

Planning Committee Meeting

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

Thursday, 28 May 2015 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, which is usually published five working days before the meeting, and minutes once they are published. Dates of the meetings are available at www.colchester.gov.uk or from Democratic Services. Occasionally meetings will need to discuss issues in private. This can only happen on a limited range of issues, which are set by law. When a committee does so, you will be asked to leave the meeting.

Have Your Say!

The Council values contributions from members of the public. Under the Council's Have Your Say! policy you can ask questions or express a view to most public meetings. If you wish to speak at a meeting or wish to find out more, please refer to Your Council> Councillors and Meetings>Have Your Say at www.colchester.gov.uk

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The Council audio records all its public meetings and makes the recordings available on the Council's website. Audio recording, photography and filming of meetings by members of the public is also permitted. The discreet use of phones, tablets, laptops, cameras and other such devices is permitted at all meetings of the Council. It is not permitted to use voice or camera flash functionality and devices must be kept on silent mode. Councillors are permitted to use devices to receive messages and to access papers and information via the internet and viewing or participation in social media is at the discretion of the Chairman / Mayor presiding at the meeting who may choose to require all devices to be switched off at any time.

Access

There is wheelchair access to the Town Hall from St Runwald Street. There is an induction loop in all the meeting rooms. If you need help with reading or understanding this document please take it to the Library and Community Hub, Colchester Central Library, 21 Trinity Square, Colchester or telephone (01206) 282222 or textphone 18001 followed by the full number that you wish to call and we will try to provide a reading service, translation or other formats you may need.

Facilities

Toilets with lift access, if required, are located on each floor of the Town Hall. A water dispenser is available on the first floor and a vending machine selling hot and cold drinks is located on the ground floor.

Evacuation Procedures

Evacuate the building using the nearest available exit. Make your way to the assembly area in the car park in St Runwald Street behind the Town Hall. Do not re-enter the building until the Town Hall staff advise you that it is safe to do so.

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www.colchester.gov.uk

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 withstand 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 scrapyards 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.

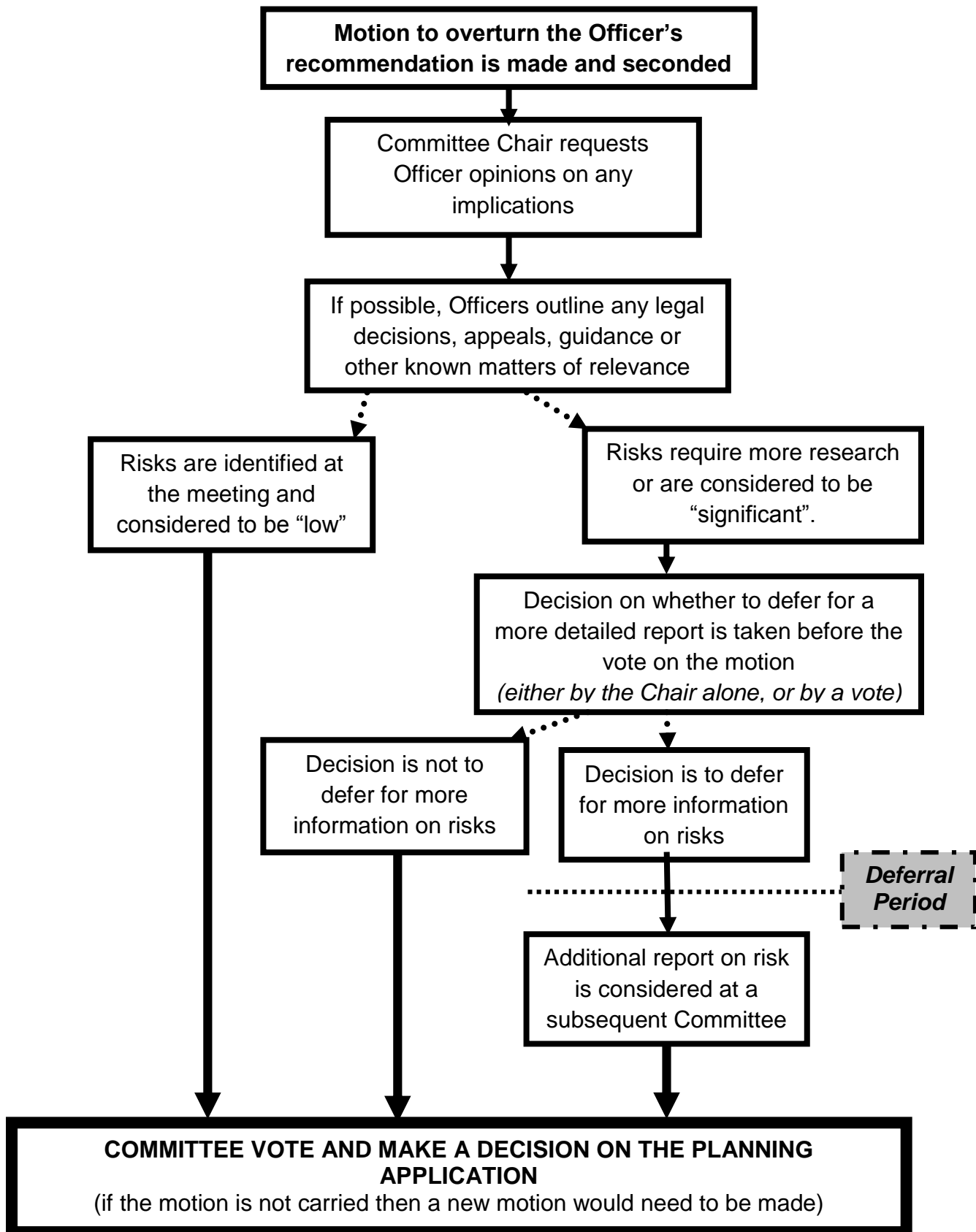
Interpretation of Class C4

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.



COLCHESTER BOROUGH COUNCIL
Planning Committee
Thursday, 28 May 2015 at 18:00

Member:

Members of the Committee, the Chairman and Deputy Chairman to be appointed at the Annual Meeting.

The following members of the Council have met the criteria to attend planning training during the previous two years and may act as members or substitute members at this Committee meeting:-

Councillors Christopher Arnold, Lyn Barton, Tina Bourne, Roger Buston, Kevin Bentley, Nigel Chapman, Peter Chillingworth, Barrie Cook, Helen Chuah, Robert Davidson, Beverly Davies, Andrew Ellis, Annie Feltham, Bill Frame, Ray Gamble, Dominic Graham, Marcus Harrington, Dave Harris, Julia Havis, Jo Hayes, Jo Hayes, Peter Higgins, Theresa Higgins, Brian Jarvis, Cyril Liddy, Mike Lilley, Sue Lissimore, Jackie Maclean, Jon Manning, Kim Naish, Nigel Offen, Gerard Oxford, Philip Oxford, Will Quince, Rosalind Scott, Jessica Scott-Boutell, Peter Sheane, Paul Smith, Laura Sykes, Dennis Willetts, Julie Young and Tim Young.

AGENDA - Part A

(open to the public including the press)

Members of the public may wish to note that Agenda items 1 to 6 are normally brief and agenda items may be considered in a different order if appropriate.

An Amendment Sheet is available on the Council's website by 4:30pm on the day before the meeting (see Planning and Building, Planning Committee, Planning Committee Latest News). Members of the public should check that there are no amendments which affect the application in which they are interested. Members of the public please note that any further information which they wish the Committee to consider must be received by 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

- a) The Chairman to welcome members of the public and Councillors and to remind all speakers of the requirement for microphones to be used at all times.

(b) At the Chairman's discretion, to announce information on:

- action in the event of an emergency;
- mobile phones switched to silent;
- the audio-recording of meetings;
- location of toilets;
- introduction of members of the meeting.

2 Have Your Say! (Planning)

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

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

3 Substitutions

Members may arrange for a substitute councillor to attend a meeting on their behalf, subject to prior notice being given. The attendance of substitute councillors must be recorded.

4 Urgent Items

To announce any items not on the agenda which the Chairman has agreed to consider because they are urgent, to give reasons for the urgency and to indicate where in the order of business the item will be considered.

5 Declarations of Interest

The Chairman to invite Councillors to declare individually any interests they may have in the items on the agenda. Councillors should consult Meetings General Procedure Rule 7 for full guidance on the registration and declaration of interests. However Councillors may wish to note the following:-

- Where a Councillor has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of the authority and he/she is present at a meeting of the authority at which the business is considered, the Councillor must disclose to that meeting the existence and nature of that interest, whether or not such interest is registered on his/her register of Interests or if he/she has made a pending notification.
- If a Councillor has a disclosable pecuniary interest in a matter being considered at a meeting, he/she must not participate in any discussion or vote on the matter at the meeting. The Councillor must withdraw from the room where the meeting is

being held unless he/she has received a dispensation from the Monitoring Officer.

- Where a Councillor has another pecuniary interest in a matter being considered at a meeting and where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor's judgement of the public interest, the Councillor must disclose the existence and nature of the interest and withdraw from the room where the meeting is being held unless he/she has received a dispensation from the Monitoring Officer.
- Failure to comply with the arrangements regarding disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of up to £5,000 and disqualification from office for up to 5 years.

6 Minutes of meeting held on 30 April 2015 17 - 22

To confirm as a correct record the minutes of the meeting held on 30 April 2015.

7 Planning Applications

In considering the planning applications listed below, the Committee may choose to take an en bloc decision to agree the recommendations made in respect of all applications for which no member of the Committee or member of the public wishes to address the Committee.

7.1 146519 62 Brook Street Colchester 23 - 54

Outline application for the development of up to five dwellings, provision of parking for retained dwelling (No. 62) and other ancillary development

7.2 150781 Land rear of 284-300 Shrub End Road, Colchester 55 - 68

Erection of five no. detached bungalows, garages, parking facilities and an associated private drive

7.3 150573 Gosbecks Archaeological Park Maldon Road South, Colchester 69 - 76

Interpretation panel containing general historical information and logos including the heritage lottery fund

7.4 150366 147 Lexden Road, Colchester 77 - 88

Proposed alterations and extensions to rear of existing property to provide additional ground floor living accommodation and first floor

bedroom suite

7.5 **150646 11 Ploughmans Headland, Stanway**

89 - 94

Two storey side extension and associated alterations

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)

Planning Committee

Thursday, 30 April 2015

Attendees: Councillor Peter Chillingworth (Group Spokesperson), Councillor Jackie Maclean (Member), Councillor Helen Chuah (Member), Councillor Theresa Higgins (Chairman), Councillor Jon Manning (Deputy Chairman), Councillor Laura Sykes (Member), Councillor Pauline Hazell (Member), Councillor Brian Jarvis (Member), Councillor Michael Lilley (Group Spokesperson), Councillor Julie Young (Member), Councillor Jessica Scott-Boutell (Member)

Substitutes: No substitutes were recorded at the meeting

153 Site Visits

The following members attended the formal site visit: Councillors Chillingworth, Chuah, Hazell, T. Higgins, Jarvis, Lilley, Maclean, Manning and Sykes.

154 Minutes of 2 April 2015

The minutes of the meeting held on 2 April 2015 were confirmed as a correct record.

155 Minutes of 16 April 2015

The minutes of the meeting held on 16 April 2015 were confirmed as a correct record.

156 146519 62 Brook Street, Colchester

The Committee considered an outline application for the development of up to five dwellings, provision of parking for retained dwelling (No 62) and other ancillary development at 62 Brook Street, Colchester. The application had been referred to the Committee by Councillor Frame. The Committee had before it a report in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Jane Clarke addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She referred to the recent Supreme Court ruling regarding the illegal levels of air pollution in the UK and the fact that Brook

Street had suffered significant pollution problems for many years. Monitoring had been continuing over this time but no action had been taken to resolve the problem. She expressed her concern regarding the application in relation to the additional traffic which would be generated and the impact this would have upon the pollution levels. She considered the speed data assessments results had been misleading. The numbers of vehicles using Brook Street was increasing as evidenced by the traffic which now queued both directions for six hours each day, six days a week. The issue of stationary traffic meant that it was already very difficult to access Brook Street from side junctions and the application was proposing the addition of another junction in close proximity to an existing one on the opposite side of the road. She was concerned that the Highway Authority assessment had not considered parked cars to be a significant hazard and, as such, had not been included in the assessment. She was of the view that the development would increase pollution in the area and the traffic would impede the air flow. She also referred to potential risks of flooding on the site, the impact of the larger development further along Brook Street and she was opposed to the inclusion of three storey units on the site.

Councillor Frame attended and, with the consent of the Chairman, addressed the Committee. He was of the view that there was only so much more development that could be added to an already highly congested area of the town. He was concerned how large articulated construction vehicles would access the site and considered the problems associated with the construction of the development on such a small site were adequate reasons to refuse the application. The fact that the site was considered appropriate for a self-build development was likely to lead to greater problems during the construction phase as there would be reduced control over the frequency and duration of deliveries. He referred to the very poor air quality in the Brook Street area which was already in excess of EU limits. He referred to the numerous conditions proposed for the outline application which, he considered, indicated the difficulty in developing the site and, in his view, suggested that the Planning Officers were not totally convinced as to its viability. He was of the view that the urban design, including three storey units was inappropriate for the site as those existing houses in the neighbourhood were generally of two storeys. He requested the design proposals be looked at again, particularly given the likelihood that they would be open to up to five different interpretations. He urges refusal of the application due to the unnecessary traffic issues and the negative impact on the air quality.

The Principal Planning Officer explained that the Highway Authority had withdrawn their original objection to the development on the basis of additional information submitted and the reduction in the number of dwellings and they were recommending the inclusion of a condition to provide for the installation of the access road to base level prior to development of the site. She explained that air quality and pollution calculations had been undertaken by the Council's Environmental Protection Team which had demonstrated that, whilst vehicle movements had continued to increase, pollution levels had decreased. The additional vehicle movements generated by the proposed

development was not considered to have a significant impact on the overall air quality in the Brook Street area. The report had confirmed that flooding was not considered to be an issue and the habitat surveys had revealed no protected species associated with the site. In terms of storey heights, she confirmed that the existing neighbouring properties were split level, three storey units. As an outline application, detailed elevations would be submitted for approval at the reserved matters stage. A number of conditions had been proposed for inclusion in order to ensure each separate plot would comply with the same criteria.

