting of the access – granted 18/01/62.

8/99/0210 and 211 - Erection of detached double garage incorporating revised openings within boundary wall (demolish existing garage) – granted 05/08/99.

8/02/0173 - Reconstruction and extension to existing vicarage garage including enlarging existing opening and addition of second entrance to front of garage – granted 16/05/02.

PLANNING POLICY

Bournemouth Dorset & Poole Structure Plan 2000 – Environment Policies H & Q

Borough of Christchurch Local Plan 2001 – Policies BE3, BE4, BE14, BE15, BE16, BE20, H12, T18, ENV21, ENV11, P6.

Section 16 of the Listed Buildings and Conservation Areas Act 1990 states that in determining applications for listed building consent, the Local Planning Authority shall have special regard to the desirability of preserving the building itself, or its setting, or any features of special architectural or historic interest which it possesses.

Planning Policy Statement 5 – Planning for the Historic Environment

Policy HE7.1 states that LPA's should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal.

In considering the impact of a proposal on a heritage asset, LPA's should take into account the particular nature of the significance of the asset and the value that it holds for this and future generations (Policy HE7.2).

Policy HE7.5 states that *LPA's should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment.*

Policy HE9 states that *there should be a presumption in favour of the conservation of designated heritage assets and the more significant the heritage asset, the greater the presumption in favour of its conservation...Loss affecting any designated asset should require clear and convincing justification. Substantial harm or loss of a grade II listed building should be exceptional.*

Local Plan Policy

Policy ENV11 states;

Proposals for development likely to adversely affect a SSSI will not be permitted unless the reasons for development clearly outweigh the nature conservation or scientific interest of the site. Where development is permitted, conditions will be attached and/or planning obligations sought to protect and enhance the interests of the site.

Policy ENV21 states;

In assessing schemes for either new development or redevelopment the Council will give a high priority to both the amount and quality of landscaping in the interest of amenity, landscape and wildlife. Wherever possible existing landscape features should be retained. Native species should be used where appropriate in landscaping schemes.

Policy BE3 states;

Where an unlisted building in a Conservation Area makes little or no contribution to its character or appearance, permission will only be granted for a development proposal that will involve its total or substantial demolition if there are acceptable and detailed plans for redevelopment.

A condition may be imposed to provide that demolition shall not take place until a contract for the carrying out of works of redevelopment has been made.

Policy BE4 states;

Within Conservation Areas proposals for new development, alteration or extensions to buildings and for the change of use of land or buildings will be expected to meet all of the following criteria:

- 1. The siting, design, scale, form and materials respect and complement those of existing buildings and spaces.*
- 2. Historically significant boundaries or other features contributing to the established pattern of development in the area are retained.*
- 3. Open spaces important to the character or historic value of the area are maintained.*
- 4. Important views within and out of the area are maintained.*
- 5. The level of activity, traffic, parking, services or noise generated by the proposal do not detract from the character or appearance of the area.*

Policy BE14 states:

The Council will not permit development involving alterations or extensions to listed buildings which would adversely affect their architectural character or historic interest.

Policy BE15 states;

The setting of listed buildings shall not be adversely affected by development and wherever possible the preservation of the setting shall be achieved.

Policy BE16 states;

Proposals for new development must ensure that existing views of important buildings or attractive vistas are maintained and not obstructed. The possibility of creating new vistas shall also be explored.

Policy BE20 states;

There is a presumption in favour of the physical preservation of the scheduled ancient monuments and nationally important archaeological sites and of their settings.....In order to protect SAM's from inappropriate development, planning permission will not be granted for development which would adversely affect monuments or sites, involve significant alteration to them or would have a significant impact on their setting.

Policy H12 states;

Proposals for private or institutional residential development, on allocated and non-allocated sites, or extensions to existing residential premises will be permitted provided that:

- 1. They are appropriate in scale, design, and materials to the immediate locality.*
- 2. The residential amenities of existing and future occupiers of dwellings are not adversely affected by noise or disturbance or by loss of light or privacy.*
- 3. They do not result in the loss of an important landscape or other environmental feature such as open space or trees, which is part of the character of the area.*
- 4. They include where appropriate an adequate provision of open space.*

Policy T18 states;

Any new development proposal likely to generate additional traffic will not be permitted if it materially affects road safety or the ability of the existing transport infrastructure to accommodate additional traffic.....Contribution in whole or in part may be required for works and improvements deemed necessary to enable the development to proceed. The contributions will be sought by conditions or planning obligations.

Policy P6 states;

All developments will be required to provide the following:

- 1. The minimum vehicle and cycle parking provision necessary to serve the development, and prevent additional on-street parking.*
- 2. Safe vehicular access to and from the development.*

REPRESENTATIONS

2 public letters of objection have been received with the following comments;

- Detrimental impact upon the conservation area and setting of listed buildings
- Severe reduction in the number of trees, many mature
- The tallness of the proposed house unacceptably shadows the house to the north
- The economic justification is poorly thought through and justified
- Harm resulting in the demolition of a grade II listed wall – others may be allowed to do the same.

1 public letter¹ of support has been received generally supporting the principal of the new vicarage.

