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**Item No: 7.4**

**Application:** 171109

**Applicant:** Mr Spencer Priestly

**Agent:** Mr Graeme Roe

**Proposal:** Proposed demolition of existing bungalow and new replacement two storey residential dwelling. Resubmission of 160159.

**Location:** 30 Victory Road, West Mersea, Colchester, CO5 8LX

**Ward:** Mersea & Pyefleet

**Officer:** Chris Harden

**Recommendation:** Approval

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

- 1.1 This application is referred to the Planning Committee because it has been called in by Councillor Pat Moore who considers that the “modern design of the replacement building is out of keeping with the street scene.”

## **2.0 Synopsis**

- 2.1 The key issues for consideration are the design, scale and form of the replacement dwelling and its visual impact within the street scene. Issues such as impact upon neighbouring residential amenity and highway safety also need to be considered.
- 2.2 It is considered that this twin-gabled, contemporary style dwelling would relate satisfactorily to the character of the street scene in terms of its design, scale and form. Victory Road contains dwellings that are very mixed in terms of their character, ranging from single storey dwellings, chalet bungalows and Victorian properties. This contemporary dwelling is another step in the evolution of the street although it also reflects traditional forms with relatively narrow gables and pitched roofs. In addition it is not considered there would be any detriment to neighbouring residential amenity from an overbearing impact, loss of light or overlooking. Accordingly, the application is recommended for approval.

## **3.0 Site Description and Context**

- 3.1 The site lies within the physical limits of West Mersea and contains a bungalow that has no particular historic merit. To the West of the site lies a two-storey semi-detached Victorian dwelling that has previously been extended and to the East lies a single-storey dwelling with rooms in the roof. There are dwellings of various sizes, styles and ages within Victory Road.

## **4.0 Description of the Proposal**

- 4.1 The proposal is for the demolition of the existing bungalow and its replacement with a two-storey dwelling of contemporary design. The new dwelling would have a staggered, twin-gable form facing the road and would be finished in a mixture of render, blockwork, timber and slate. The gables would measure 6 metres in width and would vary in height from approximately 7.5 metres to just under 8 metres. It would be located in a similar position to the existing dwelling but would fill more of the site in terms of width.

## **5.0 Land Use Allocation**

- 5.1 Predominantly residential.

## **6.0 Relevant Planning History**

- 6.1 160159 - Demolition of existing bungalow and erection of a new 2 storey house. Withdrawn - 09/05/2016.

## **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  
UR2 - Built Design and Character
- 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  
DP14 Historic Environment Assets  
DP16 Private Amenity Space and Open Space Provision for New Residential Development  
DP19 Parking Standards  
DP21 Nature Conservation and Protected Lanes  
DP23 Coastal Areas
- 7.4 Some “allocated sites” also have specific policies applicable to them. There are no adopted Site Allocations (adopted 2010) policies that are of particular relevance to this application.
- 7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):  
The Essex Design Guide  
External Materials in New Developments  
EPOA Vehicle Parking Standards  
Backland and Infill  
Sustainable Construction  
Managing Archaeology in Development.

## **8.0 Consultations**

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Highway Authority has no objections subject to conditions relating to hard surface provision and provision of storage for bicycles.
- 8.3 The Council’s Archaeologist states: “No material harm will be caused to the significance of below-ground archaeological remains by the proposed development. There will be no requirement for any archaeological investigation.”

## **9.0 Parish Council Response**

- 9.1 West Mersea Town Council has stated that: “Following discussion it was agreed to recommend refusal on the following grounds:

- Out of keeping with the street scene
- Overpowering for the plot.”

## **10.0 Representations from Notified Parties**

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

10.2 Two letters of support have been received, making the following points:

- (i) In favour of this design, it is modern but not over bearing. I believe its situation within the plot has been well thought out and an asset to the area which brings a new and favourable edge to Victory Rd.
- (ii) This building is making use of modern design ideas and materials, for an old, tired and energy wasteful bungalow. Plans show plenty of space to get vehicles off the road while keeping open the access to the rear of the plot. It can only enhance the area. A great looking proposal that can only enhance a diverse and varied road.

## **11.0 Parking Provision**

11.1 Two car parking spaces as per the 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 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 Principle: The site lies within the physical limits of West Mersea and the proposal involves a replacement dwelling. Accordingly the proposal should be judged on its planning merits, having particular regard to the visual impact within the street scene as well as any impact upon neighbouring residential amenity.

15.2 Design, scale, form and visual impact in the street scene: It is considered that this twin-gabled, contemporary-style dwelling would relate satisfactorily to the character of the street scene in terms of its design, scale and form. The character of Victory Road is very mixed and contains dwellings that vary in design, scale and form, ranging from single-storey dwellings, chalet bungalows, Victorian properties and more recent replacement dwellings. It is considered that the proposed contemporary dwelling is another step in the evolution of the street

whilst reflecting traditional forms with its relatively narrow gables and pitched roofs.