Members of the Committee were concerned about the proposed access road, its impact on the frontage to No 62 Brook Street and the street scene in general and the already high levels of pollution in the area. They also sought assurances about whether the speed survey had been undertaken by an independent body and suggestions were made about the inclusion of electric charging points, cabling for broadband, solar panelling to roofs and restrictions on the use of wood burning stoves. Reference was also made to the need for the allocation of one additional parking space onsite for the use of visitors. Questions were also made about the self-build element of the proposal and the likelihood that this would lead to a piecemeal approach to the development as well as whether the proposal complied with policies on backland development.

In response to specific matters of discussion the Principal Planning Officer confirmed that the access road was of 4.8 metres in width which would provide for the passing of two vehicles, and it would require the use of virtually the whole of the existing frontage to No 62 Brook Street. She explained that it would be possible to move the position of the front door to No 62 Brook Street without the need for planning permission, the transport assessment had been undertaken by an appropriate body and that the Environmental Protection Team had estimated the increase in vehicle movements as a result of the development would amount to 0.16% compared to existing movements. The new access road would be constructed to adoptable standards, back-land development had already been given approval elsewhere in the vicinity, the site of the current proposal was well contained and would not lead to on-going development. She confirmed conditions providing for an additional parking space, broad band cabling and electric charging points could be added to an approval whilst the provision of solar panels would be best dealt with by reference to the existing condition on limiting environmental impacts.

Simon Cairns, Planning Project Manager, also took the opportunity to confirm that the estimated increase in traffic movements from the development would not be significant, the development was generally in accordance with the Council's Backland and Infill Supplementary Planning Document whilst the self-build construction method statement would be dealt with by means of a co-ordinated approach. He also advised that the Highway Authority had indicated its satisfaction with the proposed development, subject to the addition of appropriate conditions.

As the discussion suggested the Committee may be minded to refuse the application contrary to the officer's recommendation in the report, the Chairman proposed the

Deferral and Recommendation Overturn Procedure be invoked. This would provide for a further report to be submitted to the Committee which would give details of the implication of refusal on grounds of visual impact on the street scene and the cumulative effect of developments on the air quality levels

RESOLVED (UNANIMOUSLY) that the Deferral and Recommendation Overturn Procedure be invoked and a further report be submitted to the Committee giving details of the implication of refusal on grounds of visual impact on the street scene and the cumulative effect of developments on the air quality levels.

157 150669 99-105 London Road, Copford, Colchester

The Committee considered an application for the removal or variation of condition 17 following grant of planning permission (144976) which required delivery and construction traffic to be from London Road and not Allendale Drive at 99-105 London Road, Copford, Colchester. The application had been referred to the Committee because the application related to the rewording of a condition which was imposed by the Planning Committee, objections had been received and the officer recommendation was to grant permission. The Committee had before it a report and amendment sheet in which all the information was set out. The Committee made a site visit in order to assess the impact of the proposal upon the locality and the suitability of the proposal for the site.

Sue Jackson, Principal Planning Officer, presented the report and assisted the Committee in its deliberations.

Heidi Lee addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in opposition to the application. She referred to the problems of using Allendale Drive to access the site for construction vehicles and asked about the potential to consider the use of the neighbouring industrial site for access. She reiterated the problems associated with Allendale Drive, in terms of danger to children walking to and from the neighbouring school, increasing numbers of vehicles belonging to residents and the need for residents to use the road to park their vehicles. She confirmed that residents were not in opposition to the principle of the development but asked whether it would be possible for construction deliveries to be restricted to say two or three days a week.

Robert Pomery addressed the Committee pursuant to the provisions of Planning Committee Procedure Rule 8 in support of the application. He considered that the condition relating to the use of the access road to London Road had, in hindsight, been applied in haste on the assumption that its use would be suitable but, following health and safety advice, it had subsequently been determined that it wasn't. He explained that it was not possible to use the industrial site as it was not within the ownership of the applicant. He acknowledged the concerns of residents about the ability of large vehicles to be able to access the construction site if Allendale Drive was heavily congested by parked cars but he considered this to be an issue that would be dealt with in practical

terms as and when the problem arose. He confirmed the submission of a revised Construction Method Statement which illustrated numbers of vehicle visits and that a majority would be between the hours of 9:00 am to 2:00 pm.

Members of the Committee referred to the need for communication and understanding between the applicant and residents and suggested the applicant might consider, for example, setting up a regular email communication to residents to provide information on likely weekly vehicle movements. The proposed restriction on the hours for vehicle deliveries was welcomed

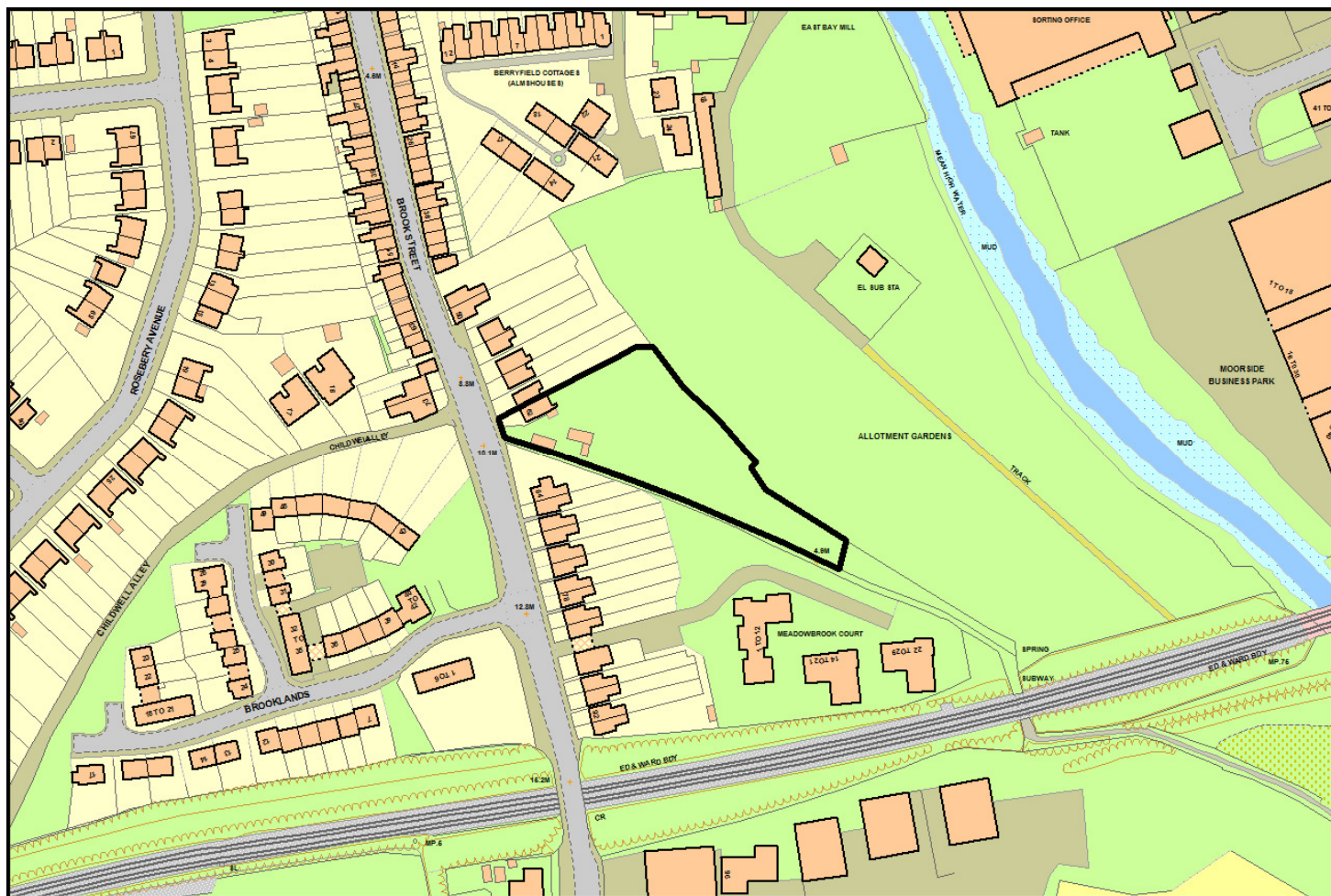
The Principal Planning Officer indicated that, the proposed time restrictions for vehicle deliveries would not be possible in respect of in concrete deliveries due to building control requirements and the proposed Construction Method Statement had included the need for residents to be notified of delivery dates and times.

RESOLVED (TEN voted FOR and ONE ABSTAINED) that the application be approved subject to the conditions set out in the report and an additional informative advising the applicant to maintain frequent and affective communication with local residents regarding the delivery of construction materials.

158 150476 CCTV cameras on Coast Road, West Mersea, Colchester

The Committee considered an application for the installation of CCTV equipment on a floating pontoon and toilet block at Coast Road, West Mersea, Colchester. The application had been referred to the Committee because it had been submitted by and on behalf of Colchester Borough Council. The Committee had before it a report in which all the information was set out.

RESOLVED (UNANIMOUSLY) that the planning application be approved subject to the conditions set out in the report.



Application No: 146519

Location: 62 Brook Street, Colchester, CO1 2UT

Scale (approx): 1:1250

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Committee Report

Agenda item

7

To the meeting of **Planning Committee**
on: **28 May 2015**
Report of: **Head of Professional/Commercial Services**
Title: **Planning Applications**

7.1 Case Officer: Sue Jackson

MINOR

Site: 62 Brook Street, Colchester, CO1 2UT

Application No: 146519

Date Received: 22 December 2014

Agent: Mr Matthew Kendrick, Grass Roots Planning Ltd

Applicant: Mr Jonathan Amos, Clifton Homes (SW) Ltd

Development: Outline application for the development of up to 5 dwellings, provision of parking for retained dwelling (No. 62) and other ancillary development

Ward: Castle

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it was reported to the Planning Committee meeting on the 30th April with a recommendation to grant planning permission, Members did not agree with this recommendation and voted to invoke the Deferral and Recommendation Overturn Procedure (DROP).

2.0 Synopsis

- 2.1 This report analyses the risks and implications of refusing planning permission for the reasons discussed by Members at the April meeting. The previous report is included at Appendix 1.

3.0 Risk Analysis Report

- 3.1 Three possible reasons for refusal were discussed relating to highway issues, impact on air quality and impact on street scene/residents amenity. Each of these is considered below:

Highway Issues

- 3.2 Members were concerned that Brook Street is a heavily trafficked road and that there is on street parking which could restrict visibility at the site entrance. The Highway Authority was consulted on the application and has raised no objection to the development subject to conditions. If the application were refused for highway reasons there would be no support from the Highway Authority to defend any subsequent appeal and the risk of costs being awarded against the Council would be high.

Air Quality

- 3.3 The site is within an Air Quality Management Area (AQMA) and Members were concerned the 5 dwellings proposed would be detrimental to air quality. The Environmental Protection Manager (EPM) considers the impact would be non-material as the vehicle movements would add only 0.16% to the daily total. The EPM has indicated that whilst traffic levels have increased in the period 2013 - 2014 air quality has actually improved. If the application were refused on air quality grounds the risk of costs being awarded against the council at any appeal is high as we lack an evidence base to demonstrate an adverse impact on air quality would result. Indeed, the EPM advises that this would not result.

Impact on Street Scene/Residents Amenity

- 3.4 The access proposed to serve the new and existing property will result in the loss of the majority of the front garden to no 62 Brook Street. The access involves virtually the whole frontage and passes across the front wall of the house and then touches the corner of the dwelling before entering the rear part of the site. It is considered an argument could be made that the design of the access is contrived and would have a detrimental impact on the street scene, and that vehicles passing close to the front and side of no 62 would result in both a loss of amenity to that property and an unsatisfactory living environment. Whilst the proposed development generally satisfies the adopted Backland and Infill Guidance as it is a comprehensive development with an acceptable grouping of dwellings it does not satisfy the part of the guidance relating to separation of the access from adjoining dwellings. The guidance states...

“Access should not dominate the existing street scene.....Access by vehicles or pedestrians should not cause an adverse impact on the amenity of adjacent residents these impacts can include noise, vibration, impacts on road safety and visual impacts. Access arrangements that will result in significant nuisance to the residents of adjacent dwellings or cause problems of safety to road users will be resisted. To protect existing residential amenity a protection zone each side of a new entrance will be required. The size of this zone will be influenced by factors such as the layout of existing buildings and the position of windows, but as a minimum a distance of 3 metres either side of the access will be required. It is considered that a distance of 3 metres is the minimum likely to be required in order that the impact of a new access

on existing residential property can be softened, for example by the introduction of soft landscaping”.

- 3.5 It is considered a reason for refusal based on the adverse impact of the access on the street scene and residential amenity could be sustained given that the proposal does not satisfy the requirements of the adopted Backland and Infill Guidance is therefore reasonable and could be robustly defended at appeal.

4.0 Conclusion

- 4.1 A potential refusal on either highway or air quality matters does not have the support of the relevant expert consultees and there would be a high risk of costs being awarded against the Council at any subsequent appeal. It is concluded that a reason for refusal relating to the adverse impact of the access is reasonable founded on adopted policy guidance and this should form the sole reason for refusal.

5.0 Recommendation

- 5.1 REFUSE planning permission for the reasons set out below.

6.0 Positivity Statement

- 6.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and clearly setting these out in the reason(s) for refusal. Furthermore, Members of the Planning Committee which took the decision to refuse planning permission have been asked to consider whether there are opportunities to amend the development to address this harm. Where a potential way forward has been identified, this has been communicated to the Applicant. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development through its Preliminary Enquiry service (please refer to the Council's website for details).

Refusal reason

The application proposes the erection on 5 dwellings on land located behind the road frontage. The new dwellings plus the existing dwelling no 62 Brook Street will be accessed via a new access road from Brook Street. Due to the restricted site frontage, a large part of the front garden of no 62 is required to provide the access road which satisfies the requirements of the Highway Authority. The access road passes across the front elevation of no 62 before joining Brook Street. This does not follow the traditional form of access roads along Brook Street which are either at a right angle or parallel to the built form. The access road also touches the front corner of no 62 Brook Street.

It is considered the new access will have a “contrived” appearance and will not respect or enhance the street scene. In addition, the position of the access in relation to no 62 Brook Street will result in both a significant loss of amenity and an unsatisfactory living environment to that property by reason of the associated noise, vibration and general disturbance associated with vehicular movements. The restricted site frontage does not permit any separation or landscaping between no 62 Brook Street and the access road. The proposal is therefore contrary to development policy DP1 of the Development Policy document adopted

October 2010 and revised July 2014 and Supplementary Planning Document “Backland and Infill Development” adopted September 2009 and revised December 2010.