Christchurch Antiquarians – make the following observations;

- Concerned at the inadequacy of the archaeological evaluation of this important and sensitive site. Permission should not be given without a more thorough

evaluation of the archaeology of the site. Also, groundworks should be overseen by an archaeological watching brief.

Christchurch History Society - support the application with the following comments;

- A planning condition should require a full archaeological assessment and professional excavation of the site particularly along Church Street due to the potential for significant archaeological evidence within the site.

Christchurch Conservation Trust – object to the development on the following grounds;

The proposed development is unnecessary as the existing vicarage remains available for use and the arguments against sub-division of the existing vicarage are unconvincing.

- Concerned at the proposal to demolish part of the old wall along the Church Street frontage which is an important feature at this pedestrian end of Christchurch – to make an opening would seriously detract from the visual amenity it provides.
- There can not be any guarantee that car access at Church Street will only be used by disabled persons. Further car use would be inappropriate in this largely pedestrian approach to Christchurch Priory. The high wall could also give rise to an accident.
- The proposed vicarage is substantially higher than the adjoining listed buildings and will be obtrusive and detrimental to this part of the Conservation Area.
- There is substantial tree loss, a number of which are subject to TPO's – these are significant environmental features forming part of the character of the area.
- The archaeological report is quite inadequate for the investigation of such an important town centre site.
- The archaeological report is quite inadequate for the investigation of such an important town centre site.

English Heritage – Have no objection to the principle of a new dwelling on this site. Historic evidence identifies that a building previously existed on the site and that this was acquired and demolished in the mid 19th century in conjunction with extensions and alterations to the current vicarage to facilitate a larger presence. The principle of reversing this act in response to a downward shift in the level of ecclesiastical requirements on the site seems not unreasonable.

Having a new building on the site set back in its plot behind the existing wall combines the benefit of recreating a more defined sense of enclosure to the end of Church Street with a recognition of the role the site has established since the loss of the original building on the site.

Care will need to be taken to ensure that the new building possesses the requisite level of authenticity. While the need to provide disabled parking may be necessary, the concept of vehicular access and parking off-street is alien and a case for its provision should be made on an exceptional basis.

County Archaeologist – Is not convinced that the results of the archaeological evaluation show that the whole site has been disturbed in recent times. It is likely that the development would affect archaeological remains earlier than the building demolition recorded in the evaluation. Those archaeological remains that would be affected by the proposed development should be preserved by record and as such a condition should be imposed on any grant of planning consent requiring the applicant to submit a written

scheme of investigation to secure a programme of archaeological work in accordance with a written scheme of investigation.

Natural England – Objects to the proposals unless the applicant contributes to the mitigation set out in the Dorset Heathland's Interim Planning Framework. Natural England has no objection to the proposed development in relation to nearby SSSI's and SPA. As the proposals will affect a site greater than 0.1 ha, a condition should be imposed requiring the submission of a biodiversity mitigation plan for the site which should then be approved by DCC's Natural Environment Team.

County Highway Authority – raises no objection subject to conditions.

Architects Panel – The panel wondered if the disabled access needed to be at the front elevation then the proposal could have a pedestrian entrance that is more in keeping with the character of the area. The Panel were concerned that the proposed dimensions did not reflect true Georgian dimensions. Overall the Panel felt that the design for the proposed Vicarage could be improved. It was suggested that the street scene could be improved by lowering or removing the listed wall around the proposed Vicarage. The Panel also considered that a dropping off point on Quay Road would be preferable to the proposed access arrangements.

Landscape and Tree Officer – The three Sycamore trees to the front boundary of the site are protected via Tree Preservation Orders; these are the most prominent trees on site being readily visible from public viewpoints particularly on approaching The Priory from Church Street. Whilst not agreeing with the statement in the submitted townscape and visual impact assessment that the removal of these trees will benefit the townscape character by allowing a more open feel that reflects the Church Hatch side of the road, a refusal reason on this single ground could not be justified. Should planning permission be given for the scheme, it would be necessary to impose suitable conditions to ensure satisfactory implementation of both the tree protection, arb method statement and the implementation and adherence of the landscaping plan.

PLANNING CONSIDERATIONS

Canon Law

- Church of England Canon Law imposes a legal duty on a Bishop to provide a place of worship and a dwelling for the Vicar or Rector in every parish in his Diocese, and is acknowledged as being a material consideration in the determination of relevant planning applications including the submitted proposals for this site.
- In considering the provision of a residence for the Vicar, a number of options were considered prior to the proposals to sever the curtilage of the existing Vicarage. These included the conversion of the existing Vicarage building and buying a replacement. In considering the options available, consideration was given to the Parsonages Design Guide, also called the Green Guide, which sets out detailed recommendations as to the parsonage design and building performance. The aim of the Design Guide being to ensure that the new residence is of a high quality design being capable of meeting the needs of the clergy, providing comfortable and convenient homes for them and their families, as well as being suitable places from which to do their work. The Council acknowledges that this Design Guide is also a consideration to be taken into

account in the determination of the planning application, However, the recommendations set out within the guide are not a series of prescriptions and should be interpreted flexibly.

