



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.