APPENDIX 1

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 Frame for the following reasons;

“A previous application 141087 for the same site was refused on 1 May 2014. The current applicants have failed to adequately address the highway safety issues which were cited as one of the reasons for the previous refusal including the acute entry angle and the problem of large vehicles which are required to substantially enter the opposing carriageway when exiting the site bringing them into conflict with existing highway users.

These issues will be further exacerbated by the applicant categorising the site as self build which is totally inappropriate for a restricted site of this nature. The uncontrolled element of self build will inevitably lead to issues of highway safety and a lack of control over how many vehicles are entering the site without proper coordination leading to a loss of amenity to residents.

Brook Street has long been recognised as one of the worst areas for air quality in Colchester yet this is proposing to add yet more vehicles into the area and put family homes into an already polluted area.”

2.0 Synopsis

- 2.1 The key issues explored below are the proposed layout and design, site levels, air quality issues, highway issues, impact on residents' amenity, trees and ecology; contaminated land issues and planning obligations

3.0 Site Description and Context

- 3.1 The site is located on the east side of Brook Street Colchester. It currently forms part of the garden to no 62 Brook Street. There is a Public Right of Way (PROW) along the whole of the southeast boundary. To the north west are gardens of houses in Brook Street and to the rear, east, boundary are allotments. The site has an area of approximately 0.34 hectares it is long and narrow in shape with a width varying between 40m- 8m and tapering to approximately 3 metres at its eastern corner. South of the PROW is further frontage development to Brook Street.
- 3.2 The topography of Brook Street rises from its junction with East Hill to its junction with Magdalen Street/Barrack Street and the houses adjacent to the north boundary are at a lower level than the site.
- 3.3 The site topography slopes in two directions; both E-W and also N-S. There is a bank leading down to the site along the PROW and the land then slopes down to the gardens of the houses along Brook Street. The site slopes down from the road to rear but also contains some raised areas within the site.

- 3.4 The site contains a number of trees and where the site tapers at its eastern corner there are fallen trees and undergrowth. This area of the site is also damp.
- 3.5 Development on both sides of Brook Street leading from East Hill comprises terraced houses abutting the narrow footway. No 66 is part of a small group of semi-detached houses set back at an angle from the road; semidetached houses continue on this side of Brook Street to the railway; whilst there is a more recent housing development on the opposite side of the road that is set back from the road frontage and accessed via Brooklands.

4.0 Description of the Proposal

- 4.1 This outline application proposes the erection of up to 5 dwellings. The site has a narrow frontage to the road and this area will provide an improved access road to the development.

5.0 Land Use Allocation

- 5.1 Residential

6.0 Relevant Planning History

- 6.1 1410871 – This application was considered by Planning committee at the meeting on 24th April 2014 and refused for the following reasons (summarised):
- Overdevelopment, failure to meet the Council adopted minimum private garden sizes. Due to the site levels some gardens would be unusable. Unacceptable loss of amenity due to overlooking and the overbearing nature of the buildings.
 - Poor sense of place, dominated by vehicle parking
 - Design does not reflect the appearance and character of existing dwellings and it does not create its own sense of identity
 - Loss of trees with no replacement failure to incorporate features which are beneficial to wildlife.
 - Detrimental to highway safety for the following reasons:-
 1. The minor road joins the highway at an acute angle of 60 degrees.
 2. Persons entering or leaving the front door of No 62 Brook Street are potentially vulnerable to impact from manoeuvring vehicles.
 3. The vehicle tracking diagram reveals that large vehicles are required to substantially enter the opposing carriageway when exiting the site bringing them into conflict with existing traffic
 4. Due to the level crossing at East Gates, queues on Brook Street regularly extend pass the site entrance, thus preventing egress from the site for larger vehicles. This could lead to vehicle conflict in the highway.
 5. The application fails to provide any visitor parking which should be measured at 0.25 spaces per unit. In this location this will lead to addition parking stress in Brook Street.
 6. Given the gradient of the road, and the shared surface turning head, and the slab levels of plots 11 and 12, these plots could be subjected to flooding from highway surface water.
 7. As shown there is no protection to prevent driving and parking on the PROW this would be detrimental to pedestrian safety.

- The application did not include an ecology/habitat assessment, arboricultural impact assessment or a phase 1 risk assessment.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
 SD2 - Delivering Facilities and Infrastructure
 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

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
 DP3 Planning Obligations and the Community Infrastructure
 DP12 Dwelling Standards
 DP13 Dwelling Alterations, Extensions and Replacement Dwellings
 DP16 Private Amenity Space and Open Space Provision for New Residential Development
 DP17 Accessibility and Access
 DP19 Parking Standards
 DP20 Flood Risk and Management of Surface Water Drainage
 DP21 Nature Conservation and Protected Lanes

7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Backland and Infill
Vehicle Parking Standards
Sustainable Construction
Open Space, Sport and Recreation
Extending Your House?
The Essex Design Guide
External Materials in New Developments
Affordable Housing
Cycling Delivery Strategy

8.0 Consultations

8.1 Highway Authority

Following this Authority's previous recommendation of refusal, appropriate speed survey information has been received which provides evidence showing that the proposed visibility splays of 2.4 x 43m will not create a highway safety issue. The Highway Authority does not wish to raise an objection to the above application subject to conditions.

The Highway Authority has also provided the following clarification "The developer provided a speed survey showing us that the ambient speed of vehicles on the road, and the accident data, meant this Authority could accept the reduced visibility splays without a highway safety issue being created. In this regard I had no grounds to retain the previous objection. The speed survey results are in Appendix B of the transport statement"

8.2 Urban Design Officer

"This is a confined and generally difficult to develop backland site where the detail of the design will be important in overcoming constraints, addressing reasonable neighbour sensitivities and ensuring development which enhances the area. As such the current scheme fails to adequately convince that the site can provide the form of access and quantum of proposed development whilst meeting design policy, for example as outlined in the Essex Design Guide and Essex Parking Standards. I would therefore recommend improvements before I can support the scheme. My more detailed comments are as follows:

The site provides an opportunity to provide well designed family homes backing onto allotments, retaining some of the sites leafy hillside appeal and provide a more positive relationship with the adjoining footpath which currently suffers from lack of natural surveillance and a feeling of being tightly hemmed in by fencing. The proposal crudely reengineers the hillside into three flat linear bands and includes a seemingly unnecessarily unattractive 1m sheer drop with 1.2m protective fence. Levelling of the bank adjoining the footpath would also involve removing all the vegetation, including a number of trees, which currently help to positively green the footpath. This loss of trees would also remove the landscape screening needed to adequately screen the rear of existing properties on Brook Road from the fronts of proposed properties. I would suggest a band of verge and banking is safeguarded to suitably open up the footpath with a reasonably safe slope down to the road, though protected by knee-high

wooden rail, retaining significant levels of tree planting and supplemented by additional planting where appropriate. Planting between homes and the footpath should maintain adequate eye level natural surveillance, e.g. above ground planting and under tree canopies. These recommendations suggest a slightly curved street and front building line, i.e. with plots 2 and 3 for example set back from the southern boundary relative to other plots. The split ground level 2-3 storey format of housing suggested in the site section drawing would appear appropriate for plots 2 and 3 and probably 1, considering the precedent set by adjoining properties, though would seemingly be too tall for plots 4-5 given the potential for these to appear overbearing to nearby allotments. The collective impact of height and massing would also be a consideration. A dormer style arrangement might also be considered to reduce overall visual impact.

With regard to parking, I am concerned that some parking is proposed to the front of properties and in a way which would create a too car dominated environment; considering conflict with the adjoining green foot link and with the Essex Parking Standards. Similarly parking to the side of plot 5 would unduly confine the footpath and reduce the potential for natural surveillance from the property. For this context I would generally recommend parking is provided in tandem to the side of properties and entirely behind the front building line, though some other arrangements might also be appropriate, e.g. spatially enclosed (and therefore discreet) within a forecourt similar to as proposed for plot 4. The relatively narrow (4.8m) street appears appropriate to minimise landscape impact, though might be widened on occasion to facilitate say 1 or 2 visitor parking spaces and passing ability. Parking should be set back from the 4.8m wide street by at least 1.2m to ensure the required 6m turning width, noting this is currently not achieved for four spaces. The 'gateway' area to the development generally appears poor, albeit this appears constrained in all directions. On reflection, I would suggest the need to re-elevate the southern elevation of 62 Brook Street befitting its more prominent 2nd frontage context, partially enclosing the proposed easterly street vista. Similarly the adjoining two new parking spaces for no.62 will detract from the streetscene, though would probably be acceptable considering site constraints.

I would recommend the shared street be continuously treated in a higher quality hard surface to complement the landscape setting / green link (e.g. resin-bound gravel or clay-type pavements), rather than just at the end of the cul-de-sac as suggested. The wing of dwelling 4 appears to project unnecessarily close to allotments in a way which would undermine their green space character. Similarly dwelling 5 might be moved further from the boundary. It is debatable whether plot 5 should be provided given its tapered and treed nature, though its development might be better argued if less than a full 2 storeys, a verge is provided between it and the footpath, a noticeable gap is provided between the building and the allotments boundary, and subject to tree survey recommendations. The constrained nature of the site means good design will not always be possible, though puts greater emphasis on mitigating design quality elsewhere including the design of individual homes."

8.2.1 Additional Comments, 23/2/15

As requested by the applicant the following drawing broadly indicates how the site layout might be improved. This would be subject to detailed considerations including appropriate slope down from the footpath, checking the turning area is acceptable, consultation with highways etc. However, the detached housing format suggests there is some slack to make any necessary amendments.

8.3 Environmental Protection has raised no objection subject to conditions.

One of the conditions recommended the submission of a detailed assessment undertaken by a competent person of the impact the proposed development will have on local air quality. Following discussion with the Environmental protection Team it was agreed this assessment should be submitted prior to the determination of the application.

An air quality assessment has been submitted, Environmental Protection have received the following independent assessment of the report:

“This proposed development is situated partially within an AQMA and in an area of poor air quality. The air quality assessment identified that air quality conditions for future residents will be acceptable. This observation can be accepted however, traffic movements created by this application will have a small but detrimental effect on nearby air quality that already exceeds EU limit values by 37.5%.

In addition to this application, enquiries have been received relating to air quality impact assessments for other sites within the same AQMA.

Air quality is a material consideration in the planning process. In the determination of this application, consideration should be given to the existing poor air quality and also to the cumulative impact of development on pollution levels.

The National Planning Policy Framework identifies that development should incorporate facilities for low emission vehicle infrastructure. If the proposed development does gain planning permission, then a mitigating measure of the installation of one ELV charging point per unit should be conditioned. This is to enable future occupiers to make green vehicle choices and to minimize the impact”.

8.4 Contaminated Land Officer

“The reports are generally acceptable to Colchester Borough Council Environmental Protection, although I have some comments which I would generally recommend be addressed by future reporting, and conditioned as part of the Reserved Matters. You will, however, need to advise on any implications with respect to the self-build aspect of this outline proposal:

To summarise: some unacceptable levels of contamination have been identified at this site, which will require remediation (once the risks have been fully characterised). This will require the submission of a Remediation Method Statement (RMS) for agreement by Colchester Borough Council, before any works could begin on site. However, based on the information provided, and taking into the account my comments above, it would appear that the site could be made suitable for use, with the remaining actions dealt with by way of condition. Consequently, should permission be granted for this application, Environmental Protection would recommend inclusion of conditions.”

8.5 Natural England

“Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The Wildlife and Countryside Act 1981 (as amended)

The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England's comments in relation to this application are provided in the following sections.

Statutory nature conservation sites – no objection.

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England have published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us at with details at

consultations@naturalengland.org.uk.

Impacts to Invertebrates and their Habitats

Natural England does not provide bespoke advice to local planning authorities on habitats and species listed as being of principal importance for the purpose of conserving biodiversity, under Section 41 of the Natural Environment and Rural Communities Act 2006. These are capable of being material considerations in the determination of planning applications, and this proposed development may affect s41 invertebrate species and/or the s41 habitat "open mosaic habitat on previously developed land".

We have not assessed the application for impacts on these habitats and species, and our lack of comment should not be taken to imply that there are no impacts on them arising from the proposed development.

Natural England has produced standard advice for use by local authorities in Essex, which can be found [here](#). The advice can be used to assist your authority and applicants in determining whether the mosaic s41 habitat and s41 invertebrate species are reasonably likely to be present on, or in the vicinity of, the development site, and how we advise that these are considered in the planning process.

Local Sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to

grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *‘Every public authority must, in exercising its functions, have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’*. Section 40(3) of the same Act also states that *‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’*.

Impact Risk Zones for Sites of Special Scientific Interest

Natural England has recently published a set of mapped Impact Risk Zones (IRZs) for Sites of Special Scientific Interest (SSSIs). This helpful GIS tool can be used by LPAs and developers to consider whether a proposed development is likely to affect a SSSI and determine whether they will need to consult Natural England to seek advice on the nature of any potential SSSI impacts and how they might be avoided or mitigated.”

8.6 Environment Agency

“Thank you for your consultation received on 23 December 2014. We have inspected the application, as submitted, and have no objection. However, we have the following advice on flood risk, land contamination, foul water and sustainability:

Flood Risk – Tidal/Fluvial

Our maps show the majority of the site lies in Flood Zone 12, the low risk zone and the eastern limits in tidal Flood Zone 2, the medium risk zone. The proposed residential dwellings are classified as ‘more vulnerable’ development and the application is therefore covered by our Flood Risk Standing Advice.

We note that a Flood Risk Assessment by Hydrock, referenced R/C14010/001/.02 and dated December 2014, has been submitted. As this falls under our standing advice, we are not providing detailed advice on flood risk, although we have brought some points to your attention below:

- When comparing modelled flood levels to ground levels, only a very small area on the eastern site boundary is shown to be within the critical 1 in 100 year plus climate change fluvial floodplain.
- The site is protected by the Colne Barrier. The Strategic Flood Risk Assessment (SFRA) for Colchester Borough Council shows that if the Colne Barrier were to breach/fail then the site would not be affected by floodwater in a design 1 in 200 year plus climate change flood.
- There is therefore safe dry access/egress route.

The western limits of the site are within an area of flooding if a reservoir was to fail and release the water that it holds.

Summary of Flood Risk Responsibilities for your Council.

