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Item No: 7.1

Application: 220154 & 220155

Applicant: Colchester Borough Council

Agent: Mrs Rebecca Howard

Proposal: (i) Redevelopment of site to involve the demolition of the existing garages and provision of 2 no. one bedroom units; and
(ii) Redevelopment of site to involve the demolition of the existing garages and provision of 2 no. one bedroom units

Location: (i) Garage site between 7 & 9, Prospero Close, Colchester; and
(ii) Garage site adj 15, Prospero Close, Colchester

Ward: Greenstead

Officer: Nadine Calder

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 These applications are referred to the Planning Committee because the applicant is Colchester Amphora Homes Limited on behalf of Colchester Borough Council.

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the proposals, the design, scale and form, their impact on neighbouring amenity in terms of outlook, light and privacy and provision of parking. These matters have been considered alongside planning policy requirements and other material matters, leading to the applications being subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The application sites lie within the defined settlement limits for Colchester. They each currently accommodate two flat-roofed blocks of garages located amongst existing residential dwellings on the northern side of Prospero Close. The garages appear to be in a reasonable state of repair and are offered for rent (managed by Colchester Borough Homes). A total of 14no. garages are present on each site.
- 3.2 Site i) is located in between Nos. 7 and 9 Prospero Close while Site ii) is located to the north east of No. 15 Prospero Close. The sites are relatively square in shape and are surrounded by residential development to all sides with Prospero Close directly to the south and Heatley Way being located to the north of Site 2. An area of informal open space is located directly to the east of Site 3. Vehicular access to the sites is gained off Prospero Close to the south west.

4.0 Description of the Proposal

- 4.1 The proposal includes the demolition of the existing garages and the construction of 2 no. 1-bedroom units on each site, with associated landscaping, parking and private amenity provision. The design of the residential units on the two sites is identical. The proposal is to be 100% affordable housing and would be owned by Colchester Borough Council and managed by Colchester Borough Homes. The palette of materials includes red facing brickwork and rockpanel cladding.

5.0 Land Use Allocation

- 5.1 The sites lie within the defined settlement limits for Colchester but have no other allocation.

6.0 Relevant Planning History

- 6.1 There is no planning history that is particularly relevant to the current proposal. The proposed development was however the subject of preliminary discussions in late 2020/early 2021 which helped inform the final scheme

7.0 Principal Policies

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

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP7 Place Shaping Principles

Appendix A of the Section 1 Local Plan outlines those policies in the Core Strategy Focused Review 2014 which are superseded. Having regard to the strategic nature of the Section 1 Local Plan, policy SD2 of the Core Strategy is fully superseded by policies SP5 and SP6 of the Section 1 Local Plan. Policies SD1, H1 and CE1 of the Core Strategy are affected in part. The hierarchy elements of policies SD1, H1 and CE1 remain valid, as given the strategic nature of policies SP3, SP4 and SP5 the only part of the policies that are superseded is in relation to the overall requirement figures.

The final section of Policy SD1 which outlines the presumption in favour of sustainable development is superseded by policy SP1 of the Section 1 Local Plan as this provides the current stance as per national policy.

All other Policies in the Core Strategy, Site Allocations and Development Management Policies and all other adopted policy which comprises the Development Plan remain relevant for decision making purposes.

- 7.3 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:
SD1 - Sustainable Development Locations
H1 - Housing Delivery

H2 - Housing Density
H3 - Housing Diversity
H4 - Affordable Housing
UR2 - Built Design and Character
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.4 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:
DP1 Design and Amenity
DP12 Dwelling Standards
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP17 Accessibility and Access
DP19 Parking Standards

- 7.5 The sites do not lie in a Neighbourhood Plan Area.

- 7.6 Submission Colchester Borough Local Plan 2017-2033:
The Section 1 Local Plan was adopted on 1 February 2021 and is afforded full weight. The Section 2 Emerging Local Plan is at a very advanced stage having undergone examination hearing sessions in April 2021 with re-consultation on modifications in late 2021. The examiner's report has now been received with Section 2 found to be sound awaiting formal adoption. It must now be afforded significant weight due to its very advanced stage.