- With regard to the other options considered by the applicants, it was concluded that there were no residences of an appropriate size and cost within walking distance to the Church. Furthermore, the Church were mindful of the fact that buying a replacement would abandon the current close relationship between the Vicarage and the Priory. The conversion of the existing Vicarage was considered by the church to be potentially a complicated scheme that was not only an expensive option, but also raised various disadvantages including the resultant room sizes and general running and maintenance costs and privacy issues, and difficulty in achieving disabled access, contrary to the advice contained within the Green Guide.
- Whilst it is the Local Planning Authority's view that the sub-division of the existing vicarage is a potential option that would provide a useable dwelling, it is acknowledged that the resultant building would not be desirable, and of the two options, neither would result in a form and design of dwelling which would comply generally with the aims of the Green Guide.

Impact upon character and appearance of Central Christchurch Conservation Area

- The application site lies within a highly sensitive location within the Central Christchurch Conservation Area. The site is within a town centre location although the immediate buildings surrounding the site are residential in use. Building's within the locality range from the grander architecture style and scale of two storey Church Hatch (grade II* listed) which lies opposite the site, to the modest scale of the early cottages which abut the boundary of the site to the north (14-16 Church Street).
- The Central Christchurch Conservation Area Appraisal (2005) identifies the site area as being located within the High Street, Church Street and Castle Street character area. The appraisal states that the street *'creates an effective link between the quiet formal setting of the church grounds and the more active High Street.....the street forms an important processional route to the Priory'*. It goes on to state that *'the pedestrianized section of Church Street provides the setting for the best group of Georgian buildings in Christchurch'*.
- It has been demonstrated that the site of the proposed vicarage was previously occupied by two, two storey cottages which were demolished in the 19th century when the land was purchased by the parish to form a larger garden for the Vicarage which fronts Quay Road. The eastern boundary wall facing Church Street, which is a red brick wall (grade II listed) now forms the boundary of the curtilage of the existing Vicarage. Behind the wall, high trees have grown which give a sylvan albeit unkempt finish to the site. In terms of the surrounding urban grain and general size of gardens, the application site is somewhat of an anomaly within the street having no built form which addresses this part of the street scene.
- The walled boundary facing Church Street is considered to form a positive aesthetic feature within the Conservation Area and clearly demarks public and private realm. It also acts as a transitional point within this section of the Conservation Area, where the tight urban grain of built form which at first lies at the back edge of pavement, opens out to allow the open view and setting of the Priory.
- The proposed vicarage is set back 7.65 metres from the Church Street boundary wall. The scale of the dwelling is similar to that of Church Hatch which stands

opposite although the finish of the proposed vicarage is simpler in order that it does not visually compete with this building. The proposed development involves the opening up of a section of the listed wall fronting Church Street allowing for a 3 metre break in the wall. However, the majority of this listed wall is proposed to be retained and therefore the enclosure that is currently experienced when travelling through this section of the Conservation Area will remain. The set back of the proposed dwelling ensures that its scale would not appear overbearing in relation to the very modest scale of 14 Church Street adjacent. This set back also ensures that the full scale of the proposed vicarage would only be apparent when relatively close or directly opposite the site. The dwelling is therefore not considered to harm the views to the Priory or compete with views to other listed buildings from the street scene in accordance with criterion 4 of Policy BE4.

- The simple Georgian design of the dwelling is considered to be appropriate within this historic setting and serves to 'stitch back lost townscape' rather than appear alien within its context. The building will serve to give further enclosure at this end of Church Street which in terms of its general character currently has strong enclosure which is a distinct character of the street scene. The plans indicate that handmade materials will be used where possible. It is therefore considered that the proposed development by reason of its siting, design and materials (which can be secured by condition) would complement the existing buildings within the Conservation Area in accordance with criterion 1 of Policy BE4.
- Whilst the front section of the boundary wall has been demonstrated to post-date its listed building description date of the 18th century, it is still considered to form an established boundary within the Conservation Area. However, much of the wall was re-built in the mid to late 19th century and other poor repairs have been undertaken in more recent times. The majority of the wall will remain in place therefore the positive aesthetic contribution that it makes to this part of the Conservation Area will remain. The proposed loss of the central section of this wall is therefore not considered to result in harm to the character or appearance of the Conservation Area in accordance with criterion 2 of Policy BE4.
- As the front boundary wall is of a significant height, around 2 metres from street level, the rear garden area is not considered to be experienced as an open space within the Conservation Area, therefore the proposals are not contrary to criterion 3 of Policy BE4.
- The front access via Church Street is proposed to be used as a vehicular access for disabled persons visiting the Vicarage. Within Church Street vehicular use is currently restricted to one property, Church Hatch, which includes a single garage which abuts the pavement. The provision of a vehicular access point is therefore predominantly an alien feature within the street scene. However, weight is given to Canon law which is considered to be a material consideration in the assessment of this planning application. Canon law imposes a legal duty on a Bishop to provide a place of worship and a dwelling for the Vicar or Rector in every parish in his Diocese. Consideration is therefore also given to the criteria specified with the Parsonages Green Guide, which is a guide which provides a set of criteria which every Vicarage should ideally adhere to. The Guide states that *'the need for potential disabled occupants and visitors should be recognised and proper provision made for their welfare and safety.'*
- The proposed Church Street access is relatively narrow allowing for one car to enter at any one time. The provision of one parking space to the front of the dwelling is not considered to result in an intensive increase in the movement of traffic and parking and associated increase in noise within this section of the Conservation Area which would detract from the character or appearance of the

The remains of the Motte and Bailey Castle lie around 30 metres to the north of the site and is itself currently predominantly obscured by the 2 – 2 ½ storey building's which address Church Street. The provision of a dwelling on the site proposed would be seen within the context of the built form of the town centre and due to its siting would have no physical or visual impact upon the setting of the Scheduled Monument in accordance with Policy BE20.