We have not considered the following issues as part of this planning application as they are not within our direct remit; nevertheless these are all very important considerations for managing flood risk for this development and determining the safety and acceptability of the proposal. Prior to deciding this application you should give due consideration to the issue(s) below. It may be that you need to consult relevant experts outside your planning team.

- Sequential Test
- Safety of people (including the provision and adequacy of an emergency plan, temporary refuge and resource or evacuation arrangements).
- Safety of the building.

- Flood recovery measures (including flood proofing and other building level resistance and resilience measures).
- Whether insurance can be gained or not.
- Sustainability of the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

Contaminated Land

The submitted application form indicates that contamination is suspected for all or part of the site and a Phase II report has been submitted. However, we consider that the water environment at this site is of low environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issued for this site.

Foul Water Disposal

The application form states that foul water will be deposited off via the main sewer network. Anglian Water Services should be consulted regarding the available capacity in the foul water infrastructure. If there is not sufficient capacity in the infrastructure then we must be consulted again with alternative methods of disposal.

Sustainability

Climate change is one of the biggest threats to the economy, environment and society. New development should therefore be designed with a view to improving resilience and adapting to the effects of climate change, particularly with regards to already stretched environmental resources and infrastructure such as water supply and treatment, water quality and waste disposal facilities. We also need to limit the contribution of new development to climate change and minimise the consumption of natural resources.

Opportunities should therefore be taken in the planning system, no matter the scale of the development, to contribute to tackling these problems. In particular we recommend the following issues are considered at the determination stage and incorporated into suitable planning conditions:-

- Overall sustainability: a pre-assessment under the appropriate Code/BREEAM standard should be submitted with the application. We recommend that design Stage and Post-Construction certificates (issued by the Building Research Establishment or equivalent authorising body) are sought through planning conditions.
- Resource efficiency: a reduction in the use of resources (including water, energy, waste and materials) should be encouraged to a level which is sustainable in the long term. As well as helping the environment, Defra have advised that making simple changes resulting in more efficient use of resources could save UK businesses around £234bn a year.
- Net gains for nature: opportunities should be taken to ensure the development is conserving and enhancing habitats to improve the biodiversity value of the immediate and surrounding area.
- Sustainable energy use: the development should be designed to minimise energy demand and have decentralised and renewable energy technologies (as appropriate) incorporated, while ensuring that adverse impacts are satisfactorily addressed.

These measures are in line with the objectives of the NPPF as set out in paragraphs 7 and 93-108. Reference should also be made to the Climate Change section of the draft National Planning Practice Guidance, in particular “Why is it

important for planning to consider climate change?” and “Where can I find out more about climate change mitigation and adaptation?”

- 8.7 The Landscape Officer has commented that the tree planting indicated requires amendment. The 2 mature willow trees T0013 & T0014 alongside the public footpath proposed for removal form a distinct feature within the landscape with considerable amenity value, their retention should be considered within any revised proposals if they are agreed with/confirmed as being A or B category, this in order to help protect the amenity value afforded by these trees.

9.0 Parish Council Response

- 9.1 N/A

10.0 Representations

- 10.1 (numbers of support/objection and issues raised) Support 3, Object 11

- 10.2 Councillor Hayes (comments summarised)

I write to object to this application.

- This represents another loss of valued back garden which legislation was specifically passed to protect. The issues identified in connection with the refused application 141087 are still present, though the density of proposed development is reduced.
- The area is an Air Quality Management Area due to the excessively high air pollution from vehicle exhaust fumes and the Council has a duty under the Environment Act 1995 to mitigate this. The health hazard to existing residents must be brought down to legal levels before any more development is contemplated in this area.
- The new road will just add to traffic problems in the already very congested and problematic Brook Street as vehicles entering and leaving the proposed development will increase traffic density. The proposed entrance/exit will create a new hazard in Brook Street as it suffers from the same defects as before.
- The proposed development is adjacent to a public footpath and visible from that footpath. While the application seeks to characterise the public footpath as a source of nuisance, this is denied by for example the occupier of 64 Brook Street.
- The proposed development will unduly harm the amenity of existing residents by altering the character of the green space at the rear of their properties.
- The proposed development will harm the value of the Colne river valley as a wildlife corridor and a leisure resource for inhabitants of the Borough. This location is adjacent to the River Colne flood plain, to allotments, to the Town to Port Trail and to the wildlife-rich area between East Hill and Hythe Hill called “The Moors”, valued by bird-watchers, walkers and cyclists. As Natural England point out in their letter, statute requires the planning authority to have regard to the purpose of conserving biodiversity.
- It is very unfortunate that the application proposes to remove almost all the trees and vegetation on the site, including 6 category B trees, because they are characterised as nuisances to or significant constraints to the proposed development. They are also habitats for wildlife and if they are incompatible with the proposed development, that counts against the development not the trees.

- A small part of the development land at the east end of the site is on Flood Zone 2 (medium risk). This is undesirable for housing. The application states that the proposals are to deal with excess water run-off by means of a “sustainable drainage system” and “soakaway”. However, the MLM Environmental report states on page 5 that soakaway drainage is considered unsuitable for this site. This is due to the “predominantly cohesive” soils found below the site: see section 7.7 on page 14. What drainage is therefore to be provided?
- The application contains no proposals for provision for waste and recycling.
- I note that as before, the sole comment in support appears to come from the owners of 62 Brook Street, the site of the proposed development.

10.3 The objections raised by residents reflect those raised by Councillor Hayes the following objections are also raised.

- The traffic survey that was done clearly points out that the busiest time was between 9 and 10 am and 6 till 7pm the reasons for these results are because between 8-9 the traffic barely moves and the same between 430 and 630pm. The times they have suggest is when it starts moving again which is when larger amounts of traffic pass over the sensors proving that static road counters don't tell you the information you really need.
- The area that is to be built on is to have the top soil cleaned as it has been identified as having asbestos in it. What implications does that have for the health of myself and residents living near.
- There will be the initial dirt and noise pollution from the building then when the houses are done it will be noise, heating and vehicle fumes constantly being blown at the back of or houses.
- The last application was rejected on the grounds an entrance way was not in a suitable place, and this is still the case. if you were in a car pulling out of this driveway you would not see vehicles coming up the road because of the setback of the houses and would jam it up if you were trying to turn right. There was a recent accident with a vehicle coming out of meadow brook court because visibility is really bad.
- It is proposed that piling would need to be done to secure the ground, the last time piling was done there was substantial damage done to the properties with large cracks forming in the houses.
- On a normal week there are hundreds of parents and pupils who walk regularly up and down the hill to a local school, if this proposal goes ahead it is putting more danger in front of them
- Decontamination of the site would require diggers and lorries in addition to the building works causing severe disruption to the residents and the traffic.
- Proposal Planning statement states there are continuous footways on both sides of Brook Street. This is not true as the footway at the bridge on the east side of the road is only 0.4m wide. Footways and crossing places in Brook Street are totally inadequate

- Proposal Planning statement says the development will provide 2 parking spaces for no 62 taking pressure off the on street parking. Incorrect as no.62 already has parking for at least 2 vehicles so there is no additional benefit to on street parking.
- This proposal is for outline planning with a view to self build units. I believe that this is an inappropriate way of moving forward and is not in tune with the planning policy of Colchester Borough Council or in the best interests the local residents.
- As the owner of the property next door to No 62 I am concerned that any houses built would have a clear view of my terrace and garden at the rear. Also the relatively clean air which we currently enjoy at the rear would be compromised by the introduction of any extra vehicles entering and exiting this site. It is well known that there is serious pollution from excessive traffic in Brook St, which was declared to be an AQMA ten years ago, since when nothing has been done to improve conditions. On the contrary, there is more and more traffic, now even including buses.
- The houses are proposed to be self-build but no mention of timescale is made. If they are not all to be built at the same time then presumably the noise and disruption of building works would continue on and off for a considerable time.
- References have been made to 'anti-social' problems relating to the footpath which runs alongside my property. I wish to state that I have lived here for thirty years and have never experienced or seen anything of this sort. The path is used on a daily basis by people going to and from work, dog walkers and people like myself walking to the Hythe area.

10.4 Letters of support

- This is a very sustainable location and is perfect for the creation of a small development of new family houses. We understand they may be offered to allow families to self-build their own homes, which could be an excellent opportunity for local people.
- The design layout offers five houses that are situated within a short walk to town, but also with direct access to the Colne valley walks, cycle routes and train station. Via the footpath these houses have access to Castle Park, which doesn't require walking along the main road.
- Every house has the space to park two cars
- The development of this whole area is a permanent solution to enhancing the area long term. The footpath, although recently resurfaced is not a pleasant route to the river walks. It is littered with rubbish and then in the autumn becomes a slippery mulch of rotten leaves. In the summer it is overgrown with nettles and is very difficult to negotiate with small children and especially with a pram. If this area is developed this area would be opened up, easier to maintain and a generally more pleasant access to the river walk and cycle route.
- The plans improve visibility

- The flow of pedestrians up and down the pavement in front of 62 Brook Street is much smaller than on the other side of the road due to the pavement significantly narrowing to less than half a metre at the railway bridge.
- The new planning shows a refuse collection point at the top of the access. This now means that the refuse lorry would continue to still just stop in one place on Brook Street to collect the refuse from the new development as it does now with the existing access at no.62.
- The proposed planning would brighten up, improve and bring new families to this area.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 This is an outline application but the drawings demonstrate the Council's adopted parking standards can be met

12.0 Open Space Provisions

- 12.1 The development is not of a size where public open space is required and the drawings demonstrate the Council's adopted amenity standards can be met

13.0 Air Quality

- 13.1 The site is within an Air Quality Management Area. Following consultation with Environmental Protection an Air Quality Assessment has been submitted. The consultation section above sets out the independent response received. The main points are summarised below:-

- The development is situated partially within an AQMA and in an area of poor air quality. The air quality assessment identified that air quality conditions for future residents will be acceptable.
- Traffic movements created by the application will have a small but detrimental effect on nearby air quality that already exceeds EU limit values by 37.5%.
- Consideration should be given to the existing poor air quality and also to the cumulative impact of development on pollution levels.
- The NPPF identifies that development should incorporate facilities for low emission vehicles. If the proposed development does gain planning permission, then a mitigating measure of the installation of one ELV charging point per unit should be conditioned. This is to enable future occupiers to make green vehicle choices and to minimize the impact".

- 13.2 The Transport Statement supporting the application indicates An Automatic Traffic Count (ATC) survey was carried out adjacent to the site, where Brook Street narrows around 30m north of the site entrance, from Saturday 7th December 2013 for one week. The results indicated an average daily flow of just under 16,000 vehicles (two-way combined) of which 9% were HGVs of all types. Weekday peak hours were identified as 09:00-10:00 (with 1,084 two-way vehicles on average) and 18:00-19:00 (with 1,238 vehicles).
- 13.3 Five dwellings will generate additional traffic onto Brook Street. However the amount of additional movements compared to existing traffic flow would be very small. The transport statement indicates an average daily flow of 16,000 movements. If each dwelling was to generate an average daily flow of 8 two-way combined movements this would add in total just one quarter of 1% to the average daily flow. Eight two-way movements per day is a very high estimate and the average is likely to be much lower. The development of this site will not create a precedent for other development, nor does have the potential to allow adjacent land to be developed. On this basis your officers consider the impact of the development on air quality is insufficient to justify a refusal of planning permission. The mitigation measures recommended in the consultants' report are secured by condition.

14.0 Development Team and 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Layout

- 15.1 The application is for outline planning permission. A block plan showing a possible layout for 5 units has been submitted. However all matters of layout, appearance and landscaping do not form part of this application and will be submitted and agreed under the reserved matters applications. The access arrangements shown do form part of the application.
- 15.2 The block plan indicates access onto Brook Street to the side of no 62 with 4 dwellings fronting the access with the 5th unit side on. There is a public right of way (PROW) along the south boundary and within the site a bank which acts partly as a retaining wall. The original plan indicated the removal of the bank with the ground level of the site lower than the PROW.
- 15.3 An amended plan has been received indicating the bank retained. This will result in a more satisfactory relationship between the two. The PROW is currently enclosed on both sides by high fencing producing a tunnel effect. The bank will be landscaped and with the dwellings overlooking the PROW they will provide natural surveillance.

- 15.4 Whilst the layout shown does not form part of the application it does demonstrate that the site could satisfactorily accommodate 5 dwellings meeting the Councils adopted standards in respect of privacy, amenity and parking. The development is therefore acceptable in principle.

Scale, Height and Massing

- 15.5 The site slopes down behind the road frontage there is also a downwards slope from S –N. This means cut and fill is required in the central part of the site to provide a developable area. The Design and Access Statement indicates dwelling will be split level 2 storeys fronting the access (the front elevation) and 3 storeys to the rear. This reflects development along Brook Street. Storey height can be controlled by condition.

Impact on the Surrounding Area

- 15.6 The development will generate additional traffic onto Brook Street a very busy road where traffic is often stationary. The question to be asked is whether the traffic generated by 5 dwellings will have such an adverse impact that a refusal of planning permission could be justified. Your officers consider the additional vehicle movements generated by 5 dwellings when compared to the existing traffic flow will be very small and will not have such an adverse impact to justify a refusal of planning permission.

Impacts on Neighbouring Properties

- 15.7 Existing dwellings fronting Brook Street are at a much higher level than those proposed. There are no issues of overlooking, loss of privacy or overbearing in respect of existing dwellings or the area of private amenity space next to the dwelling. The rear gardens of the majority of the dwellings and the rear elevation of the dwellings will face the allotments. Whilst it is likely one dwelling will share a boundary with no 60 Brook Street, when the reserved matters for this plot are considered should there be any overlooking issues then this can be designed out by the orientation of the dwelling and position of windows.

Amenity Provisions

- 15.8 The drawings indicate the Council's adopted standards for private amenity area can be satisfied.

Highway Issues

- 15.9 The Highway Authority has withdrawn their objection to the application their comments are set out in the consultation response above.

Other matters

15.10 Trees

An Arboricultural Impact Assessment has been submitted. None of the trees are protected by a tree preservation order. There are no category A trees on the site and 7 category B trees. The majority of these are within the garden and are proposed to be removed. A willow on the bank adjacent to the PROW will also be removed. No objection is raised to the removal of the trees. New planting will be secured by condition for the gardens and the bank.

15.11 Ecology/Habitat

An ecological assessment has been submitted this concludes the site is of low ecological value with only the trees and scrub habitat being of value for some groups; birds, bats and invertebrates. The application information indicates the site is predominantly open garden land mainly laid to lawn with negligible habitat value for ecology. However in its eastern corner of the site is an area of fallen trees, undergrowth and evidence of a spring or pond. This area is to be retained. Precautionary mitigation for reptiles is recommended in respect of clearance works within the scrub habitat and in relation to nesting birds. Enhancements for birds, bats and invertebrates have been recommended.