Policies relevant to this application include:
SG1 Colchester's Spatial Strategy
SG2 Housing Delivery
DM15 Design and Amenity
DM19 Private Amenity Space
DM22 Parking
DM25 Renewable Energy, Water Waste and Recycling

- 7.7 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):
The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Affordable Housing
Open Space, Sport and Recreation
Sustainable Construction
Managing Archaeology in Development.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 The Arboricultural Officer does not object to the proposals.
- 8.3 The Archaeological Advisor confirmed that there are no archaeological issues arising from the proposed developments.
- 8.4 The Contaminated Land Officer does not object to the proposed developments subject to conditions, including site characterisation, submission of remediation scheme, implementation of approved remediation scheme, reporting of unexpected contamination and a validation certificate and an informative relating to asbestos.
- 8.5 Environmental Protection raise no objection to the proposal. For Site ii), no conditions are proposed, whereas for Site i) the provision of a Construction Method Statement and the limiting of the hours of work are requested via condition. Officers however consider that these conditions should also be applied to Site ii), should planning permission be granted.
- 8.6 The Landscape Advisor does not object to the proposals subject to conditions requiring full details relating to soft and hard landscaping being provided prior to commencement of works.
- 8.7 The Highway Authority does not object to the proposals subject to conditions, including the existing vehicular accesses to be suitably and permanently closed, the car parking area to have been properly constructed, hard surfaced and sealed prior to the first occupation of the development, all parking spaces measuring a minimum of 5.5m x 2.9m, no unbound material to be used in the treatment of the vehicular parking area throughout, the provision of details for cycle storage and the provision of a construction management plan.
- 8.8 Cadent Gas have no objection to the proposals subject to an informative.

9.0 Parish Council Response

- 9.1 This area is non-parished.

10.0 Representations from Notified Parties

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

Site i) (Land between Nos. 7 and 9 Prospero Close)

10.2 One letter of objection and one general comment were received, the main reasons for objecting/commenting were as follows:

- Existing parking problems in Prospero Close;
- Garages form boundary wall, boundary wall needs to be reinstated with a brick wall of the same height;
- Garages may contain asbestos – residents need to be informed during the removal process; and
- Adjoining properties need to be considered and repaired, where necessary, as part of the construction works.

10.3 A further general comment was received from Colchester Cycling Campaign, requesting that convenient secure cycle parking should be provided at one space per bedroom that is as convenient as the car garages/parking.

Site ii) (Land adjacent No. 15 Prospero Close)

10.4 Four households have submitted numerous letters of objection, with one additional household providing a general comment. The main reasons for objecting/commenting were as follows:

- Increase existing parking pressure in Prospero Close;
- Some flats have more than one car;
- Development would restrict access to the back of properties (including by car and for emergency services);
- Proposed boundary enclosure of 1.8m is not high enough;
- The access between the development and neighbouring dwellings is too narrow and obstructing sunlight and ventilation; and
- Garages to be removed are located adjacent to existing residential properties. How will neighbours be protected from heavy rainfall etc.?

11.0 Parking Provision

11.1 Both proposals provide three parking spaces each (one space per dwelling plus a visitor space), which complies with adopted parking standards.

11.2 The scheme however also affects tenanted garages and this will be further assessed in the main body of the report below.

12.0 Accessibility

12.1 With regard to the Equalities Act and compliance with policies DP12 and DP17 that detail requirements in terms of accessibility standards the scheme involves providing a wheelchair accessible unit and has been designed to be inclusive, accessible and adaptable. As the development will be owned and managed by Colchester Borough Homes there is the scope and budget to manage the units in accordance with the needs of the occupants.

13.0 Open Space Provisions

13.1 The proposed dwellings have adequate amenity space overall.

14.0 Air Quality

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

15.0 Planning Obligations

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

16.0 Report

Principle of Development

- 16.1 The application sites lie within the settlement boundary for Colchester and within an area that is residential in character where development such as that proposed is considered to be acceptable in policy terms; subject to the development satisfying all other aspects of the Development Plan. These are assessed in detail in the following paragraphs.

Affordable Housing Need

- 16.2 Providing more affordable homes is a key corporate strategic priority of the Council, because of the unmet demand that exists. To this extent, the Council has set up a Housing Company, Colchester Amphora Homes Limited (CAHL), to develop mixed-tenure housing schemes with 30% affordable homes alongside private sale property. CAHL have also been appointed to deliver 100% affordable housing on a number of sites, including the development of garage sites.
- 16.3 These applications are two of several submitted concurrently by CAHL for affordable housing on under-used Council owned, Colchester Borough Homes (CBH) managed garage sites. These applications are the result of ongoing work by the Council to find innovative ways of enabling more affordable housing to be built, in line with stated Council priority objectives.