Impact upon archaeology

- The application site directly abuts the Scheduled Monument relating to the Pre-conquest monastery, early Christian cemetery, Augustinian priory and Motte and Bailey Castle. In addition the site itself is located within the area immediately around the Priory which is believed to be the siting of the earliest Saxon parts of the town. An archaeological evaluation of the site has been carried out and the report which accompanies the planning application concludes that either the site was not occupied prior to the 17th or 18th century, or the earlier remains have been cleared from the site. Some remains of the 18th/early 19th century buildings were found. The report also concludes that the present Church Street boundary wall is unlikely to pre-date 1871.
- The County Archaeologist has commented that the results can not conclude that the *whole* site has been disturbed in recent times and that it is likely that the development would affect archaeological remains earlier than the building demolition recorded in the evaluation. A condition is therefore proposed requiring the applicant to secure a programme of archaeological work in accordance with a written scheme of investigation. Subject to the imposition of this condition it is considered that the proposed development complies with Policy BE20.

Impact upon residential amenities

- The occupants of no. 14 Church Street, which lies directly to the north of the application site, will be the residents most affected by the proposed dwelling. 14 Church Street has no windows which directly face on to the development site, however it does have a small enclosed courtyard with a glazed corridor linking the main house to a flat roof single storey rear extension. The rear garden is enclosed by a high brick wall which provides significant privacy.
- A Shadow Study has been submitted by the applicants architect Columba Cook which demonstrates the level of shadow which would be cast over the curtilage of 14 Church Street between the hours of 08.00 to 16.00 hrs. The report concludes that the private rear amenity space of this property will be overshadowed primarily during the morning hours. However, by noon, any shadowing will be entirely clear of the garden. The small courtyard area will be overshadowed for 2-3 hours.
- Taking into account the existing tree cover (much of which is proposed for removal) which already results in overshadowing to this property, and the levels of shadowing that will occur, it is not considered that the residential amenities of the occupants of 14 Church Street would be harmed. The primary amenity space to the rear of the property will still receive good sunlight levels within the afternoon. It is therefore considered that the proposed development will not result in loss of light which would be harmful to the amenities of the occupants of this property in accordance with criterion 2 of Policy H12.
- The siting of the proposed Vicarage, set back into the site, will ensure that the primary amenity space directly to the rear of 14 Church Street is not overlooked. Furthermore, the floorplans for the proposed vicarage show that at first floor level, the windows nearest no. 14 will serve a bathroom and landing. Taking the 45 degree line across, it is clear that the

area. Balanced with this is the material consideration given to Canon Law. The proposed access is therefore considered to comply with criterion 5 of Policy BE4.

- The proposed alterations to the access facing Quay Road are minimal and will not result in harm to the character or appearance of this part of the Conservation Area in accordance with criterion 1 of Policy BE4. This part of the Conservation Area is characterised by higher levels of traffic, therefore the increased use of this entrance as the main entrance to the property is not considered to result in material harm to the character of the Conservation Area in accordance with criterion 5 of Policy BE4.

Impact upon significance and setting of listed buildings and Scheduled Monument

- The proposed development will result in the loss of historic fabric of the boundary wall facing Church Street. This section of wall in the main, dates to the mid to late 19th century, and therefore the loss of a relatively small section of it is not considered to result in the loss of historically valuable fabric. The significance of this front section of wall is attributed predominantly to its contribution visually within the street scene and a 3 metre break in the wall is therefore not considered to harm its significance. Provided that appropriate materials are used in the re-construction of the entrance gate piers, the development will preserve its special character in accordance with Policy BE14.
- Likewise, the development also involves the partial blocking up of the existing two garage entrances facing Quay Road. This section of wall and the double garage behind, although physically fixed to the wall which runs along from the Vicarage, is modern in origin and therefore there is no loss of historic fabric. The use of timber doors would not only obscure the views through to the turning and parking area but would also have a simpler finish when viewed against the high brick wall.
- The proposed dwelling house lies within the setting of a number of listed buildings including; Church Hatch and railings (grade II*) a fine example of an earlier 18th century building, 14 -16 Church Street (grade II) which are believed to significantly pre-date their listed building date, the Victorian gateway to the Priory (grade II*) and the Priory itself (grade I).
- Due to the set back siting of the building it is not considered to result in an overbearing or dominant scale of building within the street scene, and the view from Church Street through to the Priory will remain unaffected.
- Although the scale of the proposed Vicarage is substantially larger than that of 14 Church Street, the set back of 7.65 metres from the front boundary wall ensures that the modest scale of 14 Church Street can still be read when walking from the Priory towards Church Street ensuring the setting of this building is not compromised to the extent that it is harmed by the proposed development.
- The new Vicarage will be sited at a distance of around 37 metres from the existing Vicarage. The existing Vicarage garden is unusually long and the slightly run down nature at its far eastern end could be partly as a result of its large size. The proposed subdividing boundary fence will ensure a good sized garden with each property and will enable each building to sit within comfortably large gardens which would appear proportionate to the scale of each dwelling. The proposed development is therefore considered to preserve the setting of all the nearby listed buildings in accordance with Policy BE15.
- The southern most boundary of the application site directly abuts the edge of the Scheduled Monument (ref 22962) which relates to the Pre-Conquest monastery, early Christian cemetery, Augustinian Priory and Motte and Bailey Castle. Whilst the Scheduled Monument includes both above and below ground archaeology, the area closest to the application site is comprised predominantly of below ground archaeology.

private amenity space of the adjoining garden will not be overlooked in accordance with criterion 2 of Policy H12.