15.12 Contaminated Land Risk Assessment

The site is within a known fill area. The Contaminated Land Officer has considered the submitted reports and has raised no objection subject to conditions

15.13 Drainage and Flood Risk

The majority of the site is within Flood Zone 1 – the low risk zone, a small part is within Flood Zone 2. A Flood Risk Assessment has been submitted and considered by the Environment Agency (EA). The EA advise that only a very small part of the site is shown to be in the critical 1 in 100 year plus climate change fluvial floodplain, the site is protected by the Colne Barrier. There is a safe /dry access/egress route.

The Council's Emergency Planner has confirmed an emergency plan is not required as residents have a safe means of escape. Only a limited area of site is within Flood Zone 2 and this area is shown as garden. The dwellings will be constructed within Flood Zone 1 the low risk zone.

16.0 Conclusion

- 16.1 The development is proposed on a site allocated for residential purposes. Five dwellings are proposed and whilst the application is for outline planning permission it has been demonstrated the site can satisfactorily accommodate 5 dwellings and satisfy the council adopted standards in respect of parking , private amenity space and it will not have an adverse impact on neighbouring amenity or privacy. Consultees including the Highway Authority, Environment Agency and Environmental Protection have raised no objection subject to conditions. It is appreciated the development will add traffic to Brook Street an Air Quality Management Area. The additional vehicle movements will be very small compared to existing traffic figures and whilst this will result in a small adverse impact officers consider this limited adverse impact is not sufficient to justify a refusal of planning permission. The proposed dwellings will be located behind the road frontage and air quality for these residents will be acceptable.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Positivity Statement

- 18.1 The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

19.0 Conditions

1 - *Time Limit for Outline Permissions Part 1 of 3

No development shall be commenced until plans and particulars of "the reserved matters" referred to in the below conditions relating to the APPEARANCE, LANDSCAPING, LAYOUT AND SCALE have been submitted to and agreed, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: The application as submitted does not provide sufficient particulars for consideration of these details.

2 - Time Limit for Outline Permissions Part 2 of 3

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3 - Time Limit for Outline Permissions Part 2 of 3

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include 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 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.

5 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include precise details of the manufacturer and types and colours of the external facing and roofing materials to be used in construction have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

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

6 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include details of surface water and foul water drainage. No part of the development shall be first occupied or brought into use until the agreed method of surface water drainage and foul drainage has been fully installed and is available for use.

Reason: To minimise the risk of flooding and to ensure an appropriate method of foul water drainage.

7 -Non-Standard Condition/Reason

The number of residential units hereby approved is restricted to a maximum of 5 dwellings.

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

8 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall comply with the Design and Access Statement Rev A and drawing nos. 13048/001 REV B and 13048/003 REV A submitted with the outline planning application reference 146519.

Reason: In order to ensure the phased development of the site is carried out in a co-ordinated and coherent manner and in accordance with an over-arching design and access strategy.

9 - Non-Standard Condition/Reason

The reserved matters application for each dwelling demonstrate compliance with the following reports/documents submitted in respect of the outline application reference 146519

- Ecological Assessment Ref:1046 dated February 2015
- Flood Risk Assessment December 2014 Hydrock Ref: R/C14010/001.02
- Phase II Geo-environmental Assessment Report Document Ref: 771789-REP-ENV-R4 Date: 22 April 2014
- Arboricultural Impact Assessment at; 62 Brook Street, Colchester 24.01.2014.

Reason To ensure a satisfactory form of development

10 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include all of the following • details of a landscape scheme for the bank adjacent to the Public Right of Way and all other hard and soft landscaped areas other than privately owned domestic gardens. The landscape scheme shall include the following:

- 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; ANDIMPLEMENTATION TIMETABLES AND MONITORING PROGRAMS.
- Details of a Management Company with responsibility for the bank and all other hard and soft landscape areas which do not form part of a domestic curtilage
- Details of a Management Company for the access road
- Details of habitat enhancements for the areas which do not form part of a domestic curtilage plus an implementation timetable.

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. To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area and to provide opportunities for biodiversity improvements in accordance with Paragraph 118 of the National Planning Policy Framework.

11 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include a scheme of habitat and ecological enhancements and implementation timetable. The scheme shall include enhancements for birds, bats and invertebrates.

Reason: To provide opportunities for biodiversity improvements in accordance with Paragraph 118 of the National Planning Policy Framework.

12 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall a scheme to limit the development's impact on the environment and ensure it is resilient to future climate change. The scheme shall include details of water efficiency measures, waste and resource management and efficiency, net gains for nature and sustainable energy use. The applicant is advised to consider the response from the Environment Agency in respect of the outline planning application and to appoint a suitably qualified consultant.

Reason: To ensure the development is sustainable and its adverse impacts on the environment are minimised.

13 - Non-Standard Condition/Reason

Notwithstanding the provisions of Classes A, B, C and D of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order), no extensions shall be erected unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: In the interest of visual amenity and to ensure the development avoids an overdeveloped or cluttered appearance.

14 - Non-Standard Condition/Reason

Notwithstanding the provisions of Article 3, Schedule 2, Part 1 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 windows, doors, rooflights, dormer windows or any other form of opening shall be inserted in any elevation or roof slope of any dwelling except in accordance with the approved reserved matters detail.

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

15 - Non-Standard Condition/Reason

The garage accommodation forming any part of the approved reserved matters shall be retained for parking motor vehicles at all times and shall not be adapted to be used for any other purpose, including other uses ancillary to the residential use, unless otherwise subsequently approved, in writing, by the Local Planning Authority.

Reason: To retain adequate on-site parking provision in the interest of highway safety.

16 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include full details of all landscape works. 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.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- 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.

17 - Non-Standard Condition/Reason

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

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

18 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include a minimum of 2 off-street car parking spaces for the dwelling and a minimum of 2 visitor parking spaces within the site. The parking facilities, as agreed, shall be maintained at all times for parking and provided prior to the occupation of the dwelling.

Reason: To ensure the provision of adequate car parking within the scheme in accordance with the Council's parking standards.

19 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include a Construction Method Statement. The approved Statement shall be adhered to throughout the construction period and shall provide details for: the parking of vehicles of site operatives and visitors; turning and offloading facilities for delivery vehicles within the site hours of deliveries and hours of work; loading and unloading of plant and materials; storage of plant and materials used in constructing the development; the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; wheel washing facilities; measures to control the emission of dust and dirt during construction; and a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In order to ensure that the construction takes place in a suitable manner and to ensure that amenities of existing residents are protected as far as reasonable.

20 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include a noise survey for the proposed development as the site in the vicinity of the RAILWAY. The survey shall be undertaken by a competent person, shall include periods for daytime as 0700-2300 hours and night-time as 2300-0700 hours, and identify appropriate noise mitigation measures. Each residential unit shall thereafter be designed so as not to exceed the noise criteria based on current figures by the World Health Authority Community Noise Guideline Values/BS8233 "good" conditions given below:

- Dwellings indoors in daytime: 35 dB LAeq,16 hours
- Outdoor living area in day time: 55 dB LAeq,16 hours
- Inside bedrooms at night-time: 30 dB LAeq,8 hours (45 dB LAmax)
- Outside bedrooms at night-time: 45 dB LAeq,8 hours (60 dB LAmax).

Such detail and appropriate consequential noise mitigation measures as shall have been agreed, in writing, by the Local Planning Authority shall be implemented prior to occupation of ANY building on the site and shall be maintained as agreed thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the future residents by reason of undue external noise where there is insufficient information within the submitted application.

21 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall demonstrate that the access road is of a non-gravel construction. The access road shall be constructed in accordance with the approved materials.

Reason: To protect the residential amenity.

22 – Non Standard Condition

The reserved matters application for each dwelling shall demonstrate that all the following requirements are satisfied:

- Prior to occupation of the dwelling, the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 49 metres to the north and 2.4 metres by 47 metres to the south, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- Prior to occupation of the dwelling the vehicular parking and turning facilities, as shown on the submitted plan shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of any highway boundary.
- The carriageway(s) of the proposed estate road(s) shall be constructed up to and including at least road base level, prior to the commencement of the erection of any dwelling intended to take access from that road(s). The carriageways and footways shall be constructed up to and including base course surfacing to ensure that each dwelling prior to occupation has a properly consolidated and surfaced carriageway and footway, between the dwelling and the existing highway. Until final surfacing is completed, the footway base course shall be provided in a manner to avoid any upstands to gullies, covers, kerbs or other such obstructions within or bordering the footway. The carriageways, footways and footpaths in front of each dwelling shall be completed with final surfacing within twelve months (or three months in the case of a shared surface road or a mews) from the occupation of such dwelling.
- Any vehicular hardstanding shall have minimum dimensions of 2.9 metres x 5.5 metres for each individual parking space, retained in perpetuity.
- Any single garages should have a minimum internal measurement of 7m x 3m
- Any double garages should have a minimum internal measurement of 7m x 6m
- Any tandem garages should have minimum internal measurements of 12m x 3m
- All garages shall be retained for the purposes of vehicle parking in perpetuity.

Reason: In the interests of highway safety and to ensure compliance with policy DM1, DM7, DM8 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011.

23 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include a detailed sustainable transport mitigation package. This package will provide information on how the applicant proposes to mitigate any increase in private vehicular use associated with the development and will include appropriate information on all sustainable transport modes including bus and rail travel, cycling, walking (including the local Public Rights of Way network), taxi travel, car sharing and community transport in the vicinity of the site. The package shall thereafter be implemented as agreed for each individual dwelling and/or premises within 14 days of the first beneficial use or occupation of that unit.

Reason: In the interests of mitigating the impact of the approved development by seeking to reduce the need to travel by private car through the promotion of sustainable transport choices.

24 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include an investigation and risk assessment, in addition to any assessment provided with the outline planning application, which shall 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.

25 - Non-Standard Condition/Reason

No works shall commence 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.

26 - Non-Standard Condition/Reason

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.

27 - Non-Standard Condition/Reason

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 24, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 25, 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 26.

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.

28 - Non-Standard Condition/Reason

Prior to the first OCCUPATION/USE of any of the dwellings, 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 25.

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.

Informative the Investigation and Risk Assessment will need to be carried out by an appropriately qualified professional.

29 - Non-Standard Condition/Reason

The reserved matters application for each dwelling shall include details of the installation of one ELV charging point. The approved details shall be installed prior to the occupation of the dwelling and thereafter maintained.

Reason The site is within an Air Quality management Area and this will help mitigate the impact of the development and enable future occupiers to make green vehicle choices.

30 - Non-Standard Condition/Reason

No works shall take place on any of the dwellings hereby approved until evidence that the development is registered with an accreditation body under the Code for Sustainable Homes and a Design Stage or Interim Code Certificate demonstrating that the development will achieve Code Level 3 or higher for all dwellings have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the development is designed to be sustainable and will make efficient use of energy, water and materials.

31 - Non-Standard Condition/Reason

Within 3 months of the first occupation of each dwelling hereby approved, a post-construction Final Code Certificate issued by an accreditation body confirming that the dwelling has achieved a Code for Sustainable Homes rating of Code Level 3 or higher shall have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: To ensure that the completed development is sustainable and makes efficient use of energy, water and materials.

20.0 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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) 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. Please pay particular attention to these requirements.

(4) Essex County Council as Highway Authority can assist in the production of appropriate material as packs of information are available for purchase by the developer. Contact the Sustainable Travel Planning team on 01245 436135 or email travelplanteam@essex.gov.uk for more information.

(5) The public's rights and ease of passage over public footpath no137 (Colchester) shall be maintained free and unobstructed at all times to ensure the continued safe passage of the public on the definitive right of way. Any unauthorised interference with the route will constitute a contravention of the Highways Act 1980.

(6) Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required. The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org or by post to: Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

(7) Cost of Works - The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(8) Site Workers - Steps should be taken to ensure that the Developer provides sufficient turning and off loading facilities for delivery vehicles, within the limits of the site together with an adequate parking area for those employed in developing the site.

(9) To avoid committing an offence under The Wildlife and Countryside Act 1981 (as amended) clearance of the scrub habitat should be undertaken outside the hibernation period (ie between April to October inclusive).

(10) To avoid committing an offence under The Wildlife and Countryside Act 1981 (as amended) areas of suitable nesting habitat should only be removed outside the bird nesting season (March to August inclusive).



Application No: 150781

Location: Land rear of, 284-300 Shrub End Road, Colchester

Scale (approx): 1:1250

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7.2 Case Officer: Nadine Calder

Due Date: 09/06/2015

MINOR

Site: Land rear of, 284-300 Shrub End Road, Colchester

Application No: 150781

Date Received: 14 April 2015

Agent: Mr Steve Norman

Applicant: Balcerne Gate Developments Ltd

Development: Erection of 5no. detached bungalows, garages, parking facilities and an associated private drive.

Ward: Shrub End

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the Business Development Manager of the applicant company is related to a member of staff at Colchester Borough Council.

2.0 Synopsis

- 2.1 This report gives consideration to an application for the erection of five detached bungalows and associated garages to replace an extant planning permission on the same site for four larger detached bungalows. Consideration is given to objections which have been raised by local residents relating to, amongst other things, claimed overdevelopment, impact on wildlife, loss of privacy and increased noise and disturbance to their residential amenities. The proposal is assessed in light of policy and consultation responses. It is concluded that the proposed scheme is acceptable subject to relevant conditions and informatives.

3.0 Site Description and Context

- 3.1 The application site is a (conifer) wooded area between the gardens of properties along Shrub End Road and Tumulus Way. It appears to have formerly been part of the garden belonging to the now demolished vicarage (this land having been the subject of approved application F/COL/02/1487 for the erection of 22 apartments). Access to the site is gained via the current driveway serving No. 300 Shrub End Road.

4.0 Description of the Proposal

- 4.1 Permission is sought for the erection of five detached bungalows with associated garages and parking facilities. The dwellings have been designed to represent individual houses of traditional character and would share an existing vehicular access off Shrub End Road.

5.0 Land Use Allocation

- 5.1 The application site is located within a predominantly residential area.