Design, Layout and Impact on Surrounding Area

- 16.4 At the heart of the National Planning Policy Framework (the Framework), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development, and the Framework indicates that new development should respond to local character and should reflect the identity of its surroundings. This is reflected in Development Policy DP1 and Core Strategy Policy UR2 as well as Section 1 Plan Policy SP7 and emerging Section 2 Policy DM15. These policies state that all proposals should be well designed, having regard to local building traditions, and should be based on a proper assessment of the character of the application site and the surrounding built and natural environment.

- 16.5 The proposed development for the two sites is identical in terms of its design and resembles a pair of semi-detached properties, providing 2no. 1-bed flats each. Site i) is sandwiched between residential properties along Prospero Close while Site ii) would be positioned towards the end of the Prospero Close cul-de-sac, between existing residential development directly to the south west and an area of open space directly to the east. The surrounding area is characterised by mainly terraced dwellings or flats arranged in buildings that resemble semi-detached properties with the existing built development in Prospero Close being of no particular architectural merit. While the proposed development would not follow the architectural approach of the surrounding area, it would be of an appearance that would enhance the visual amenity of its surroundings. The use of brick for the main bulk of the proposed buildings would ensure that the proposal respects the character of existing built development that surrounds the site, with the introduction of contrasting materials (rockpanel cladding) elevating the appearance of the proposed development.
- 16.6 The proposed development would broadly follow the established building line created by existing development located along the northern side of Prospero Close. As set out above, the proposed design and materials would result in the development departing from the existing architectural style of built development surrounding the site, however, it should be noted that the design of the neighbouring buildings is now slightly dated. The Framework (paragraph 134) makes it clear that great weight should be given to proposals that help raise the standard of design in an area, so long as they fit in with the overall form and layout of their surroundings. Whilst the design of the proposed development in itself is not outstanding, as referred to in the Framework, it is considered that a more contemporary approach to the proposed development would create visual interest in an area that is otherwise repetitive in design and appearance. The visual amenity of the surrounding site would therefore be improved, and this would clearly outweigh the slight harm that would be caused by the proposal not repeating existing established design principles and materials used on the surrounding area. As a result, it is considered that the proposal is acceptable in terms of its overall design, appearance and impact on the surrounding area.
- 16.7 It is noted that the building on Site ii), where it faces the open space, would introduce a blank flank wall to this area. New development would usually be expected to face on to areas of open space, however, in this instance, it is noted that there are already a number of dwellings to the east and south east of the site that face towards the open space and thus provide passive surveillance of this area. Whilst it would be visually more attractive if the proposed development benefitted from windows in its side elevation, or at least decorative features in the brickwork, it is noted that windows, or alternative visual interest, in the flank wall of No. 15 Prospero Close, which currently faces the area of open space beyond the garages, are also absent. On this basis, it is considered that an objection on the basis of a lack of windows, for both surveillance of the open space or visual interest to the public realm, could not be justified in this instance.

Impact on Neighbour Amenities

- 16.8 The proposed developments would be located amongst existing residential development. Consideration needs to be given as to how the proposals would affect the occupants of nearby residential properties in terms of loss of light, privacy and overbearing impacts.
- 16.9 The proposed development on Site i) would be sandwiched between Nos. 7 and 9 Prospero Close. It would be staggered between the front walls of the neighbouring properties due to development to the north east being positioned slightly forward of the building line established by properties to the south west. The building would be positioned closer to No. 9 and would retain pedestrian access to the rear of adjoining properties via a walkway, while the gardens of neighbouring and future occupiers of the site are proposed to be enclosed by a 1.8m high close boarded fence.
- 16.10 Neither the existing neighbouring occupiers nor the proposed development benefits from any windows in their flank walls which would ensure that no overlooking or loss of privacy would occur. The same would apply to the proposed first floor windows in the rear elevation of the proposed development, which would mainly provide views over the proposed private rear garden. It is noted that the proposed building would extend slightly beyond the two storey element of the neighbouring property to the east, however, this would not result in any such visual or material harm to the outlook of the neighbour that would justify the refusal of this scheme. Similarly, the proposed development is not expected to have a significant impact on the amount of light the neighbouring first floor rear facing window receives due to the relatively minor infringement of the proposed development on this window and its location to the north west of the neighbour.
- 16.11 Due to the proposed building being positioned closer to the eastern boundary, there is a generous distance between the proposed built development and the existing residential property to the south west of the site, No. 7. The proposed building would be in line with the rear wall of this neighbour and this, coupled with the distance between the two buildings, would ensure that the proposed development would not appear overbearing on the outlook of the neighbouring occupier to the south west, or cause loss of light. As set out above, there are no concerns with regard to overlooking due to the arrangement of existing and proposed windows.
- 16.12 The position of the building has been amended since the consultation exercises have taken place. The original scheme included two parking spaces to the front of the dwelling, which resulted in the building being positioned more centrally within the site. As a result of the two parking spaces now being proposed opposite the site (due to concerns with regards to the practicality of these two spaces), the building has been moved forward. This is not only more reflective of existing built development within the area, it is also beneficial with regard to its impact on the neighbouring occupier to the east, as the original location of the building would have had