- In order to ensure that the occupants of no. 14 do not feel an increase in the perceived feeling of overlooking it is proposed to obscure the proposed side windows and rear windows nearest no. 14 by planning condition and to restrict permitted development rights on the property to restrict any further extensions or windows being erected/installed without first obtaining planning permission.
- In addition to the proposed new vicarage, alterations are proposed to the use of an existing part of garden immediately to the north of the existing vicarage. The land levels within this section of the garden rise significantly above the levels within Quay Road therefore some excavation will be required to provide a suitable parking courtyard and turning area. The works will also include the removal of a large tree to the corner of the site, however the high boundary wall will remain. The boundary wall surrounding the proposed parking area is located around 2 metres from the residential dwelling house known as the Old Loft. This is a modest property with a small rear garden area which runs along the eastern boundary of this part of the garden. The proposed courtyard parking will provide for a maximum of 6 cars at any one time. Whilst the use of this area for car parking will result in an increase in the level of potential noise/disturbance to this property, the use of an appropriate quiet surfacing material to this area, in addition to the high red brick boundary wall and replacement tree planting, is considered to minimise the effects of this upon the occupants of this property. The proposed garage and parking area is therefore not considered to result in a form of development harmful to the occupants of this property in accordance with criterion 2 of Policy H12.

Impact upon Green Belt

- The site lies adjacent to Green Belt which is designated in order to check the unrestricted sprawl of large built up area; preventing neighbouring towns merging in to one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- Para. 3.15 of Planning Policy Guidance note 2 states, *'the visual amenities of the Green Belt should not be injured by proposals for development within or conspicuous from the Green Belt which, although they would not prejudice the purposes of including land in Green Belts, might be visually detrimental by reason of their siting, materials or design.'*
- The Green Belt area includes the Priory grounds which have an open character. When viewed from the Priory grounds, the run of mature Lime and Yew trees which are sited within the grounds will screen the proposed dwelling from view. Further to the east, the dwelling would be glimpsed but would not be highly visible. Furthermore, the proposed Vicarage is to be sited within the built envelope of the town centre and when seen would be seen within the context of other historic buildings within the street scene. It is therefore considered that the proposed dwelling would not result in development that would result in visual harm to the openness of the adjacent Green Belt in accordance with the provisions of PPG2 – Green Belts.

Impact upon trees and landscaping

- The eastern end of the application site is characterised by a number of mature trees including three Sycamore's which are protected by individual Tree Preservation Order's. Other trees within the site are protected by virtue of their location within the Conservation Area. The submitted planning application includes a detailed report from both Barrell Tree Care and a detailed landscaping scheme and report undertaken by Hillary Martin.

The Barrell report outlines those trees proposed for removal and retention and the tree protection measures proposed on site during building works.

- The 3 TPO Sycamore trees are readily visible from public views when approaching The Priory via Church Street and whilst these trees are considered to give a sylvan and softer appearance to the site, due to the category and past management of these trees a refusal reason on tree grounds alone is not considered to be justified. Most of the other trees identified for removal are located further into the site and are not visually significant from outside the site. The proposed scheme is therefore considered to comply with criterion 3 of Policy H12.
- The proposed scheme has been designed in order that the lounge is sited on the northern most boundary of the site at a distance of around 7 metres from the canopy spread of the Beech tree. Whilst it is acknowledged that there will be shading of the plot, this will be as a result not just of the Beech tree but also from nearby trees within The Priory grounds. The semi-circular design of the principal lounge window will receive light from a number of angles, particularly from the south-west, therefore the presence of the Beech tree is not considered to result in an unacceptable reduction in natural light levels in accordance with criteria 2 and 3 of Policy H12.
- On balance it is concluded that the proposed development with respect to trees and landscaping is acceptable subject to suitable conditions being imposed with regard to the implementation of tree protective measures and the implementation and retention thereafter of the submitted detailed landscape proposals in accordance with Policy ENV21.

Impact on Heathland SPA

- The application site lies within 400m to 5km of designated Heathland SPA. In accordance with the requirements of the Dorset Heathland Interim Planning Framework, a contribution towards mitigating against the effects of new development upon these protected heathlands is required. The applicants have submitted an acceptable legal agreement which complies with the requirements of the Framework in accordance with Policy ENV11.

Impact upon highway safety and South-East Dorset Transport Contribution Scheme

- The Dorset County Highway Authority have considered the impacts of the proposed new access upon pedestrian and highway safety and have raised no objection subject to conditions. The proposed development is therefore considered to comply with criterion 2 of Policy P6.
- In accordance with the requirements of the South-east Dorset Transport Contribution Scheme, an acceptable legal agreement has been submitted which complies with the scheme in accordance with Policy T18.