- 15.3 Its height is very similar to the neighbouring Victorian semi-detached properties and so it does not appear over scaled. It is course taller than the one-and-a-half storey property to the East but there is some intervening vegetation and the dwellings are a fair distance apart. This ensures that the new dwelling does not appear visually overpowering in relation to that neighbouring property.
- 15.4 The fenestration, including glazed areas, is generally contemporary, but it is considered this relates well to the shape and character of the proposed dwelling. The choice of materials for the new dwelling is also considered acceptable. There would be a mixture of render, timber, slate and blockwork and these would combine to give an interesting visual composition to the dwelling. Render and slate are very traditional materials whilst the timber and blockwork give the building a modern feel.
- 15.5 Ample space has been left between both side boundaries so the dwelling would not appear cramped on the site. Its positioning would also respect the building line in this part of the street.
- 15.6 Impact upon neighbouring residential amenity: It is not considered that there would be any significant impact upon neighbouring residential amenity. The dwelling is far enough away from neighbouring properties to avoid causing a loss of light or overbearing impact. Some of the first floor side windows on the East and West elevations will need to be obscure-glazed to avoid overlooking. These include bedrooms and bathrooms. The bedrooms also have forward-facing and rear-facing windows and so obscure glazing the side windows does not cause a problem in this respect.
- 15.7 Highways Issues: There is room on the site to provide the required two parking spaces, each being 2.9 metres x 5.5 metres. The proposal, therefore, complies with the adopted parking standards. Adequate visibility splays can be provided and the Highway Authority condition suggested in respect of hard surfacing can be applied. It is, therefore, not considered that there would be any detriment to highway safety caused by the proposal.
- 15.8 Other Matters: There would not be any vegetation of significance that would be affected. The dwelling would be positioned on a very similar footprint to the existing dwelling. However, it is considered prudent to apply a condition relating to protective fencing to ensure vegetation is protected during construction works.
- 15.9 Adequate private amenity space would be retained on site as there is a very lengthy rear garden.
- 15.10 There would be no archaeological implications of significance and it is not considered there would be any significant impact upon wildlife.

## **16.0 Conclusion**

- 16.1 To summarise, it is considered that the replacement dwelling would fit satisfactorily onto the site without detracting from the character of the existing

street-scene. It is of a design, scale and form that is appropriate for the location and would represent another step in the evolution of the street. There would be no significant impact upon neighbouring residential amenity and the proposal is also acceptable from a highway safety point of view.

## **17.0 Recommendation to the Committee**

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

### **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 6312/1304, 6312/1204, 6312/1104 received 12/5/17.

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

### **3. Z00 - \*Materials to be Agreed**

No works shall take place until precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development. The finish of the timber shall thereafter be retained as such.

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

### **4. ZAN - Site Levels Plan**

No works shall take place until detailed scale drawings by cross section and elevation that show the development in relation to adjacent property, and illustrating the existing and proposed levels of the site, finished floor levels and identifying all areas of cut or fill, have been submitted 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.

### **5. ZIS - \*Parking Space/Hardstanding Sizes (Open)**

Prior to first occupation of the dwelling, two vehicular hardstanding spaces, with minimum dimensions of 2.9 metres x 5.5 metres, shall be provided on site and thereafter shall be retained in perpetuity as available for vehicular parking.

Reason: To ensure adequate space for parking off the highway is provided in the interest of highway safety.

### **6. Z00 - No unbound materials**

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

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

### **7. ZFQ - Tree and Natural Feature Protection: Protected Areas**

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

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

### **8. Z00 – Design Details**

Prior to their installation, precise details of the following shall be submitted to and agreed in writing by the Local planning Authority:

- (i) Roof glazing lights
- (ii) Any rainwater goods required, including location, materials and finishes.

Only the approved details shall be installed.

Reason: To ensure the satisfactory appearance of the development.

### **9. \*Removal of PD - Obscure Glazed & Non-Opening (Check Building Regs)**

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), the first floor ensuite/bathroom windows in the East elevation and the first floor ensuite and master bedroom windows in the West elevation shall be non-opening and glazed in obscure glass to a minimum of level 4 obscurity before the development hereby permitted is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To avoid the overlooking of neighbouring properties in the interests of the amenities of the occupants of those properties.

#### **10. Z00 – Doors and windows materials**

The materials to be used for the doors and windows shall accord with the submitted details and shall thereafter be retained as such.

Reason: To ensure the satisfactory appearance of the development.

### **18.1 Informatives**

18.1 The following informatives are also recommended:

#### **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.

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

#### **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.

**Highway Informative1:** All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
SMO1 – Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

#### **Positivity Statement:**



The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.