a minor impact on the outlook of this neighbour and potentially on the amount of light the first floor rear facing window receives. No reconsultation was carried out following the relocation of the proposed parking spaces and the building. However, this is considered to be acceptable given that the proposed change is beneficial in terms of its impact on neighbouring amenities and the fact that no objections were received with regards to the proposed development's impact on the neighbour to the east or its position within the site. On this basis, it is considered that the application can be determined without the need for a reconsultation. Any representations that may be received following the publication of this report will of course be relayed to Members of the Planning Committee before or at the meeting.

- 16.13 The proposed development on Site ii) would be positioned between No. 15 Prospero Close and an area of open space with residential development beyond. These neighbours however are located a significant distance from the proposed development, beyond the intervening area of open space and as such, would not be impacted by the proposed development. Similar to Nos. 7 and 9, No. 15 does not benefit from any windows in its flank wall and neither does the proposed development. As such, there are no concerns with regard to overlooking or loss of privacy. Also similar to Site i), the building is proposed to be positioned closer to the eastern boundary of the site, i.e. closer to the area of open space. Two parking spaces and a walkway providing access to the rear of Nos. 13 and 15 Prospero Close would be provided between the neighbour to the south west and the proposed building. The arrangement of the proposed development would ensure that no harm would be caused to neighbouring occupiers by way of appearing overbearing on their outlook or causing loss of light.
- 16.14 Concerns were raised with regard to the development obstructing sun light and ventilation as a result of the walkway between the neighbouring property and the proposed building not being sufficiently wide. The existing garages are currently attached to the neighbouring property, while the proposed development would introduce two parking spaces between the neighbouring property and the proposed residential dwelling. As set out above, there is therefore sufficient distance between the two buildings so as to not obstruct any sunlight or ventilation to the neighbouring property and/or garden and the proposal is therefore held to be acceptable in this regard.
- 16.15 With regard to the proposed residential use on the sites, it is considered that this is more compatible with the surrounding area than the current garage sites. The proposal to create 4no. 1-bed units on these sites is held to have the potential to create less comings and goings (and associated noise and disturbance) to and from the sites which would have a positive impact on the amenities of neighbouring occupiers of the site.

- 16.16 Taking into account the above, it is concluded that the proposed developments are acceptable with regard to their impact on the amenities of existing neighbouring occupiers as well as future occupiers of the proposed developments.