CONCLUSION

The proposed development will preserve the character and appearance of the Central Christchurch Conservation Area in accordance with Policy BE4; preserve the setting and significance of the listed buildings in accordance with Policies BE14 and BE15; preserve the openness of the Green Belt in accordance with PPG2; preserve the amenities of the adjacent neighbouring property in accordance with Policy H12; ensure the protection and adequate recording of any potential archaeological remains in accordance with Policy BE16; not result in the loss of trees which are of significant landscape merit and ensure a suitable scheme of landscaping in accordance with Policy ENV21, not result in

harm to highway safety in accordance with Policy P6; and will ensure that the terms of the Dorset Heathlands Interim Planning Framework and the SEDTCS are complied with in accordance with Policy ENV11 and T18 of the Local Plan.

This report was written prior to the National Planning Policy Framework (NPPF) coming into effect. A review of the report and the recommendations has been undertaken having regard to the guidance in the NPPF and following this review the recommendations are as set out in the report.

Human Rights Act

Approve/Refusal

In coming to this recommendation/decision consideration has been given to the rights set out in Article 8 (Right to Privacy) and Article 1 of the First Protocol (Right to Peaceful Enjoyment of Possessions) of the European Convention on Human Rights.

RECOMMENDATION:

APPROVE subject to the following conditions;

1. Grant of planning permission – 3 years.
2. The development hereby approved shall be carried out in accordance with drawing numbers; P5 Rev F received 23/02/12, P6 Rev C received 23/02/12, P7 Rev B received 20/01/12, P8 received 01/12/11, P9 received on the 09/01/12, P10 Rev A received 23/02/12, and the Landscaping Plan ref: ID491.02 received 01/12/11 undertaken by Hilary Martin and details regarding the retained height of the pleached Limes and tree species to be planted within the front garden as specified within email received from Cliff Lane (point 5) received on the 20/01/12, and the Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement stamp dated received 01/12/11, unless otherwise agreed in writing with the Local Planning Authority.
3. The development hereby permitted shall be occupied only by the Priory vicar, their spouse and any dependants.
4. Prior to the commencement of development a written schedule and samples of all the external materials (including finishes) shall be submitted to the Local Planning Authority and be agreed in writing. Development shall be carried out in accordance with the agreed details.
5. Both in the first instance and upon all subsequent occasions, the window(s) coloured blue on the approved plan (drawing no. P6 Rev C) on the rear and side elevation(s) shall be glazed with obscure glass in a form sufficient to prevent external views and shall either be a fixed light or hung in such a way as to prevent the effect of obscure glazing being negated by reason of opening.
6. No development shall take place until proposals for the hard landscaping of the site have been submitted to, and approved in writing by, the Local Planning Authority. Hard landscaping shall include; surfacing materials and kerbing/walling and fencing. The approved details shall be completed in all respects prior to the first occupation/use of the development hereby approved and thereafter retained.
7. Prior to commencement of development, a method statement outlining the proposed method of excavation on site as shown on drawing no. P10 Rev A in relation to the listed boundary walls along the northern, eastern and southern boundary's of the site, shall be submitted to the Local Planning Authority and be

- agreed in writing. Development shall be carried out in accordance with the agreed details.
8. Prior to commencement of development, sections through (scale 1:1) of the proposed windows shall be submitted to the Local Planning Authority and be agreed in writing. Development shall be carried out in accordance with the agreed details and be retained thereafter.
 9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and the Town and Country Planning Act 1990 or any subsequent re-enactment thereof, no further alterations or extensions specified within Part 1, Classes A, C, D, E and F, or any domestic micro-generation equipment specified within Part 40, Class A, other than those authorised by this permission shall be erected without express planning permission first being obtained from the Local Planning Authority.
 10. Prior to the commencement of development a Biodiversity Mitigation Plan undertaken by an appropriately qualified person shall be submitted to the Local Planning Authority and shall be agreed in writing in conjunction with the Dorset County Council's Natural Environment Team. The development shall be carried out in accordance with the approved details and the mitigation measures set out within the report.
 11. The proposals for the landscaping of the site, as shown on the approved Landscape Proposal drawing no. ID491.02 by Hillary Martin and the tree protective measures as specified within the Barrell Tree Consultancy Arboricultural Impact Appraisal and Method Statement stamp dated received 01/12/11, (including provision for landscape planting, the retention and protection of existing trees and other site features, walls, fencing and other means of enclosure and any changes in levels) shall be carried out as follows:
 - a) the approved landscaping scheme and tree protective measures shall be fully implemented with new planting carried out in the planting season October to March inclusive following occupation of the building(s) or the completion of the development whichever is the sooner, or in accordance with a timetable to be agreed in writing with the Local Planning Authority;
 - b) all planting shall be carried out in accordance with British Standards, including regard for plant storage and ground conditions at the time of planting;
 - c) the scheme shall be properly maintained for a period of 5 years and any plants (including those retained as part of the scheme) which die, are removed or become damaged or diseased within this period shall be replaced in the next planting season with others of a similar size and the same species, unless the Local Planning Authority gives written consent to any variation; and
 - d) the whole landscaping scheme shall be subsequently retained thereafter.
 12. Prior to the commencement of development the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant to, and approved in writing by the Planning Authority. The scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.
 13. Prior to the commencement of development detailed sections of the dentilled corncicing at eaves level, window arches and sills, guttering, front entrance door, fanlight and door surround on the proposed dwelling shall be submitted to the Local Planning Authority and be agreed in writing. The development shall be carried out in accordance with the agreed details.