6.0 Relevant Planning History

- 6.1 Planning permission for the erection of four detached bungalows on the application site was granted in 2003 (reference F/COL/03/2193). However, this consent has not been implemented within the specified timeframe and has therefore expired. A new application for the same development was therefore submitted in November 2014 (reference 146281) for which permission was granted in January 2015 following negotiations between the Applicant's Agent and the Case Officer with regards to the layout and appearance of the bungalows.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
H1 - Housing Delivery
H2 - Housing Density
H3 - Housing Diversity
UR2 - Built Design and Character

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Backland and Infill
Vehicle Parking Standards
The Essex Design Guide

8.0 Consultations

- 8.1 Environmental Protection does not object to the proposal subject to conditions.
- 8.2 The Contaminated Land Officer does not object to the proposal subject to the inclusion of a condition relating to the reporting of unexpected contamination.
- 8.3 The Archaeological Officer does not object to the proposal subject to a condition that secures the implementation of a programme of archaeological work prior to commencement of the development.
- 8.4 The Highway Authority notes that the proposed road is to remain private and not be offered for adoption as highway by the Highway Authority. On these grounds it does not wish to raise an objection to the proposed development subject to conditions.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

- 9.1 This area is non-parished.

10.0 Representations

- 10.1 Two letters of objection were received. The main reasons for objecting can be summarised as follows:
- Loss of privacy
 - Visual impact
 - Potential impact on wildlife
 - Additional car movements
 - Increase in noise and disturbance
 - Location of garages of Plots 2, 3 and 4 close to the boundary line with adjacent properties in Tumulus Way
 - Potential overdevelopment of the site
- 10.2 An additional letter was received in which a local resident wished to voice their preference that the outer row of conifers should be retained for the duration of the building works but then replaced by new hedge planting (laurel type or similar).

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 Current parking standards require dwellings with two or more bedrooms to provide a minimum of two off street parking spaces. The proposed development would provide each dwelling with a garage and additional off street parking spaces and turning facilities and therefore complies with this requirement.

12.0 Open Space Provisions

- 12.1 There is no requirement for the provision of open space in connection with this application.

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 Development Team and 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Principle of Development

- 15.1 The principle of redeveloping this site for residential purposes has been established when consent for the erection of four relatively large three bedroom bungalows was granted earlier this year (reference 146281). This permission is extant and therefore forms a material planning consideration to which considerable weight must be given. The current application seeks permission for the erection of five smaller two and three bedroom bungalows instead of the consented scheme. With the principle of development on this site acceptable, this report deals with the details of the scheme.

Design, Layout and Appearance

- 15.2 Core Strategy Policy UR2, Development Policies DP1 and DP12 of the Local Development Framework and section 7 of the NPPF aim to ensure that development is of a good design. Good design is also a key aspect of the sustainability agenda as identified in paragraph 56 of the NPPF. Given the location of the proposed development in a backland position and between residential properties located along Shrub End Road and Tumulus Way the proposal for five detached bungalows is considered to be an appropriate form of development for this site. Whilst the properties closest to the application site are predominantly two storey dwellings, the proposed bungalows are not considered to compromise the character and appearance of the wider area to such a degree that would be materially harmful while ensuring that their impact on the wider area and neighbouring amenities is kept to a minimum. Plots 1, 2, 3 and 4 would not impact the existing street scene while the proposed access road to the five dwellings would allow for glimpses towards Plot 5 which would therefore be visible from the street scene. However, considering its scale, size and layout, coupled with the distance from Shrub End Road, the bungalow would not be conspicuous or detrimental to the wider street scene and is therefore considered acceptable.

- 15.3 The Council's adopted Supplementary Planning Document (SPD) 'Backland and Infill' states that 'even when proposals will not be visible from the public view they should be designed to complement the locality in which they are located. Not all infill or backland development must be a pastiche of existing buildings.' The proposed materials (traditional brick and stone in red blend with white cement and sandtoft rustic double pantiles) would reflect the vernacular of the locality and would not be considered to result in the dwellings appearing out of keeping or conspicuous in relation to development within the surrounding area.
- 15.4 The provision of one additional bungalow (when compared to the extant planning permission) within this backland position is not considered to be materially harmful to the character and appearance of the application site itself or the wider area. In order to be able to provide an extra dwelling, the scale of the proposed bungalows has been reduced and with that the bungalows have been amended in terms of style and design. The current proposal for five detached dwellings is considered to be an improvement with regards to design and layout as the proposed development offers a variance in form and style which appears sensitive to their setting and surrounding development while also creating a sense of place within the application site. Having regard to these matters, it is concluded that the provision of an additional bungalow is acceptable within the context of the application site and does not have any materially harmful impact on the surrounding area, thereby representing an acceptable form of development.

Impact on Neighbouring Amenities

- 15.5 Development Policy DP1 identifies the need to ensure no harm is caused to neighbouring amenity by way of new development. As part of the previous application, it was established that the development of the application site for residential purposes would not result in any materially harmful impacts on the amenities of neighbouring occupiers. Notwithstanding this, the occupiers of Nos. 24 and 25 Tumulus Way have raised loss of privacy as an issue. As part of the previous application it was established that the proposed development would not occur in any materially harmful impacts on the amenities of neighbouring occupiers in Tumulus Way in terms of overbearing impacts, loss of light and loss of privacy considering the distance of those properties to the proposed bungalows and having regard to the fact that the proposed dwellings are of single storey height only. In addition to that, it is proposed to retain the existing landscape screen in the form of trees and conifers while the proposed 1.8m high close boarded fence would further ensure that no overlooking or loss of privacy to occupiers within Tumulus Way would occur. The exact details of the landscape proposal would be controlled via condition and on this basis, it is considered that the proposed development would not result in any materially harmful impact on neighbouring amenities.

- 15.6 With regards to increase in car movements and associated noise and disturbance it should be noted that the application site already benefits from consent for four bungalows with detached garages in similar positions to the ones proposed as part of this current application. The impact of the vehicle movements and residential activities associated with the four bungalows on the surrounding area were considered to be acceptable. The provision of one additional bungalow and the increase in activities associated with this additional dwelling are not considered to result in such an increase in noise and disturbance to the amenities of neighbouring occupiers that would warrant a refusal and is therefore considered acceptable.

Access, Parking and Highway Safety

- 15.7 Current parking standards require dwellings with two or more bedrooms to provide a minimum of two off street parking spaces. The proposed development would provide each dwelling with a detached garage and an additional off street parking space to the front of the garage. Additionally, adequate turning and maneuvering space is provided to allow for cars to enter and exit the site in a forward gear. Having regard to this, the Highway Authority does not object to this proposal subject to conditions relating to visibility sight splays, the provision of vehicular parking and turning facility prior to first occupation and the materials used in the surface treatment. These conditions are considered to be reasonable and on this basis, it is concluded that the proposed development would not be contrary to highway safety.
- 15.8 However, the Highway Authority also suggests a condition that requires the provision of a travel pack. This recommended condition is not reasonable or necessary and therefore it cannot be imposed. Similarly, the size of the parking spaces have not been conditioned (as advised by the Highway Authority) as domestic parking spaces are unlikely to be marked out as a public car park would be and it would therefore be difficult to enforce against smaller parking spaces. Nonetheless, the parking area as shown on the proposed site plan 1505/1 shows that the off street parking spaces would meet the required size.

Private Amenity Space and Public Open Space

- 15.9 The proposal includes adequate private amenity space to accord with the requirements of Development Policy DP16 which requires a minimum of 50 square metres for two and 60 square metres for three bedroom properties. It is accepted that the proposed plots are of different shape and the amenity spaces smaller compared to neighbouring properties, however, given their location and the fact that the amenity spaces exceed the minimum requirement for private amenity spaces as set out in the Development Plan, the somewhat uncharacteristic plot sizes and shapes would not have such a negative impact on the character and appearance of the area that would warrant a refusal.

Contamination

- 15.10 Based on the information provided within the Phase I/II Geoenvironmental Assessment (656 R01: Issue 1 dated April 2015), the conclusion that the site poses a very low risk to sensitive receptors and is suitable for the intended residential development, with no remediation considered necessary unless evidence of unexpected contamination is identified during the development works, would appear reasonable. Consequently, no further information is required by Environmental Protection, unless any unexpected contamination is found at any time during the permitted development works. This could be secured via condition should consent for the proposed development be granted.

Archaeology

- 15.11 The application site is located in an area of archaeological importance, defined in the Urban Archaeological Database and Essex Historic Environment Record. The proposed development is within the Gosbecks archaeological complex and there is high potential for encountering buried archaeological remains at this location. Groundworks relating to the proposed development would cause significant ground disturbance that has potential to damage any archaeological deposits that exist.
- 15.12 Whilst there are no grounds to consider refusal of planning permission in order to achieve preservation in situ of any important heritage assets, the NPPF at paragraph 141 sets out that 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.
- 15.13 Pre-determination archaeological evaluation is not required for this proposal. However, it is recommended 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.
- 15.14 Having regard to the above, any consent for the proposed development the subject of this application should include a condition that secures the implementation of a programme of archaeological work, in accordance with a Written Scheme of Investigation, prior to commencement of the development.

Other Matters

- 15.15 With regard to the wildlife on the application site, the proposed development is not considered to cause material harm to their habitat considering that a significant number of trees will be retained on site. Whilst it is acknowledged that there will be an obvious increase in built development on this site, this is not considered to be materially harmful enough to the habitat of local wildlife to justify a refusal on this basis.

15.16 It was requested that the outer row of conifers should be retained for the duration of the building works but then replaced by new hedge planting (laurel type or similar). The submitted site plan (reference 1505/1) states that the inner row of conifers would be removed and the outer row retained and that a new 1.8m high close boarded fence and new hedge planting would be provided along the entire length of the boundary. In the event planning permission is granted, it is recommended that a condition is imposed securing the submission of a full landscape proposal including details of this new boundary treatment prior to commencement of the development. Notwithstanding this, whilst the boundary fence could be secured as part of this condition, it is considered necessary to include an additional condition that requires the erection of a 1.8m high fence along the boundary of the as the absence of such a fence of this height would render the proposed development unacceptable due to loss of privacy to neighbouring properties and their occupiers.

16.0 Conclusion

16.1 On the basis of the above, it is concluded that the proposed development is acceptable subject to appropriate conditions.

17.0 Recommendation

17.1 APPROVE subject to the conditions set out below.

18.0 Positivity Statement

18.1 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.

19.0 Conditions

1 - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 1505/1, 1505/3, 1505/4, 1505/5, 1505/6, 1505/7 and 1505/8.

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

3 - Non-Standard Condition/Reason

The external facing and roofing materials to be used shall be those specified on the submitted application form and e-mail dated 15 May 2015, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

4 - *Full Landscape Proposals TBA

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.);
- RETAINED HISTORIC LANDSCAPE FEATURES;
- PROPOSALS FOR RESTORATION;
- 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.

5 - Non-Standard Condition/Reason

In the event that 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 in the vicinity of filled land, where there is the possibility of contamination.

6 - Non-Standard Condition/Reason

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation
- e. Provision to be made for archive deposition of the analysis and records of the site investigation
- f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

7 -Non-Standard Condition/Reason

Prior to the first occupation of development, a 1.8 metre high screen boundary treatment shall be erected along the boundaries as shown on drawing 346/A1. The screen boundary treatment shall thereafter be retained as approved.

Reason: To protect the amenities and privacy of occupiers of the adjoining property.

8 - Non-Standard Condition/Reason

The dwelling shall not be occupied until such times as the access, parking and manoeuvring arrangements shown on drawing 1505/1 shall be laid out in precise accordance with that drawing and made available for their approved purpose. The parking spaces and access shown on that drawing shall be retained thereafter, and kept available at all times for their approved purpose.

Reason: To ensure that adequate parking is available to serve the needs of the development in the interests of the amenities of the occupiers of that dwelling and of surrounding residential properties.

9 - Non-Standard Condition/Reason

Prior to the first use of the vehicular access to the development, a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall thereafter be retained free of any obstruction at all times and must not form part of the vehicular surface of the access.

Reason: To provide adequate intervisibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

10 - Non-Standard Condition/Reason

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

11 - Non-Standard Condition/Reason

All existing trees and hedgerows shall be retained, unless shown to be removed on the approved drawing. All trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site, to the satisfaction of the Local Planning Authority in accordance with its guidance notes and the relevant British Standard. All existing trees shall be monitored and recorded for at least five years following contractual practical completion of the approved development. In the event that any trees and/or hedgerows (or their replacements) 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, by 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.

12 - Non-Standard Condition/Reason

No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.

Reason: To avoid the displacement of loose material onto the highway in the interests of highway safety.

20.0 Informatives

(1) 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. Please pay particular attention to these requirements.

(2) 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.

(3) All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to 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: Essex Highways, Colchester Highways Depot, 910 The Crescent, Colchester, CO4 9QQ.

(4) The Highway Authority cannot accept any liability for costs associated with a developer's improvement. This includes design check safety audits, site supervision, commuted sums for maintenance and any potential claims under Part 1 and Part 2 of the Land Compensation Act 1973. To protect the Highway Authority against such compensation claims a cash deposit or bond may be required.

(5) The access drive shall be of a non-gravel construction.

7.3 Case Officer: Daniel Cameron Due Date: 29/05/2015

OTHER

Site: **Gosbecks Archaeological Park, Maldon Road South, Colchester**

Application No: **150573**

Date Received: 25 March 2015

Applicant: Mr Philip Wise, Colchester Borough Council

Development: Interpretation panel containing general historical information and logos including the heritage lottery fund.

Ward: Shrub End

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is Colchester & Ipswich Museums.

2.0 Synopsis

- 2.1 The key issues explored below are the impact of the proposed advertisement on the scheduled ancient monument.

3.0 Site Description and Context

- 3.1 Gosbecks Archaeological Park is located at the outskirts of Colchester within Shrub End Ward. It is bordered by Maldon Road and Cunobelin Way and is immediately south of their intersection with Shrub End Road.
- 3.2 It is a major site of Roman and Iron Age archaeology and many significant finds have been discovered there, including the largest of the five known Roman theatres in Britain. The site is protected as a Scheduled Ancient Monument.

4.0 Description of the Proposal

- 4.1 The application proposes the erection of an interpretation panel containing general historic information on Gosbecks Archaeological Park and the logos of Colchester Borough Council, Colchester & Ipswich Museums and the Heritage Lottery Fund mounted on a single post..