Parking and Highway Safety

- 16.17 Adopted parking standards require one parking space per dwelling with one bedroom, plus 0.25 visitor parking spaces per dwelling. On this basis, both proposals would require a total of three parking spaces each. Both proposals provide the required one parking space per residential unit, plus one visitor space, thus complying with the policy requirements.
- 16.18 Secure cycle storage can be provided within the rear gardens, however the details of this are proposed to be secured via condition. The development would utilise an existing and active vehicular access and the area benefits from, and would retain, adequate turning facilities. The development has therefore not attracted an objection from the Highway Authority on highway safety or efficiency grounds. As such, the proposed development is held to be acceptable in this regard subject to relevant conditions.
- 16.19 The proposed scheme however affects tenanted garages. The proposal results in the loss of 28 garages (14 on each site). The garages are unallocated to local residents. They are managed by CBH and are rented out. Information submitted as part of the application states that ten of the 28 garages are rented out to tenants (five on each site). Out of the ten rented garages, seven tenants live within a mile of the site with the remaining three living 2-3 (two) or 6+ (one) miles from the site.
- 16.20 The consultation exercises that have been carried out by the applicants to inform tenants of the garages that the garages they are renting are on a site that has been selected for development potential for affordable housing as part of Colchester Borough Council's ambition to deliver 350 new council homes, has resulted in three responses at the time of writing this report.
- 16.21 The letters explained that if the site is redeveloped the Council would seek to ensure that people who are renting a garage are offered an alternative solution. Attached to the letter was a questionnaire, encouraging tenants to provide information on what they use the garage for and whether they would like to work with the Council to find an alternative garage facility should the site be redeveloped.
- 16.22 Only one respondent provided information on what their garage is used for and in this instance, it was for storage and car parking. Applying the worst-case scenario, a total of seven cars would need to be displaced into the surrounding roads, although it is considered that this number would be lower.
- 16.23 The Car Parking Displacement Survey that was submitted in support of this application states that at the time of their visits, which were carried out on a

weekday at 1pm (this is likely to be less representative) and on a Sunday at 9am, there was sufficient capacity in the immediate surroundings of the site (i.e. within a 100m radius) for additional roadside parking and that the displaced cars would not increase the parking stress within the surrounding area to a significant level.

- 16.24 Whilst it is undesirable to displace vehicles from off-street parking into the highway, it is considered that the absence of any demonstrable harm to the detriment of highway safety and efficiency, combined with and weighed against the wider public benefits of the scheme, which include a 100% affordable housing provision, would suggest that the proposed development is acceptable in this instance.
- 16.25 Furthermore, as set out above, where possible, the Council is willing to work with affected residents to find alternative solutions to mitigate the loss of their rented garage. It was originally intended to also develop the garage site located adjacent to No. 1 Prospero Close, for residential purposes. This application has since been withdrawn and the 14 garages located on this site will now be retained. It is understood that only three garages are rented on this site and that the garages team are currently considering refurbishing these garages. There is therefore scope for very reasonable alternative solutions for those affected wishing to retain a garage locally.

Private Amenity Space

- 16.26 Development Policy DP16 requires that all new residential development provides private amenity space to a high standard, with secure usable space that is also appropriate to the surrounding context. The minimum requirement for flats is 25m² of private amenity space per flat provided communally, resulting in a total of 50m² of private amenity space being required for both developments. These requirements are echoed in emerging Section 2 Policy DM19.
- 16.27 The current scheme provides 108sqm of private amenity space for Site i) and 190sqm of private amenity space for Site ii). The gardens are both secure and usable and the proposed arrangement is therefore appropriate in its context and compliant with adopted and emerging policies.
- 16.28 Policy DP16 also states that *“all new residential development will pay a commuted sum towards open space provision and maintenance.”* No exception is made in relation to developments of affordable housing. Indeed, Supplementary Planning Document “Provision of Open Space, Sport and Recreational Facilities” specifies that *“the standards, outlined above, are to be applied to all additional new residential Units. (...) New development includes most specialised types of housing including agricultural dwellings, affordable housing and also staff accommodation since all will create additional demands for open space.”*
- 16.29 No Unilateral Undertaking or Monitoring Fee has been submitted with regard to addressing this policy. Consequently, the proposal presents a minor

conflict with adopted policy. However, in similar previous cases at Council owned garage sites granted permission in the past, the Council waived the commuted sum in order to make the provision of 100% affordable housing schemes viable. Given that the developer is the service provider, the requirement for contributions is effectively negated. It does not set a precedent for private market housing as this does not provide 100% affordable housing.

16.30 In addition, CBC is the provider and maintainer of public open spaces and is also the landowner. In this capacity, it has the power to provide and maintain the land for public benefit for the foreseeable future anyway. As maintenance of public open space is undertaken from the Council's overall budget, there would be no net gain to the community by requiring payment of open space contributions as it would simply take money from one part of the budget and move it to another.

16.31 In conclusion, the scheme provides acceptable private and communal amenity space and open space provisions.

Landscape and Trees

16.32 Development Plan Policy DP1 and emerging Section 2 Policy DM15 require development proposals to demonstrate that they respect and enhance the character of the site, context and surroundings including its landscape setting.