14. Prior to the commencement of development, detailed drawings of the proposed front entrance gates and gate piers and curtilage wall and gates shall be submitted to the Local Planning Authority and shall be agreed in writing. Development shall be carried out in accordance with the agreed details.
15. Before any on-site works begin a construction method statement shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include proposals for the method of demolition of the section of front boundary wall, storage of materials and location of site operative parking. Development shall be carried out in accordance with the agreed details.
16. The development hereby permitted shall not be occupied or utilised until the turning and parking shown on Drawing Numbers P7 Rev B and P5 Rev F have been constructed. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.
17. Before the access is utilised the kerb and footway at the access crossing of the highway shall be lowered and reinstated to a specification which shall be submitted to and approved in writing by the Local Planning Authority.
18. The development hereby permitted shall not be occupied or utilised until provision has been made to ensure that no surface water drains directly from the site onto the adjacent public highway.
19. The development hereby permitted shall not be occupied or utilised until the cycle parking facilities shown on Drawing Number P7 Rev B have been constructed. Thereafter, these shall be maintained, kept free from obstruction and available for the purposes specified.

Informative: The applicant is advised that notwithstanding this consent, Section 184 of the Highways Act 1980 requires the proper construction of vehicle crossings over kerbed footways, verges or other highway land. Before commencement of any works on the public highway, Dorset County Council's Dorset Highways should be consulted to agree on the detailed specification. Contact can be made by telephone to Dorset Direct (01305 221000), by email at dorsetdirect@dorsetcc.gov.uk or in writing at Dorset Highways, Dorset County Council, County Hall, Dorchester, DT1 1XJ.

INFORMATIVE:

The proposed development has been tested against the following policies of the Development Plan and in the opinion of the Local Planning Authority is in accordance with the following policies:

- a) Bournemouth, Dorset and Poole Structure Plan 2000
Policies: Environment Policies A, B, C, D, H, Q and S and Implementation Policy E
- b) Borough of Christchurch Local Plan 2001
Policies: H12, T18, P6, ENV11, ENV21, BE3, BE4, BE14, BE15, BE16 and BE20.

Signed

Case Officer... *M. Smith*...

Date... *28/3/12*...

Development Control Manager.....

Date.....28/3/12



Colchester Borough Council

Environmental & Protective Services

PO Box 889
Town Hall
Colchester
Essex
CO1 1FL

Notice of Planning Decision

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

In pursuance of the powers exercised by it as District Planning Authority this Council, having considered your application to carry out the development detailed below in accordance with the plan(s) accompanying the said application, DOES HEREBY GIVE NOTICE of its decision to GRANT PERMISSION for the said development subject to additional condition(s) set out below.

APPLICATION NO: 091092

APPLICATION DATE: 16 September 2009

PROPOSAL: Construction of a four bedroom parsonage house with single garage and landscaping within the grounds of the existing rectory

LOCATION: The Rectory, Church Lane, Marks Tey, Colchester, CO6 1LW

APPLICANT: Chelmsford Diocesan Board Of Finance, Diocesan Office, 53 New Street, Chelmsford, Essex, CM1 1AT

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with Section 91 (1) and (2) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Samples of the materials to be used on the external finishes shall be submitted to and approved in writing by the Local Planning Authority before the development commences. The development shall only be carried out using the approved materials.

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in [the countryside] and to ensure that the choice of materials will harmonise with the character of the [surrounding area].

IMPORTANT – ATTENTION IS DRAWN TO THE NOTES ATTACHED

DC1001MWD

3. The occupation of the Rectory hereby permitted shall be limited to the Minister of Religion licensed to the Benefice or Parish of Marks Tey together with a spouse/partner or a dependant of the Minister residing with him or her.

Reason: Permission for a new dwelling in the countryside contrary to countryside protection policies has only been granted in the light of the special needs of the applicant under Canon Law to provide suitable accommodation for the Rector of the Parish.

4. All new rainwater goods shall be of cast iron, or cast aluminium and painted black unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in the countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area.

5. All external joinery shall be of painted timber, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the use of an appropriate choice of materials having regard to the prominence of this site in the countryside and to ensure that the choice of materials will harmonise with the character of the surrounding area.

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

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

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

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

8. Prior to the commencement of the development details of screen walls/fences/railings /means of enclosure etc shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position/height/design and materials to be used. The fences/walls shall be provided as approved prior to the occupation of any building and shall be retained thereafter.

Reason: To ensure a satisfactory form of development and in the interests of visual amenity.

9. No new window or other openings shall be inserted above ground floor level in the north and south facing flank elevation of the proposed building without the prior approval in writing of the Local Planning Authority.