5.0 Land Use Allocation

- 5.1 The wider land use of the area is open space, as evidenced by the use of the park for leisure purposes and is protected through its Scheduled Ancient Monument status. The area in which the proposed interpretation panel will be placed is further allocated for cultural facilities

6.0 Relevant Planning History

- 6.1 96/0561 – Gosbecks Archaeological Park, Gosbecks Farm. Full application for temporary location of 3 no. portacabins, portable toilets and designated car parking on a seasonal basis for a period of three years. Temporary approval granted 17/06/1996.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character
ENV1 - Environment

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP10 Tourism, Leisure and Culture
DP14 Historic Environment Assets

8.0 Consultations

- 8.1 Consultation was sought from Colchester Borough Council's Archaeological Advisor who raised no objections provided that Scheduled Monument Consent was also obtained. The applicant secured this from in December 2014 and English Heritage were consulted on the application at this stage.
- 8.2 A consultation response were sought regarding the impact of the signage on the open space from the Community Development Manager and Historic England (previously English Heritage) were re-consulted should they have any further comment on the application.

In addition to the details reported above, the full text of all consultation responses is available to view on the Council's website.

9.0 Parish Council Response

9.1 N/A

10.0 Representations

10.1 The application has not received any representations.

The full text of all of the representations received is available to view on the Council's website.

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

14.0 Development Team and 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

Design and Layout

15.1 The design and layout of the interpretation panel is similar to those which have been erected in other strategic heritage locations throughout the town centre. The design is quite simple, but pleasant, with the interpretation panel sitting at an angle of 45 degree atop a single mild steel post about 1m above ground level. The layout of the historic information on the panel is straightforward and should provide a useful overview on the history of the area.

Amenity

- 15.2 In assessing an advertisement's impact on "amenity", regard has to be had to the effect on the appearance on visual amenity in the immediate neighbourhood where it is to be displayed. It is therefore necessary to consider what impact the advertisement, including its cumulative effect, will have on its surroundings. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality. It is considered that the impact of the panel on the surrounding area will be minimal. There are no neighbouring properties to take into consideration and existing signage is already in place, most notably at the Gosbecks Archaeological Park car park near to where this signage is also proposed, the sign does not replicate information available elsewhere and does not contribute to visual clutter. In terms of ground disturbance only about 700mm of the mild steel post will be below ground and the scheme of archaeological investigation is acceptable to record any finds.

Public Safety

- 15.3 In assessing an advertisement's impact on "public safety", regard has to be to the effect upon the safe use and operation of any form of traffic or transport. In assessing the public safety implications of an advertisement display, one can assume that the primary purpose of an advertisement is to attract people's attention; therefore it should not automatically be presumed that an advertisement will distract the attention of passers-by. The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. The proposed sign, by virtue of its location with the park, is not considered to have an adverse impact on public safety.

Policy

- 15.4 In terms of local policy this application is compliant with Core Strategy Policies UR2 – Built Design and Character and ENV1 – Environment, in that the proposal seeks to enhance Colchester's unique historic character and will create a positive impact on the area. The proposal also accords with Development Policies DP1 – Design and Amenity, DP10 – Tourism, Leisure and Culture and DP14 – Historic Environment Assets by virtue that it represents a high quality design, does not cause harm to the amenity of local residents, and enhances the local heritage asset without creating harm to it, respectively. Para 67 of the NPPF states "poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts." Para 56 states "the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." This application is considered to accord with guidance within the NPPF.

16.0 Conclusion

- 16.1 The proposal accords with the relevant policies of the Development Plan and having regard to all material planning considerations, it is considered that the proposal will not cause harm to interests of amenity and public safety.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Positivity Statement

18.1 WA1 – Application Approved Without Amendment

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.

19.0 Conditions

1 - Standard Advert Condition

Unless an alternative period is specifically stated in the conditions below, this consent expires five years from the date of this decision and is subject to the following standard conditions:

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: In order to comply with the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2 - Materials as Stated in Application

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

3 - Non-Standard Condition/Reason

The archaeological report stemming from the scheme of investigation submitted as part of this application shall be submitted to the Local Planning Authority within two (2) calendar months following the granting of permission.

Reason: To ensure that the scheme of investigation was fully carried out in the interests of protecting a scheduled monument.

20.0 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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **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. Please pay particular attention to these requirements.

7.4 Case Officer: James Ryan

HOUSEHOLDER

Site: 147 Lexden Road, Colchester, CO3 3RN

Application No: 150366

Date Received: 4 March 2015

Agent: Mr Kevin Hall

Applicant: Mr & Mrs J Belshaw

Development: Proposed alterations and extensions to rear of existing property to provide additional ground floor living accommodation and first floor bedroom suite.

Ward: Lexden

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

1.1 This application is referred to the Planning Committee by Councillor Roger Buston for the following reasons:

1. The size, scale and design of the proposed extension are:
 - a. Of such a height size and scale as to be disproportionate to the size of the plot and the existing property;
 - b. Out of keeping with the existing property as well as the surrounding properties and of a design not enhance or complement the surrounding area;
 - c. Would have a material impact upon the neighbours property;
 - d. As an extension not at all "subservient" to the main house but "dominant";
 - e. Of a design and materials which are totally inappropriate to the house and area which does not it blend, noting in particular , the proposed standing seam metal cladding claimed to more suiting a commercial or factory build, not an established domestic property.
2. Residents fear that, in due course, there will be an access to the roof of the proposed extension occasioning overlooking and intrusion. Residents further fear that the number of laurel trees that have been quickly planted to screen the extension will grow rapidly and need to be trimmed twice a year. They fear that if the trees were not regularly trimmed a further (preventable) nuisance would be occasioned to them.
3. Residents wish me to here record and set out again as material planning considerations for refusal of this application the Planning Reasons for refusal contained within 145429 dated 15 September 2014 as though the same were set out in full form herein and repeated seriatim.

2.0 Synopsis

2.1 The key issues explored below are

- Character and Appearance
- Impact on neighbours' amenities

2.2 This application is a resubmission of a previously refused two-storey extension, application reference: 145429. Following the refusal Members granted consent for a single-storey extension, application reference 146354. The refusal for the two-storey extension was appealed and was dismissed by the Inspector as it was held to be harmful to the outlook of neighbours. No other reasons for refusal were cited by the Inspector.

2.3 The scheme at hand proposes a smaller, two-storey extension that has a ground floor which is the same as the approved single storey extension 146354. So, in effect this scheme proposes a scaled back first floor addition on top of an approved ground floor scheme.

2.4 The scaled back nature of the design ensures that it will have no material impact on the character and appearance of the street-scene and that the impact it has on neighbours' amenities will be within acceptable bounds. Consequently, the application is recommended for approval.

3.0 Site Description and Context

3.1 The application site is situated on Lexden Road in an area of large villa type development on spacious plots. The Lexden Road Conservation area includes the first nine metres of the front garden but not the house itself.

3.2 The application site contains a large, detached house on a characteristically deep plot. To the right (east), number 145 is also a large, detached house on a deep plot. To the left (west), what would once have been a very large villa has been converted into flats. A 1960s two-storey, flat-roofed addition runs adjacent to the western boundary of the application site and contains four flats, each orientated towards the application site. To the rear (north) of the long garden is a bowls club. Boundaries of the site (the western boundary in particular) are generally marked by mature hedges and trees, but the rear boundary to the bowls club is largely open

4.0 Description of the Proposal

4.1 A two-storey, flat-roofed, rear extension is proposed. The scheme projecting almost nine metres beyond the rear of the house at ground floor level and projecting 6.3 metres at first-floor. The proposal is 6.3m high.

5.0 Land Use Allocation

5.1 The site is within the defined settlement limits and is not allocated for any particular purpose.

6.0 Relevant Planning History

- 6.1 This application is a re-submission of planning application 145429. That planning application was for two-storey rear extension and was refused because it was considered to relate poorly to the original dwelling in its size, orientation and architectural style. It was also considered to harm outlook to the facing kitchen windows and door of 145 Lexden Road and to the facing windows, conservatory and garden of flats at West Acre Court and to result in a loss of sunlight to the conservatory and parts of the garden of West Acre Court flats.
- 6.2 The Council's decision to refuse that application was appealed. The Inspector upheld the Council's refusal, but only due to its impact in term of neighbouring outlook, not on its design, loss of light or overlooking.
- 6.3 Prior to the Inspector's decision on application 145429, Members granted consent for a single-storey extension 146354. The application before Members effectively takes the approved scheme and puts a scaled back first floor extension on top of it.
- 6.4 Earlier in the year, application 150157 granted a certificate of lawful development for a rear-facing roof dormer. The applicants have confirmed that they do not intend to build the roof dormer extension if the scheme before Members is approved.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character
ENV1 - Environment

- 7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity
DP12 Dwelling Standards
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets

- 7.4 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Extending Your House?
The Essex Design Guide

8.0 Consultations

There are no consultation responses in relation to this application, however in relation to the previous application the following comments were received that would be just as relevant to the current application.

8.1 Archaeology

The Council's archaeological consultant commented;

"The proposed development is within the Lexden cemetery, an area of Iron Age and Roman burial grounds to either side of Lexden Road. The surrounding area has also produced Bronze Age finds (a Bronze Age bucket urn found at Acland Avenue – EHER 11784). Approximately 90m to the east of 147 Lexden Road, finds dating to 30-50 AD were recovered from a ditch and a pit in the garden of "Lindens" (EHER 12668). More importantly several trenches were excavated in the garden of 147 Lexden Road between 1960-65. These revealed archaeological features with dating evidence suggesting occupation before and after the Boudican revolt of 60/61 AD. A thin burnt layer, interpreted as the Boudican destruction layer was noted c. 55cm below ground level (UAD EVT 3125).

Because of the high probability of encountering human burials in the development area and the shallow depth of the archaeology, I would recommend that condition ZNL be applied to this application. The archaeological work should take the form of a trial-trench across the footprint of the proposed extension and a second trial-trench across the proposed swimming pool and pool house. The results of this evaluation would then inform any further mitigation, which could potentially involve full-scale excavation."

Subsequent to this, the applicants wrote the following email on 5th Sept;

"Further to our recent discussions I note the observations of Chris Lister regarding potential archaeology on the site.

I have studied the report mentioned and discussed the site with Philip Crummy of Colchester Archaeological Trust who advises an alternative approach to that suggested in the consultation response as trenching may miss any archaeology/burials. Instead he would propose a complete strip of the area of the proposals down to reduced levels and proposed foundation being dug out by the archaeologist which would have a greater probability of discovering any evidence if it exists.

I should also advise that the area of the proposed rear extension is currently covered by a timber deck which was installed by my clients. This replaced a lower 'crazy paved' patio area which was laid upon a layer of hardcore suggesting that there has previously been a limited site strip in this area.

I should also advise that my client is an historian and would welcome the opportunity of there being further evaluation undertaken at the site given the correct circumstances.”

To which the Council’s Archaeology Consultant responded;

“It sounds as if the applicant is happy to go with a potentially much more expensive scheme of work to deal with the archaeology that is likely to be present on the site, rather than starting with an evaluation which may have negated the need for further work.

I am happy for this approach to be adopted although it should be made clear to the applicant that I would expect any foundations, services etc and the entire footprint of the swimming pool to be cleared by the archaeological contractor, a process that may end up being carried out by hand under excavation conditions and **not** under watching brief conditions. If this approach to the archaeology was pursued then the applicant would be required to grant the archaeological contractor sufficient time on site to record and remove any features encountered before commencing construction. An appropriate post-excavation budget would also have to be agreed before work started.

The area of decking which replaced an earlier lower patio may well have been subjected to a limited site strip, but this only suggests that any surviving archaeological features are that much more likely to be close to modern ground level.

I do not think that the application should be refused because the archaeological work has not yet been carried out. The nature of the archaeology in the area makes it highly unlikely that anything of significance would be encountered that would adversely affect the development (although again it should be stressed that adequate time will need to be provided to record any archaeology encountered).

To summarise, I would have no objection to the approach suggested by the applicant and Philip Crummy being placed as a condition on the development if the application were to be approved.”

8.2 Trees

The Council’s Tree Officer has visited the site and does not consider there to be a significant threat to any tree worthy of protection by Tree Preservation Order. He comments:

“The Ash tree close to the existing property looks to have been previously pollarded (viewed from the road) and so could be maintained at its current dimensions.

Whilst the trees in the rear gardens contribute greatly to the area it is the trees along the frontage that define the area and as these are not really impacted by the development I think conditions or informatives may be the best course of action”

9.0 **Parish Council Response**

9.1 No Parish

10.0 Representations

- 10.1 Four letter of objection have been received. One from Mr and Mrs White of 187 Lexden Road which is approximately 500 metres down the road from the application site. One letter is from Mr and Mrs Page of 145 Lexden Road. An email chain was also received from Nichols Percival on behalf of Mr and Mrs Page of 145 Lexden Road and this has been considered as a formal representation. Another letter was received from Mrs Jackson the resident of 1 West Acre Court.

In summary, these comments express that the extension is very large and inappropriate for Lexden Road and that the reasons for refusal applied to its predecessor should equally be applied here. The scheme was considered to provide the possibly of overlooking, overshadowing, oppressiveness and noise. Concern about the future access to the flat roof was also raised. The proposal was thought to be poor in design terms and inappropriate close to the Lexden Conservation Area.

The full text of all of the representations received is available to view on the Council's website.

11.0 Parking Provision

- 11.1 None are proposed and none are lost to the development.

12.0 Open Space Provisions

- 12.1 Not applicable

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 Development Team and 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

15.1 The Inspectors Decision (145429 or APP/A1530/D/14/2227809)

- 15.1.1 As an attempt of overcome the previous reason for refusal it is important to highlight the key findings issues raised by the Inspector.
- 15.1.2 The refused scheme was significantly larger than this resubmission but the Inspector did not consider that the scheme would have had a materially harmful impact on daylight to either of the neighbours. The scheme was also significantly more bulky than the resubmitted scheme but was not refused on character or appearance, nor would it have had a harmful impact on the setting of the Lexden Road Conservation Area.

Therefore the only reason for refusal was the loss of outlook to the four facing flats at West Acre Court and number 145 Lexden Road. It is therefore considered that this is the key issue to assess with regards to this application.

15.2 Character and Appearance

15.2.1 The proposed extensions do not relate especially well to the original dwelling in their architectural style and in their scale, with a footprint larger than the dwelling that it extends. However, as an extension at the rear of the dwelling, this will not have any significant public visibility and so will not cause harm to the appearance of the street scene or the nearby conservation area. The ground floor of the scheme has already been approved by Members and the Inspector did not consider the refused scheme, which was larger, to be harmful in design terms.