16.33 There are a number of trees and hedgerows in the vicinity of the site and accordingly, a Tree Constraints Plan was submitted. Two small hedgerows are proposed to be removed to facilitate the proposed developments with all larger and visually important trees proposed to be retained. The removal of the hedgerows has not attracted any objection from the Arboricultural Officer or Landscape Advisor. Both sites would provide soft landscaping features in front of the proposed buildings, which would aid in softening the appearance of the built development on the surrounding area. Subject to a condition, which would require the existing rear wall on Site i) to be raised to match the existing rear wall to 7 Prospero Close to enhance public amenity, there are no objections to the proposed development on Site i). With regards to Site ii), this originally included the verge in front of No. 12 Prospero Close, where it was proposed to provide parking for the development. The Landscape Advisor requested that a medium to large tree be planted in that space. The proposal has since been amended and parking is provided adjacent the proposed dwelling. The area in front of No. 12 no longer forms part of the application site and as such, it is not considered that the proposed planting of a tree in this location is justified, although it is recommended that this be done anyway in the interests of sustainability. Notwithstanding this, subject to the relevant conditions, the proposed developments are considered to be acceptable in terms of their landscape impacts.

Other Matters

- 16.34 Concerns regarding the removal of the garages, where they are attached to existing properties, are noted. The proposed development does not include any built development adjoining existing properties and the sides of the adjoining properties would therefore become free standing walls while the gardens are proposed to be enclosed by 1.8m high close boarded fences. The applicant is committed to ensure that no damage is caused to the side walls of neighbouring properties and would take all necessary steps to protect neighbouring properties during demolition works. This includes making sure that no gardens are unnecessarily exposed to the public. Whether insulation of the exposed walls will become necessary would need to be explored via building regulations.
- 16.35 Objectors also criticised that the proposed developments would restrict access to the rear and side of neighbouring dwellings to all types of vehicles and emergency services. This concern is not shared by Officers as the existing garages are located directly adjacent the neighbouring houses and gardens, with a walkway to the rear of the sites providing access to the rear gardens of neighbouring occupiers. The rear access to neighbouring gardens would be retained and provided directly adjacent to the boundary with neighbouring properties. This is entirely convenient and secure. Whilst vehicles and emergency services may currently be able to park within the garage sites and closer to the access to the rear of the site (provided no vehicles are parked in front of the garages), the proposed arrangements are not unacceptable with regard to the response times of emergency services. Furthermore, should heavy lifting to move items into/out of neighbouring gardens become an insurmountable issue, then it would be advisable for neighbours to explore the possibility of installing a side gate to their garden. In any event, these matters are not material nor substantial enough to warrant a refusal of the proposed scheme.
- 16.36 Similarly, it is noted that concerns were raised that the proposed 1.8m high close boarded fence is not high or secure enough. Whilst the height of the garages is not currently known, it is considered that a single storey flat roofed garage block directly adjacent to neighbouring gardens is less secure than the proposed fence, given that this could be a more convenient way of accessing neighbouring back gardens. Close boarded fences of 1.8m height is a relatively standard enclosure of gardens and this is therefore considered to be acceptable in this instance.
- 16.37 Refuse and recycling storage facilities would be provided within the individual plots, and it is anticipated that kerbside collection is proposed. The proposed arrangements would not have any adverse impact on the visual amenity of the surrounding area.
- 16.38 The application sites are located within Flood Zone 1 and consequently, the site is unlikely to be susceptible to flooding and the development would not contribute to surface water flooding.

- 16.39 The sites have been used for garaging for some years and therefore a Ground Contamination Report was submitted with this application. The Contaminated Land Officer is satisfied with this report and concludes that the site could be made suitable for its intended use subject to conditions which have been accepted by the agent. There are therefore no objections to the proposals on the basis of contamination.
- 16.40 A payment of £137.71 per dwelling will be made in contribution towards the measures in Recreational disturbance Avoidance and Mitigation Strategy (RAMS) for the Essex Coast to avoid and mitigate adverse effects from increased recreational disturbance to ensure that Habitat Sites are not adversely affected, and the proposal complies with the Habitat Regulations.
- 16.41 The proposals include the installation of solar panels which would have an economic benefit helping address fuel poverty and mitigating climate change. This element satisfies the criteria of emerging Section 2 Policy DM25 which states that the local planning authority will support proposals for renewable energy projects (including solar panels on buildings) at appropriate locations in the Borough to help reduce Colchester's carbon footprint.