Reason: In order to safeguard the privacy of adjoining occupiers.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development within Class B of Part 1 of Schedule 2 of the Order (i.e. additions or alterations to the roof) shall take place without the prior written permission of the local planning authority.
- Reason: To control alterations and extensions to the roof of the dwelling which might be harmful to the appearance of the building and the setting of the Listed Church.
11. Prior to commencement of the development hereby approved full details of the surfacing materials to be used for all private, non-adoptable access ways, footpaths, courtyards, parking areas and forecourts shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.
- Reason: To ensure that the development does not harm the character or appearance of the Listed Building on the adjacent site.

Informatives

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.

The applicant is advised that the site to which this planning permission relates is recorded by Colchester Borough Council as being on or adjacent to land used for a cemetery.

Prior to the commencement of the permitted development, the applicant is advised to undertake a suitable and sufficient site investigation and any necessary risk assessment to ensure the land is free from significant levels of contamination. The LPA should be given prior notification of any proposed remediation scheme. The applicant is advised that this must be conducted in accordance with current official guidance, including Approved Document C of the Building Regulations, 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'. This informative should not be read as indicating that there is any known danger from the use of the site as a cemetery in this locality. The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination.

The boundary treatment between the existing dwelling (The Rectory) and the proposed new dwelling shall be a brick wall; a close-boarded fence will not be considered an appropriate form of boundary treatment.

Informative: As this approval results in a new property, please contact Street Naming & Numbering on (01206) 282215 www.colchester.gov.uk/streetnaming

Date: 12 May 2010

Signed:



Beverley Jones

Head of Environmental & Protective Services

In determining this application the Council has taken into account the following policies:

Adopted Review Colchester Borough Local Plan-March 2004

DC1- Development Control considerations

CE1 - The Open and Undeveloped Countryside

CO1- Rural resources

CO3 - Countryside Conservation Area

UEA5 - Altering Listed Buildings

UEA11 - Design

UEA 12 - Backland development

UEA13 - Development, Including Extensions, Adjoining Existing or Proposed Residential Property

CF1 - Infrastructure and Community Facilities Provision

Adopted LDF Core Strategy- December 2008

SD1 - Sustainable Development Locations

SD2 - Delivering Facilities and Infrastructure

CE1 - Centres and Employment Classification and Hierarchy

CE2b - District Centres

UR2 - Built Design and Character

ENV1 - Environment

ENV2 - Rural Communities

Reasons for granting permission

- (1) The Planning Committee having considered the recommendation contained in the officer's report was of the opinion that the proposal does comply with the relevant policies in the Statutory Development Plan.
- (2) Having had regard to all material planning considerations the Council is of the opinion that the proposal will not cause any harm to interests of acknowledged importance.

UK Case Law

BARNES v DERBY DIOCESAN BOARD OF FINANCE & AN (Ch.D (Etherton J)
14/11/2002

ECCLESIASTICAL- CHARITIES -REAL PROPERTY -

BENEFICES: PARSONAGE HOUSE: POWER OF SALE: DIOCESAN BOARD OF FINANCE: PASTORAL SCHEMES: CHURCH COMMISSIONERS: LAND HELD FOR DIOCESAN PURPOSES: PROCEEDS OF SALE: APPLICATIONS: CHURCH OF ENGLAND MEASURES: S.31 PASTORAL MEASURE 1983

A property transferred to the first defendant "for diocesan purposes" could lawfully be sold by it at any time, but the proceeds had to be applied specifically for those purposes, and not the wider corporate objects of the first defendant. Action by the claimant ('B') for a declaration that the first defendant ('DBF') had no power to sell the parsonage house of the former benefice of Bamford in the diocese of Derby ('the property'). In the 1860's B's great-grandfather gave lands in Bamford as sites for a church and parsonage house ('the property'). In 2000, the Church Commissioners made a scheme under the Pastoral Measure 1983 by which: (i) the benefice of Bamford was amalgamated with the neighbouring benefice of Hathersage to form a new benefice; (ii) the parsonage house of the former benefice of Hathersage was directed to be the place of residence of the incumbent of the new benefice; and (iii) the property was transferred to the DBF, a company limited by guarantee and a registered charity, "for diocesan purposes". Prior to the scheme, B was the patron of the benefice of Bamford. DBF now wished to sell the property. B was concerned to ensure that the proceeds of sale of the property were applied within the parish of Bamford. To that end, he contended that DBF had no power to sell the property unless the scheme was amended by a further scheme or an order under the 1983 Measure.

HELD: (1) There was nothing in the 1983 Measure expressly conferring a power of sale on **DBF**. Nor were there any provisions defining or explaining the meaning of the words "for diocesan purposes". (2) The scheme had not impressed the property with an express trust: rather it was held for the statutory purpose specified in the scheme. (3) Prior to the coming into effect of the scheme, the property could have been: (a) sold by the incumbent; or (b) transferred to **DBF** as "glebe land", with the result that a statutory power of sale would have arisen in relation to it. Bearing in mind those powers of disposal, clear indication would have been required by the draftsmen of the scheme that they had intended to exclude those powers: no such indication was present. (4) The phrase "for diocesan purposes" was narrower than the objects of DBF. As a result, any proceeds of sale of the property could only lawfully be applied for those limited purposes.

Judgment accordingly.

Philip Petchey for B. Thomas Seymour for the DBF. William Hederson for the Attorney- General.

TLR 22/11/2002 : L TL 5/2/2003 Judgment: Official Document No.: AC0104119