15.2.2 Any perceived visual harm will be largely restricted to the private property of the application site and is of limited public concern. For these reasons, the design is not considered to be so harmful in visual amenity terms as to justify a refusal on that basis.

15.3 Impact on Neighbouring Amenity.

15.3.1 Impact on 145 Lexden Road

The large detached dwelling at 145 Lexden Road is unusual in that it has a relatively small kitchen whose back door and only window face towards the application site. The window and door already have limited outlook as they face into the rear part of the side elevation to the existing dwelling at a distance of 5.5 metres, with the intervening boundary fence 2.5 metres away. The other rooms, for example the dining room, enjoy views and outlook directly down the garden.

The closest part of the extension to the boundary with 145 Lexden Road is 2.5 metres away. This element is just 2.5 metres high. The main ground floor element of the extension is three metres high and this is three metres away from the boundary. The main part of the first floor extension would be an element 5.3 metres high and 4.5 metres away from the boundary. Due to a sloping architectural feature the highest part of the first floor element is six metres at the central part of the proposed roof. The closest part of the extension to any habitable part of the dwelling house of Lexden Road would be five metres away.

The Inspector did not consider the larger refused scheme to be harmful in terms of loss of light and as this scheme is smaller a refusal on that basis would be unreasonable.

In terms of outlook, this scheme would have an impact on the neighbour's kitchen, but it would be at tolerable levels. In elevation terms, a 45-degree line taken from the centre point of the kitchen window is not encroached upon due to the set-back of the proposed first floor element. It is therefore considered that this scheme would not be materially oppressive to the neighbours at 145 Lexden Road.

Therefore the proposed design with the first floor element set in from the approved ground floor element, combined with the distances involved, leads officers to the conclusion that this development would not materially harm the outlook or light received to 145 Lexden Road.

The first floor element has been carefully designed to ensure that views from the bedroom will face directly down the garden. The side facing glazed elements are to be frosted glass to prevent overlooking down into the neighbour's private amenity areas and this will be secured by condition. The flat roofed area will also be conditioned to prevent it being used as a balcony. Therefore officers consider that this scheme will not generate materially harmful overlooking.

15.3.2 Impact on flats of West Acre Court

The flats of West Acre Court are positioned behind the existing rear of the application dwelling and have primary windows facing the application site. One flat has its conservatory in close proximity to the boundary of 147 Lexden Road and its small courtyard garden adjacent to the boundary. This is an unconventional arrangement for which adopted guidelines in respect to outlook are of limited relevance.

The closest part of the extension to the western boundary is 1.4 metres away. This approved element is just 2.5 metres high. The main element of the approved extension is 3.2 metres high and this is 2.5 metres away from the boundary. The highest part of the extension would be the new first floor element 5.6 metres high and rising up to 6.2 metres at the top of the sloping roof feature. Also proposed is a section of first floor at 5.2 metres in height (the section proposed to be clad in seam metal cladding). The first floor element is 3.8 metres, increasing to 4.5 metres, to the boundary. The highest point is 5.9 metres away from the boundary. The closest part of the extension to the conservatory of West Acre Court would be 3.5 metres and to the main part of those flats would be 7.2 metres.

In terms of outlook this scheme would have an impact on the neighbouring flats, but it would be within tolerable levels. In elevation terms, a 45-degree line taken from the centre point of the facing conservatory window is not encroached upon due to the set back of the proposed first floor element. It is, therefore, considered that this scheme would not be materially oppressive to the neighbours in the flats at 147 Lexden Road.

As was concluded in relation to 145 Lexden Road, the proposed design with the first floor element set in from the approved ground floor element, combined with the distances involved leads officers to the conclusion that the development would not materially harm the light or outlook of the West Acre Court flat occupiers. It also ensures that the design complies with Council guidelines set out in "Extending Your House?" and the Essex Design Guide with regards to light.

15.4 **Other matters**

- 15.4.1 Whilst there are trees close to the extension, these are not protected and can be removed at any time without the Council's permission. It would be inappropriate therefore to seek to protect them by planning condition. The pruning of the existing laurel trees is not a planning matter. As a domestic extension it is not considered that noise will be an issue that would cause material harm.

16.0 Conclusion

- 16.1 In effect this scheme is for an additional floor that would sit on top of the approved ground floor scheme 146354. It is a contemporary design that is similar to that approved at a ground floor level, but with a smaller footprint. The scheme has been designed in a manner which would ensure very little public visibility or impact on the street-scene. Combined with the distance from boundaries, it also ensures that impacts on neighbours' amenities are within acceptable bounds. It is considered that the scheme has overcome the Inspector's reason for the dismissal of the refused application 145429. Without material harm, the presumption in favour of development leads officers to recommend approval.

17.0 Recommendation

- 17.1 APPROVE subject to the conditions set out in section 19 of this report.

18.0 Positivity Statement

18.1 WA1 – Application Approved Without Amendment

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.

19.0 Conditions

1 - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers 2328/116, 2328/117, 2328/118 and 2328/119.

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

3 - Scheme of Archaeological Investigation

No works shall take place until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation that has been submitted to and approved, in writing, by the Local Planning Authority. The Scheme shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording
- b. The programme for post investigation assessment
- c. Provision to be made for analysis of the site investigation and recording
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation

e. Provision to be made for archive deposition of the analysis and records of the site investigation

f. Nomination of a competent person or persons/organisation to undertake the works.

The site investigation shall thereafter be completed prior to development, or in such other phased arrangement, as agreed, in writing, by the Local Planning Authority. The development shall not be occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard archaeological assets within the approved development boundary from impacts relating to any groundworks associated with the development scheme and to ensure the proper and timely investigation, recording, reporting and presentation of archaeological assets affected by this development, in accordance with Policy SD1 and ENV1 of Colchester Borough Council's Core Strategy (2008).

4 - *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 side facing windows in the east and west facing flanks, including the glazed link 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 neighboring properties in the interests of the amenities of the occupants of those properties.

5 - Removal of PD for Use of Roof as a Balcony/Terrace

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or the equivalent provisions of any order revoking and re-enacting that Order), no part of the dwelling shall be adapted to enable access onto flat roofs, no part of the flat roof shall be used as a balcony or sitting-out area nor shall any balustrade, railings, wall or other means of enclosure be erected.

Reason: In the interest of the residential amenity and privacy of the occupiers of adjacent dwellings who could otherwise suffer an unacceptable level of overlooking and loss of privacy.

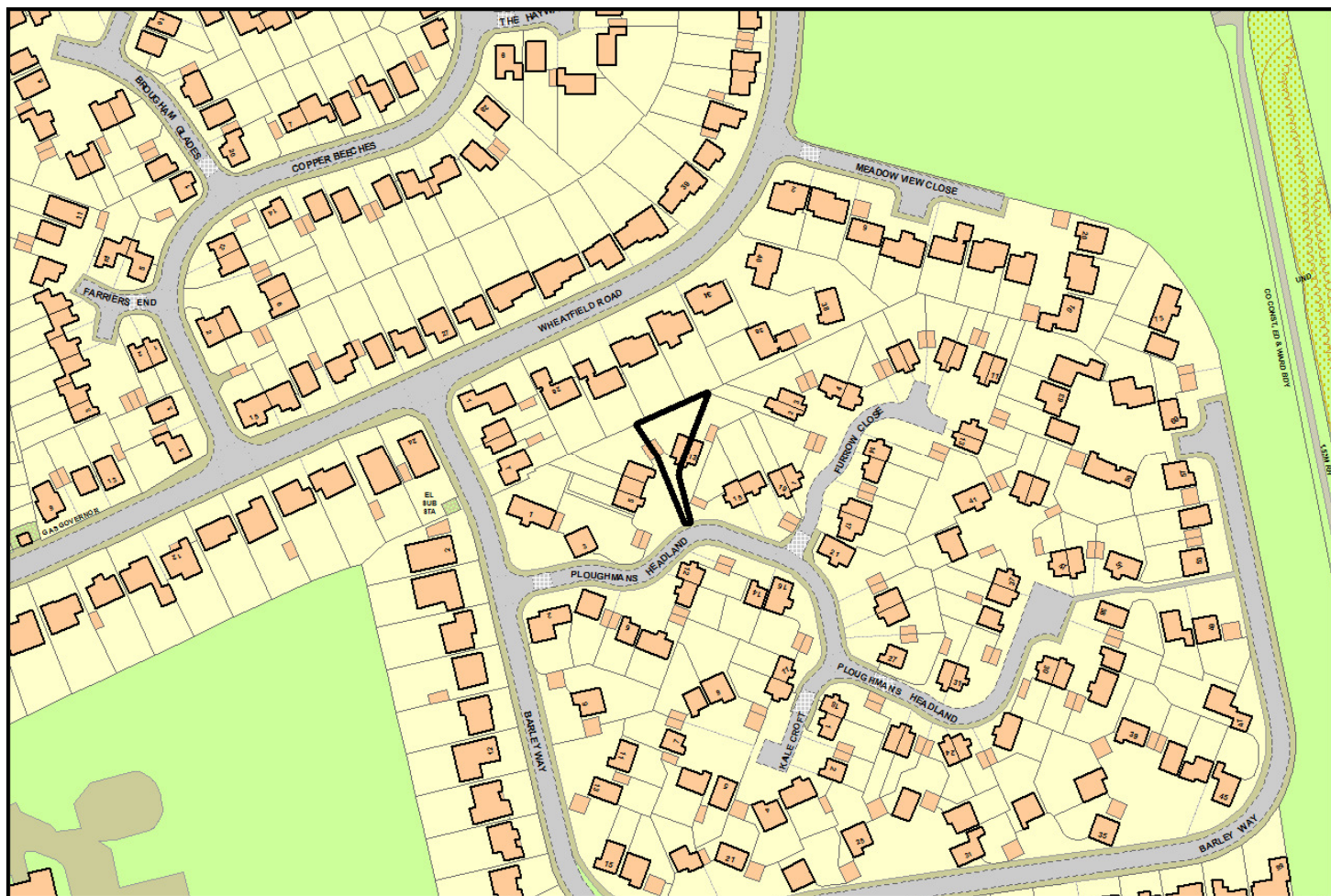
20.0 Informatives

(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.

(2) All works affecting the highway should be carried out by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority and application for the necessary works should be made by initially telephoning 08456 037631.

(3) **ZTA - Informative on Conditions Stating Prior to Commencement/Occupation**

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Application No: 150646

Location: 11 Ploughmans Headland, Stanway, Colchester, CO3 0YH

Scale (approx): 1:1250

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7.5 Case Officer: Carl Allen**HOUSEHOLDER**

Site: 11 Ploughmans Headland, Stanway, Colchester, CO3 0YH

Application No: 150646

Date Received: 26 March 2015

Agent: Mr Steve Norman

Applicant: Mrs M Reakes

Development: Two storey side extension and associated alterations

Ward: Stanway

Summary of Recommendation: Conditional Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because the applicant is employed by Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues explored below are that of design and amenity. The proposal is considered to have an acceptable design that would not result in any amenity issues – such as overlooking or overshadowing. Approval is recommended.

3.0 Site Description and Context

- 3.1 11 Ploughmans Headland is a semi-detached dwelling setback 20m from the highway of Ploughmans Headland which is to the south with driveways and gardens in-between. To the north is the rear elevation which includes a conservatory, garden with panel fencing and trees forming the rear boundaries. To the east is the attached neighbour of no. 13. To the west is a side access and a semi-detached garage which is attached to the garage of no. 9.

4.0 Description of the Proposal

- 4.1 The proposal is a two-storey side extension to the west elevation. The proposal would be 6.8m high, 3m wide and 6m long. The proposal would be set-back 1.8m from the front elevation. First floor windows to the front and rear elevations that would serve a bedroom to the rear and a bathroom to the front. Materials would be facing brickwork to match existing, cream render and tiles to match the existing.

5.0 Land Use Allocation

- 5.1 Residential.

6.0 Relevant Planning History

6.1 Nothing relevant.

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 also be taken into account in planning decisions and sets out the Government's planning policies are to be applied. The NPPF makes clear that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

7.2 Continuing the themes of the NPPF, the adopted Colchester Borough Core Strategy (adopted 2008, amended 2014) adds detail through local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character

7.3 In addition, the following are relevant adopted Colchester Borough Development Policies (adopted 2010, amended 2014):

DP1 Design and Amenity

DP13 Dwelling Alterations, Extensions and Replacement Dwellings

DP19 Parking Standards

7.4 Further to the above, the adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

7.5 Regard should also be given to the following adopted Supplementary Planning Guidance/Documents:

Vehicle Parking Standards

Extending Your House?

The Essex Design Guide

8.0 Consultations

8.1 No comments received.

9.0 Parish Council Response

9.1 The Parish Council have stated that they have no objection.

10.0 Representations

10.1 None received.

11.0 Parking Provision

- 11.1 No change.

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 Development Team and 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 (S106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The proposed extension would be recessed from the frontage by a significant amount and would be 0.5m lower than the existing dwelling. Both of these factors would mean that the proposal would be read as a subservient addition that would not overwhelm the original dwelling. The resulting garden size would be acceptable and the proposal would not appear cramped or overdeveloped. The proposed materials are acceptable and would reflect the local pallet. The proposal is therefore considered acceptable and would comply with Policies DP1, DP13 and UR2.
- 15.2 Regarding amenity the nearest neighbour to the proposal would be no.9 which is 9m to the west of the site. There are two garages in-between the site and no.9. These physical factors mean that the neighbour of no.9 would not be overshadowed by the proposal. Additionally there are no windows proposed on the side elevation so there would be no overlooking. The proposed first floor rear elevation window would serve a bedroom but would not overlook any neighbours by virtue of the trees that form the rear boundary. These trees are large and are in the gardens of neighbours on Wheatfield Road. If these trees were to be removed then some views into the rear gardens would be possible but would not be significant given the existing first floor rear windows on no.11. Views into the rear garden of no. 13 would be oblique and would be from a slightly greater distance than the existing first floor windows and so there would be no significant increase in overlooking. The proposal is considered acceptable and accords with DP1 and DP13.

16.0 Conclusion

- 16.1 The design is considered acceptable and there would be no detrimental amenity impacts.

17.0 Recommendation

- 17.1 APPROVE subject to the following conditions

18.0 Positivity Statement

- 18.1 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.

19.0 Conditions

1 - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2 - *Development to Accord With Approved Plans

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Location Plan, Elevations, Floor Plans and Block Plan unless otherwise subsequently agreed, in writing, by the Local Planning Authority.

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

3 - Non-Standard Condition/Reason

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

20.0 Informatives

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