Planning Balance

- 16.42 The Framework confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, identifying three dimensions to sustainable development: an economic, social and environmental dimension. In respect of the first of these, the current proposals would provide economic benefits through the creation of temporary employment during the construction phase. The provision of additional and more modern affordable housing within the Borough generally satisfies the social dimension. The social role of sustainable development is also described as fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs. The proposals are considered to satisfy this objective due to the developments being generally well designed and sustainable. In respect of the environmental aspect, the proposal would remove underused garage sites and provide additional landscaping features. The proposed developments are considered to be of an enhanced visual quality when compared to the existing built development on the sites and would deliver much needed affordable homes in the Borough.
- 16.43 The proposed developments are therefore considered to represent sustainable development. There is also sufficient evidence to be confident that overall, the developments would not cause significant harm to the amenity of nearby residents, create noise pollution or have a severe impact upon the highway network.

17.0 Conclusion

- 17.1 In summary, it is considered that the proposed developments represent sustainable development and would not cause any visual or material harm to the character and appearance of the surrounding area, neighbouring occupiers or highway safety. Consequently, the proposed developments are held to be acceptable.

18.0 Recommendation to the Committee

- 18.1 **The Officer recommendation to the Committee for application reference 220154 is for:**

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers

PROSCL-IWD-XX-XX-DR-A-1001 Rev P03 Existing Location Plan

PROSCL-IWD-XX-XX-DR-A-2001 Rev P05 Proposed Location Plan

PROSCL-IWD-02-XX-DR-A-2055 Rev P1 Proposed Floor Plans - Plots 1 & 2 (Block 2)

PROSCL-IWD-02-XX-DR-A-2057 Rev P1 Proposed Elevations – Plots 1 & 2 (Block 2)

EAS-0109.4 TPP Tree Protection Plan (TPP)

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

3. ZBB - 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, 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. Non-Standard Condition - Hard and soft landscaping

No part of the development shall be occupied until a scheme of hard and soft landscape works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also proposed planting; details of any hard surface finishes and external works, including raising the existing rear wall to match the existing rear wall to 7 Prospero Close. The implementation of all the landscape works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried

out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

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

5. ZFE – Landscape management plan

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

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

6. ZPA – Construction Method Statement

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

- the parking of vehicles of site operatives and visitors;
- 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 and body 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.

7. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

8. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

9. ZGZ - Contaminated Land Part 3 of 4 (Implementation of Approved Remediation Scheme)

No works shall take place other than that required to carry out remediation, the approved remediation scheme must be carried out in accordance with the details approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification/validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10.ZG0 - Contaminated Land Part 4 of 4 (Reporting of Unexpected Contamination)

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

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

11.ZG3 - *Validation Certificate*

Prior to the first occupation of the development, the developer shall submit to the Local Planning Authority a signed certificate to confirm that the remediation works have been completed in accordance with the documents and plans detailed in Condition 10.

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

12.Non-Standard Condition - Closing of Vehicular Access

The existing vehicular access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating the re-instatement to full height of the footway/kerbing to the specifications of the Highway Authority which shall connect to the adjacent and existing footways to provide a continuous footway along Prospero Close.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

13.Non-Standard Condition - Parking Space/Hardstanding Sizes (Open)

The new parking spaces/vehicular hardstanding shall each be constructed to minimum dimensions of 5.5m and 2.9m and retained thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety.

14.Non-Standard Condition - Car parking area to be constructed

The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been properly constructed, hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not

be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

15. Non-Standard Condition - No Unbound Surface Materials

No unbound material shall be used in the surface treatment of the proposed vehicular parking area throughout.

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

16. Non-Standard Condition - Cycle Parking

Prior to first occupation of the development hereby approved, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

17. ZPD - Limits to Hours of Work

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

Weekdays: 08:00-18:00

Saturdays: 08:00-13:00

Sundays and Bank Holidays: No working.

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

19.0 Informatives

19.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

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

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

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

for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. Non-Standard Informative - Landscape

'Detailed landscape proposals, if/when submitted in order to discharge landscape conditions should first be cross-checked against the Council's Landscape Guidance Note LIS/C (this available on this CBC landscape [webpage: https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169](https://www.colchester.gov.uk/info/cbc-article/?catid=which-application-form&id=KA-01169) under Landscape Consultancy by clicking the 'read our guidance' link)'.

4. Non-Standard Informative - Highway Works

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

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

5. Non-Standard Informative - Asbestos in Existing Buildings

In accordance with the applicant's obligations under The Control of Asbestos Regulations 2012, prior to undertaking the permitted development works, an appropriate pre-demolition asbestos survey should be undertaken, by suitable qualified and experienced persons, and any relevant identified material managed, removed safely, and appropriately disposed of at a suitable waste acceptance facility. The enforcing authority for this type of work is the Health and Safety Executive and it is recommended that you contact them directly to discuss their requirements.

Reason: The potential presence of asbestos containing materials (ACM's) on the site is suspected and Environmental Protection wish to ensure that no new contamination pathways are created by the proposed development.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.

18.2 The Officer recommendation to the Committee for application reference 220155 is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

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

2. ZAM - *Development to Accord With Approved Plans*

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers

PROSCL-IWD-XX-XX-DR-A-1002 Rev P02 Existing Location Plan

PROSCL-IWD-XX-XX-DR-A-2002 Rev P04 Proposed Location Plan

PROSCL-IWD-03-XX-DR-A-2056 Rev P1 Proposed Floor Plans - Plots 1 & 2 (Block 3)

PROSCL-IWD-03-XX-DR-A-2058 Rev P1 Proposed Elevations – Plots 1 & 2 (Block 3)

EAS-0109.4 TPP Tree Protection Plan (TPP)

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

3. ZBB - 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, 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. Non-Standard Condition - Hard and soft landscaping

No part of the development shall be occupied until a scheme of hard and soft landscape works for the publicly visible parts of the site has been submitted to and agreed, in writing, by the Local Planning Authority. This scheme shall include any significant changes in ground levels and also proposed planting; details of any hard surface finishes and external works. The implementation of all the landscape works shall comply with the recommendations set out in the relevant British Standards current at the time of submission. The approved landscape scheme shall be carried out in full prior to the end of the first planting and seeding season following the first occupation of the development or in such other phased arrangement as shall have previously been agreed, in writing, by the Local Planning Authority. Any hard or soft landscape works which, within a period of 5 years of being implemented fail, are removed or seriously damaged or seriously diseased shall be replaced, like for like, in the next planting season with others of similar specification/size/species/mix, unless the Local Planning Authority agrees, in writing, to a variation of the previously approved details.

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

5. ZFE - Landscape management plan

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

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

6. ZPA – Construction Method Statement

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

the parking of vehicles of site operatives and visitors;
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 and body 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.

7. ZGX - Contaminated Land Part 1 of 4 (Site Characterisation)

No works shall take place until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination, including contamination by soil gas and asbestos;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

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

8. ZGY - Contaminated Land Part 2 of 4 (Submission of Remediation Scheme)

No works shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and then submitted to and agreed, in writing, by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

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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.

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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 7 and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 8, 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 9.

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11.ZG3 - *Validation Certificate*

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The existing vehicular access shown on the submitted plan shall be suitably and permanently closed to the satisfaction of the Local Planning Authority, incorporating an appropriate boundary treatment.

Reason: To ensure the removal of and to preclude the creation of un-necessary points of traffic conflict in the highway and to prevent indiscriminate access and parking on the highway, in the interests of highway safety.

13.Non-Standard Condition - Parking Space/Hardstanding Sizes (Open)

The new parking spaces / vehicular hardstanding shall each be constructed to minimum dimensions of 5.5m x 2.9m and retained thereafter.

Reason: To encourage the use of off-street parking, in the interests of highway safety.

14.Non-Standard Condition - Car parking area to be constructed

The development shall not be occupied until such time as the car parking area, indicated on the approved plans, has been properly constructed, hard surfaced and sealed. The car parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles related to the use of the development thereafter.

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

15.Non-Standard Condition - No Unbound Surface Materials

No unbound material shall be used in the surface treatment of the proposed vehicular parking area throughout.

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

16.Non-Standard Condition - Cycle Parking

Prior to first occupation of the development hereby approved, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

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

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Reason: The potential presence of asbestos containing materials (ACM's) on the site is suspected and Environmental Protection wish to ensure that no new contamination pathways are created by the proposed development.

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.